

REPORT ON PROCEEDINGS BEFORE

ANIMAL WELFARE COMMITTEE

**PROPOSED AERIAL SHOOTING OF BRUMBIES IN KOSCIUSZKO
NATIONAL PARK**

UNCORRECTED

At Jubilee Room, Parliament House, Sydney, on Thursday 23 May 2024

The Committee met at 9:50.

PRESENT

The Hon. Emma Hurst (Chair)

The Hon. Robert Borsak

The Hon. Susan Carter

The Hon. Wes Fang

The Hon. Stephen Lawrence

The Hon. Bob Nanva (Deputy Chair)

The Hon. Peter Primrose

PRESENT VIA VIDEOCONFERENCE

Ms Abigail Boyd

Ms Sue Higginson

The Hon. Emily Suvaal

The CHAIR: Welcome to the fourth hearing of the Committee's inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. I ask everyone in the room to please turn their mobile phones to silent.

Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing, and I urge all witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Mr TROY WILKIE, Senior Government Relations Manager, RSPCA NSW, on former affirmation

Mr STEVEN COLEMAN, Chief Executive Officer, RSPCA NSW, on former affirmation

The CHAIR: Welcome to our witnesses and thank you for making time to give evidence today. Mr Coleman and Mr Wilkie, I remind you that you do not need to be sworn in today as you have been sworn in at an earlier hearing before this Committee. I invite you to start by making a short opening statement.

STEVEN COLEMAN: For clarity, RSPCA NSW hopes that a program of this magnitude never happens again. Aerial culling of brumbies has been the subject of much debate over many years. Over recent years, RSPCA NSW and RSPCA Australia have invested significant time and effort in understanding this method of animal management, and not just for wild horses. It's important for our organisation to understand if it is appropriate and effective for every managed animal, including pigs, deer, goats and the like. We have researched and observed the practice from both a theoretical and, just as importantly, a practical perspective. This is why our organisation formed a position in which we accept that aerial culling can be effective, provided the personnel involved are appropriately trained and experienced.

This current program in Kosciuszko National Park is not the RSPCA's program but a New South Wales government program. Our advice about aerial culling has been consistent for many years. Accusations that the advice is based on what political party is in power or any funding submissions we have made for our law enforcement activities are baseless. In fact, we have given the current Government the same advice as we did to the last Government, which included Ministers Keane and Griffin. An article that was published in *The Sydney Morning Herald* dated 23 October 2020 stated:

The RSPCA accepts in some circumstances shooting may be justified but causes less stress to wild horses than the process of trapping, transporting, breaking and rehoming wild animals, as demanded by brumby groups.

"That is the practical, brutal reality. It's not nice, it's not palatable, but it is the truth," Mr Coleman said.

That remains our position today. Our role in this program is to provide advice, respond to complaints and audit the program. As you know, we have been doing that, including investigating further complaints this week. I have made further inquiries about our involvement in a matter that includes numerous agencies, including RSPCA NSW, at a Wagga Wagga property in relation to Adrian Talbot. Since September 2023, our inspectors have investigated three separate complaints at the property.

Those complaints included allegations concerning the welfare of live animals and the alleged slaughter of horses. Our inspectors addressed those allegations with the property owner, who denied the allegations and explained that the presence of aged skeletal remains of up to 20 animals which were discovered by our inspectors were due to him humanely destroying those animals due to sickness or for food for his dogs over many years. The inspectors saw nothing that was inconsistent with those explanations. However, whilst our inspectors investigated the POCTAA allegations made, there is indeed a learning for our inspectorate to notify the relevant government agencies to contend with the allegation of it being a knacker. This case will form additional training across our inspectorate.

RSPCA NSW looks forward to discussing non-lethal management methods that can be used in Kosciuszko National Park with the New South Wales Government at the conclusion of this current program to determine what the future might look like, so that we never end up in this position again. From inquiries made with academics and our understanding of the research available globally, maintaining wild horse populations of less than 3,000 may well be possible with contraceptive solutions. We are actively inquiring about what role we could play in developing or rolling out such a program. I am putting it on the record that if it will assist in progressing this work, we will make any of our team available to National Parks and Wildlife Service or to any academics engaged in a Kosciuszko fertility control program. Thanks, Madam Chair. I have a copy for the Committee as well.

The CHAIR: If you'd like to table that, that would be great. The Committee has resolved for free-flowing questions.

The Hon. WES FANG: Welcome again, Mr Coleman and Mr Wilkie. Mr Coleman, this is your third appearance at this inquiry in relation to the matter of aerial culling, but you also appeared before us in the POCTAA hearing. Obviously, it's got a longer title, but we'll call it the POCTAA hearing for short. Mr Coleman, I'm going to ask you the same question that I asked you first up at that POCTAA hearing: Where is Mr Meyers?

STEVEN COLEMAN: Mr Meyers had a previous commitment, but I understand he's at a medical appointment as we speak.

The Hon. WES FANG: This is now the second inquiry where Mr Meyers, the chief inspector for RSPCA—directly relevant and probably the most relevant of the RSPCA witnesses—has not appeared before an

inquiry of New South Wales Parliament. You can understand why I would be somewhat sceptical that that would be the case, can you not?

STEVEN COLEMAN: I can understand it, Mr Fang. He will be appearing at the next POCTAA inquiry hearing.

The Hon. WES FANG: I wanted to move now to—and you've touched on it in your opening statement—the first visit by RSPCA inspectors to the property in Wagga operated by Adrian Talbot. Could you detail for us what—and this is why I was hoping Mr Meyers would be here, because these are really questions for the chief inspector, not for the chief inspector to pass through to the CEO to then try to provide evidence on. I want to understand what the investigation process was in relation to that Wagga property.

STEVEN COLEMAN: Consistent with every other inquiry or investigation that we conduct, a complaint will come in. Inspectors will make inquiries about those particular issues. Sometimes that results in nothing occurring. Sometimes it involves formalised instructions. Sometimes it involves the issuing of penalty infringement notices. In the most serious of circumstances, it could result in a prosecution.

The Hon. WES FANG: In relation to the September 2023 visit by the RSPCA, could you detail exactly why the investigators went to the property, what investigations they did while at the property, and what questions they posed to Mr Talbot whilst they were there?

STEVEN COLEMAN: I've got a summary, Mr Fang. Back in September 2023, Racing NSW made contact about this particular property—concerns about the welfare of live animals, and an allegation that he was potentially running an illegal knackery. Our inspectors attended. There was nobody home. There were a number of live animals on the property, all of which were in reasonable-to-good body condition. Nobody home. The inspectors wanted to make sure that they could speak with the person of interest, so left, didn't leave notification, came back a few days later in the hope to speak directly with those involved. Again, nobody home, animals in the same condition. So this time they left notification and left the property. My understanding is, a few hours later the same day, the person of interest made contact. Allegations were put to the individual, including the allegation of an illegal knackery, all of which were denied.

The Hon. WES FANG: You said that, in the first instance, they discovered approximately 20 carcasses. Is that the indication you gave?

STEVEN COLEMAN: Over the course of subsequent inspections, what they saw was skeletal remains that they formed the view could have equated to maybe 20 animals.

The Hon. WES FANG: How thoroughly did they investigate the property?

STEVEN COLEMAN: Their priority is to assess and determine the condition of the live animals, which was also the subject of the complaint. Having satisfied themselves that the condition of the live animals was appropriate, the next step was to talk to the owner again.

The Hon. WES FANG: Before we go down that path, can I just ask: They were obviously there for a number of allegations that Racing NSW raised with you, one of which was that there was an illegal knackery. Would it not stand, then, that the inspectors perhaps should have looked at—when they're looking at animal welfare concerns—the number of dead animals that were on the site, not so much concerning themselves about the live animals?

STEVEN COLEMAN: In short, yes, I would agree with you, Mr Fang.

The Hon. WES FANG: We've already established—and Wagga Wagga City Council will be coming in later, but certainly I've got no reason to doubt their press release that they believe there were up to 500 carcasses on that property. It would seem to me that there was engagement during September 2023 and you've made it clear in the previous POCTAA hearing that there was further engagement in January 2024 in relation to a further visit by inspectors from the RSPCA. It would seem to me that right under the nose of RSPCA inspectors were 500 or so horse carcasses on a property that your inspectors didn't even see?

STEVEN COLEMAN: I have obviously considered that prospect since our last interaction. Our inspectors, like police, have to make judgement calls every day for every complaint that they attend. You wouldn't think it would be hard to miss 500 carcasses, you're right. Having spoken with one of the inspectors directly, I tried to understand where and what they went looking for. My understanding is that, between the live animals, the skeletal remains that were shown to the inspectors were within about an acre, and that the property in its entirety is about 20 acres. Did they look at the other 19 acres? No, they didn't.

The Hon. WES FANG: It has been made clear that the RSPCA, having visited the site twice, had no follow-up investigations. It wasn't until the POCTAA hearing, where you appeared last time, that we were made

aware that there was a further allegation, and I'll come to that shortly. My first question is that you would have been made aware by Racing NSW that there was an illegal knackery, and I remember that I put questions to you around that. In the POCTAA hearing, you said:

Mr Fang, unless I've missed something, I'm not aware—there are allegations of an illegal knackery, and we've certainly put questions to the person of interest, all of which has been denied.

That was the evidence you gave at POCTAA. Did your inspectors see a coolroom on the site?

STEVEN COLEMAN: Yes.

The Hon. WES FANG: And did they see horsemeat in that coolroom?

STEVEN COLEMAN: No, they didn't go into the coolroom. They certainly saw a coolroom, but they didn't go into it.

The Hon. WES FANG: Your inspectors went to the property where there were accusations of an illegal knackery. They saw a coolroom and didn't think to look at the coolroom and inspect what was inside it?

STEVEN COLEMAN: Mr Fang, I am going to say it again and will continue to say it: Should we have referred this to another agency? The answer is yes. Do we look at every coolroom on every property that we go to? No. With the benefit of hindsight, should we have? Yes.

The Hon. WES FANG: Mr Coleman, you are the pre-eminent lead agency for animal welfare issues and concerns for animals in New South Wales. Yes, police and Animal Welfare League can do these investigations. But as per the POCTAA hearing, where we heard that there were SafeWork notices around training and workplace culture et cetera, we're now seeing multiple failures in relation to this site. You're the same organisation that has provided feedback and cover to the Government in relation to this aerial culling program. How can anybody in New South Wales, given the number of failures that your organisation has overseen, have any confidence in the advice, in the enforcement or in the investigations that your organisation does, despite the fact that you received \$20 million in government funding last year and are asking for even more now?

The Hon. STEPHEN LAWRENCE: Point of order: That is a very convoluted and confusing question with multiple propositions.

The Hon. WES FANG: It's not that confusing.

The Hon. STEPHEN LAWRENCE: I would suggest that it's not fair to the witness to put it that way. It also has argument in it in terms of the "cover" aspect of it.

The CHAIR: I think it does stray a little from the terms of reference of this inquiry, and perhaps it is something that would fit better into the POCTAA inquiry.

The Hon. WES FANG: I'm happy to ask it again on Monday—that's fine. We will certainly ask some questions. Mr Coleman, taking my previous question as a statement, can you appreciate that there are multiple failures by the RSPCA in relation to this site?

STEVEN COLEMAN: There is, in my view, a shortfall. With the benefit of hindsight, it should have been referred to the DPI.

The Hon. WES FANG: Should there have been learnings from the way that the inspectors conducted the investigation?

STEVEN COLEMAN: Again, their focus was the live animals. Yes, there was an allegation of an illegal knackery. I'm yet to find out whether Racing NSW referred it as well. I'm not sure.

The Hon. WES FANG: When you said Racing NSW referred it as well, it was my understanding that Racing NSW referred it to you.

STEVEN COLEMAN: That's right. Correct.

The Hon. WES FANG: So who else are we talking about?

TROY WILKIE: Just to clarify, our inspectorate is there to enforce POCTAA. Knackereries and their regulations are not part of POCTAA. The Food Authority is the authority that regulates knackereries and any food production.

The Hon. WES FANG: What if it's an illegal knackery, though? What if it hasn't got approval?

TROY WILKIE: Well, they're approved under the Food Authority or under POCTAA. So, again, we look at one act and should have referred the knackery allegations to the Food Authority, who is under DPI because they've got that specialty.

The Hon. WES FANG: Correct. So let's assume for a second that this isn't a knackery. It's not approved, it's got no planning approval, it's got no workplace SOPs, it's got no insurance, it's got no anything. It's not a knackery. It's an illegal knackery. Does that now fall into the realms of animal welfare concerns? Isn't that exactly your realm?

TROY WILKIE: Again, I understand where you're coming from.

The Hon. WES FANG: Good. Because so far I've not understood how RSPCA can go to that site twice. Twice. In fact, you've been there more than twice. You've been there on multiple occasions. You've engaged with the operator twice, noticed there's a coolroom, noticed that there are dead bodies there, not done a complete investigation of the property, not looked inside the coolroom to see—despite knowing that you were referred there because it was an illegal knackery. How did you let this happen?

STEVEN COLEMAN: Mr Fang, all I can keep saying is, with the benefit of hindsight, should we have referred it to the DPI?

The Hon. WES FANG: Hindsight is not going to help us here.

The Hon. BOB NANVA: Point of order: The procedural fairness resolution requires courtesy to be extended to the witness.

The Hon. WES FANG: I'm beyond courtesy; this is ridiculous.

The Hon. BOB NANVA: You shouldn't be beyond courtesy. It's a legitimate line of questioning. But what is even more important is for the witness to be able to answer a question that's put to him.

The Hon. WES FANG: I'm happy to pass the question to someone—

The CHAIR: I do uphold the point of order. I think I will move questioning on to Ms Abigail Boyd, who's been very patiently waiting to ask some questions herself.

Ms ABIGAIL BOYD: I wanted to get more of an understanding now as to what is happening in terms of the investigation into this. Who is in charge of the investigation? Is it yourselves or is it someone else?

STEVEN COLEMAN: Ms Boyd, we had a subsequent complaint—I think it was not that long ago. I've got a date here. We had a new allegation about horses on that property not having been shot but having been slaughtered by—and I know this is confronting—having had their throats cut. We attended the next day. No evidence of that, no bodies, and a denial from the person of interest, who we were not able to locate, but—as I understand it—from his wife. In relation to that issue, we've concluded. I'm not sure what other government agencies are continuing with their own jurisdictional investigations. I'm not sure where that is up to. But as far as our complaints, or the involvement that we've had, we've concluded based on that last complaint.

Ms ABIGAIL BOYD: I'm sorry. I'm talking about the 500 horses that were found dead on the property. Whose investigation is that? Who is in charge?

STEVEN COLEMAN: My understanding is it's Wagga city council and Food Authority, I believe.

Ms ABIGAIL BOYD: Is part of the problem here—and I understand Mr Fang's frustration—that it does seem like there are so many different regulators involved in this that no-one's really taking responsibility for the whole picture? I accept that may not be yourselves. But can we just look at what the connections are between different regulators? So my understanding is that the person whose property this is was blacklisted by Racing NSW, effectively, for animal welfare concerns. Was that information passed on to the RSPCA?

STEVEN COLEMAN: Not that I'm aware of.

Ms ABIGAIL BOYD: Should that information have been passed on to the RSPCA?

STEVEN COLEMAN: I think all of this information is helpful amongst all of the agencies, yes.

Ms ABIGAIL BOYD: There's a popular theory that anything that involves racehorses, in particular, or greyhounds becomes no longer the responsibility of the RSPCA, even where there are clear breaches under POCTAA. Do you think that's a valid criticism? Is that because of resource constraints? Why do you think that is?

STEVEN COLEMAN: I think it's a number of things, Ms Boyd. This matter has highlighted, obviously, some gaps; there's no question about that. If a matter relates to an issue around POCTAA allegations for

greyhounds, then there is opportunity for RSPCA to investigate. Now, that might be done concurrent or separate to the Greyhound Welfare and Integrity Commission, as one example. Similarly, if there are complaints relating to horses that happen to be either current or ex racehorses, that doesn't preclude us from being able to investigate under POCTAA. But information and intel where one agency has ceased using that organisation as either a rehomer or a place to send animals—all of that information would be very helpful to paint a broader picture about a set of circumstances.

Ms ABIGAIL BOYD: I understand that Racing NSW has said that none of these horses were previous racing horses or thoroughbreds, but I also understand that there has been no identification of the full 500 horses. Is it possible for them to say that there are no ex-racing horses in there?

STEVEN COLEMAN: I'm not sure how they could prove or disprove that, in the absence of markings or identification chips. If you were looking at a pit, for want of a better term, that has skeletal remains, I'm not quite sure how you could determine—apart from size, obviously—whether it was a racehorse or not. I don't know how you would do that.

Ms ABIGAIL BOYD: So they can't really know. Should they also still be involved in this investigation, then?

STEVEN COLEMAN: I guess some inquiries around when and how their involvement stopped and started would be useful, and on what basis—if it did cease, why that ceased. That would be useful information, and not just for the RSPCA—I suspect for other government agencies as well.

Ms ABIGAIL BOYD: Do you think that this again highlights the need for there to be some sort of official tracking system or tracing system for racing horses in the State?

STEVEN COLEMAN: Yes.

TROY WILKIE: Even for all horses, I would say. If you're going to have it just for racing horses, you might have the same sort of potential shortfalls that you might get in the tracking systems for other species that have been highlighted by yourself and other members.

The CHAIR: I know you've gone over this a little bit already, Mr Coleman, at the beginning of the questions in regard to the time line of when investigations happened. I think you've said you've been provided with a time line. My understanding is that a complaint came from Racing NSW in September. Is that correct?

STEVEN COLEMAN: Correct.

The CHAIR: How soon after receiving that complaint did you first attend the property—or an RSPCA inspector attend the property?

STEVEN COLEMAN: My understanding is that that complaint came in on the eighth of the ninth, and we responded—we attended on the 19th of the ninth.

The CHAIR: Is that that first attendance where there was nobody there and they left?

STEVEN COLEMAN: Correct.

The CHAIR: How long between 19 September before they came back?

STEVEN COLEMAN: It was 4 October.

The CHAIR: So 4 October—that's where they left a notification?

STEVEN COLEMAN: Yes.

The CHAIR: When did they come back and do that full inspection?

STEVEN COLEMAN: They attended for the second time on 4 October. That's when they left the notification. The person of interest called one of the inspectors some hours later the same day and made certain claims, including "denied running a knackery", "does take horses to rehome", "if he can't rehome, sends to saleyards in Shepparton, and if not fit for transport, will euthanise on site". The next occasion that we attended was 26 February regarding another complaint.

The CHAIR: That original complaint from Racing NSW never saw an inspection from the RSPCA.

STEVEN COLEMAN: It did on the 19th of the ninth.

The CHAIR: On the 19th. Is that the second?

STEVEN COLEMAN: That's the first.

The CHAIR: Sorry, the first. That was where they didn't enter the—can you tell me a bit more about that inspection that occurred on the 19th? I thought that they had left the property because there was nobody there.

STEVEN COLEMAN: That's right, Madam Chair. The complaint has come in on the eighth of the ninth. Our inspectors attended on the 19th of the ninth; nobody home. They looked at the live animals on site, which included some dogs. On that first occasion no-one is home. They opted to not leave notification on that occasion because they wanted to speak to the person. Then they reattended on 4 October—again, nobody home. And per the details outlined previously, they decided on that occasion that they needed to speak to this person, so they left notification and he rang some hours later on 4 October.

The CHAIR: With the first inspection on the 19th, I'm assuming that there wasn't a warrant. Was this just looking over a fence to look at the condition of the current live animals?

STEVEN COLEMAN: No, they would have walked on site and knocked on the door to determine that nobody was home, and they would have made observations around—which I think is specific to the acre that they looked at containing the live animals, but nobody home.

The CHAIR: It wasn't a full inspection of the property in any case, because they couldn't have a full inspection?

STEVEN COLEMAN: Correct.

The CHAIR: For that first complaint that actually came from New South Wales, there was no full inspection?

STEVEN COLEMAN: It depends on what you define as "full". The complaint about live animals, they certainly looked at the live animals on site. Did they go walking or driving through the 20 acres looking for piles of bodies? No, they didn't.

The CHAIR: Then you said there was a further complaint. After the call from the person of interest on 4 October, why did the RSPCA not go out and do a full inspection?

STEVEN COLEMAN: Again, they looked at the same animals on 4 October; they looked at some skeletal remains where they estimated up to 20 carcasses; no-one is home; and they leave notification to talk to him. Did they go back specific for that particular issue? No. But they spoke—

The CHAIR: Can I ask why?

STEVEN COLEMAN: They satisfied themselves that, having put the allegations to the person of interest, together with their observations of the live animals on site, they formed a view that that's where it ended.

The CHAIR: They formed a view that a full investigation wasn't warranted in that case—a full investigation of the entire property, beyond what they could see from the driveway and the doorway?

STEVEN COLEMAN: Correct.

The Hon. WES FANG: The first complaint from Racing NSW did reference an illegal knackery, did it not?

STEVEN COLEMAN: Yes.

The Hon. WES FANG: By his own admission, Mr Talbot had told the inspectors that there were horses that were euthanised on site and that sometimes the meat had been processed for dogs. They made no attempt to look at where, on that property, that work was occurring.

STEVEN COLEMAN: They saw live animals.

The Hon. WES FANG: That's not the question I asked.

STEVEN COLEMAN: I'm coming to it. I'm trying to provide—

The Hon. WES FANG: Did they ask to go and look at where the euthanising and the meat was being processed?

The Hon. STEPHEN LAWRENCE: Point of order: The witness is endeavouring to answer the question—

The Hon. WES FANG: No, he's not.

The Hon. STEPHEN LAWRENCE: —and then he's rudely interrupted and spoken over in a way that shouldn't occur.

The Hon. WES FANG: He's not attempting at all. He's trying to deflect.

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: I note that Mr Fang said earlier that he's beyond courtesy. He really shouldn't make those sorts of admissions, given that he's bound to be courteous by standing orders.

The CHAIR: I ask the Hon. Wes Fang to reword his question.

The Hon. WES FANG: Did they ask to have a look at that site?

STEVEN COLEMAN: They were on the site.

The Hon. WES FANG: I meant the site where the euthanising and the meat processing was occurring.

STEVEN COLEMAN: Do you mean the other 19 acres? No, they didn't.

The CHAIR: Before I throw to the Hon. Robert Borsak and the Hon. Bob Nanva who have further questions, what was the complaint that led to further investigations on 26 February?

STEVEN COLEMAN: A complaint about, again, the live animals on site together—

The CHAIR: Did that come from a member of the public?

STEVEN COLEMAN: Yes, that's a separate informant—and some dead animals.

The CHAIR: And that was just a member of the public?

STEVEN COLEMAN: Correct.

The CHAIR: And did the RSPCA then attend the site again on that?

STEVEN COLEMAN: They did. They attended on—sorry, my apologies—26 February 2024 and sighted 67 live horses, two cows and a donkey, all of which were in reasonable to good body condition. The person of interest claimed that he buys and resells horses, he has euthanised cattle and the remains that the inspectors saw on 26 February were aged skeletal remains.

The CHAIR: At that stage, did the inspectors do any full sight inspection of the property?

STEVEN COLEMAN: Not of the 19 other acres or thereabouts—whatever the property size is.

The Hon. WES FANG: How many complaints does it take to get a full inspection of the property done?

The Hon. ROBERT BORSAK: Chair.

The CHAIR: Yes. The Hon. Robert Borsak.

The Hon. ROBERT BORSAK: Thank you, Chair. Mr Coleman, your chief veterinarian, when questioned in budget estimates earlier this year, stated that the DPI animal welfare division would definitely be investigated for animal cruelty if any hunter shot and had to chase and repeatedly shoot an animal with a small-calibre rifle and had to chase it and put up to 15 shots in that animal to kill it. Do you agree with that statement?

STEVEN COLEMAN: Sorry, Mr Borsak, who made that—

The Hon. ROBERT BORSAK: Your chief veterinarian. He acknowledged that putting 15 shots into an animal—that they would then be investigating, the DPI animal welfare division, if they were doing it.

STEVEN COLEMAN: My apology, you mean our chief inspector.

The Hon. ROBERT BORSAK: Sorry?

STEVEN COLEMAN: You mean our chief inspector? Our chief veterinarian is female.

The Hon. ROBERT BORSAK: You actually did have someone turn up at the budget estimates. The chief veterinarian turned up and we asked him questions. He sat there next to you.

STEVEN COLEMAN: That's our chief inspector.

The Hon. ROBERT BORSAK: Chief inspector? He's a veterinarian, is he not?

STEVEN COLEMAN: No.

The Hon. ROBERT BORSAK: He's not. Okay, thank you. Will the RSPCA support the members of this Committee in their call for all helicopters and firearms used in aerial shoots to have tamper-proof video cameras,

similar to those on some commercial fishing vessels, installed that will record every shot and every animal shot so that a true and accurate independent audit of each shooting operation can be undertaken? Will the RSPCA support an honest and transparent audit and review of aerial shooting operations in New South Wales? In your opening statement you said that part of your role was audit. How can you possibly audit a program like this when you do not see what is actually happening during the program?

STEVEN COLEMAN: I'll take that as two questions.

The Hon. ROBERT BORSAK: You can take it as 10 questions. You'll need to explain how you're going to do an audit if you do not have live video.

STEVEN COLEMAN: To answer your first question, would we support it? Yes, we would. The second part of that is with what we have available, our inspectors during the audit programs sit in a secondary helicopter from a distance and observe what's happening at a distance from the helicopter that is in the process of shooting, and then, at our direction, our chief inspector together with our independent veterinarian single out specific horses that we want to post-mortem. Assuming it is safe to land wherever that might be, they will then land and conduct a post-mortem on those animals to determine if the trajectory and the placement of shots is appropriate and consistent with their SOPs.

The Hon. ROBERT BORSAK: You don't take into account the fact that they're shooting it with a .223 or a .308. That doesn't worry you, that the calibre may be inadequate for the size of the animal and the projectile may not be properly constructed?

STEVEN COLEMAN: My understanding is—

The Hon. ROBERT BORSAK: Who amongst your people is actually qualified to actually do that?

STEVEN COLEMAN: Mr Borsak, I wouldn't even attempt to pretend that I know anything more than I do, particularly with the expertise that you have, but my understanding is that the training that the feral animal aerial shooting team conduct is with the appropriate weapons and the appropriate ammunition, and with what we've post-mortemed, that appears to be the case.

The Hon. ROBERT BORSAK: You've used the terminology "appropriate weapons"—I call them firearms because they're not weapons—and "appropriate training". Who actually determines that it's not cruel to do what you're doing with, for example, shooting an up to 300-kilo horse with a .308 15 times?

Who determines that within the RSPCA? The chief inspector? Is he qualified?

STEVEN COLEMAN: Well, the inspector, the chief inspector, the independent veterinarian that we take. But we've not seen horses and certainly haven't post-mortemed horses that have 15 bullet holes in them.

The Hon. ROBERT BORSAK: You haven't, but that's the evidence we've received.

STEVEN COLEMAN: Not from RSPCA.

The Hon. ROBERT BORSAK: That's the evidence we've received from the independent observer. There is a written report that says that. The minimum number of shots, three; maximum, 15. I think the mean was about seven.

The Hon. WES FANG: Seven and a half.

The Hon. ROBERT BORSAK: Thank you. How has the RSPCA communicated this endorsement of aerial shooting and up to 15 shots being necessary to pummel a poor hapless brumby until it is dead to supporters and the general public? Has the RSPCA been totally honest to its supporters, who would undoubtedly be horrified by this type of outcome?

STEVEN COLEMAN: Mr Borsak, we haven't endorsed anything. Our role—

The Hon. ROBERT BORSAK: With respect, you have endorsed it. You wrote a letter to that effect, supporting the Government. It only took you 24 hours to turn that letter around when it was required.

STEVEN COLEMAN: All we can continue to do is report back what we've seen and what we understand. In my view, that's not an endorsement. It might be interpreted as an endorsement, but that's not our intention.

The Hon. ROBERT BORSAK: It's clearly an endorsement. You're running cover for the Government in relation to using inadequate calibres and people who are not really qualified and should not be using 308s putting up to between seven and 15 shots into a large animal, like a horse, that is running as well and full of adrenaline. It is cruel, Mr Coleman, I put it to you. It is cruel. I don't care whether you put 15 shots or 20 shots

into that animal quickly—which was the evidence we got before, that if I pull the trigger quickly, somehow, it's okay. It's not. Do you agree with that proposition?

The Hon. WES FANG: Twenty million dollars buys a lot of silence.

The CHAIR: Order!

STEVEN COLEMAN: On the basis that the first one or two shots—

The Hon. ROBERT BORSAK: But you don't know that the first one or two shots—the first one or two shots haven't killed the animal, because it's still running, so you had to put the other 13 shots into the animal to stop it from running.

TROY WILKIE: The SOP that National Parks is using doesn't say to put in 15 shots or anything like that. The letter that you've referenced, we said we had observed—

The Hon. ROBERT BORSAK: I don't care what their program says should be done. Why did you endorse them using 308s on an animal that could weigh over 300 kilograms—

TROY WILKIE: We haven't.

The Hon. ROBERT BORSAK: —and running? How can you possibly say that is not cruel?

TROY WILKIE: The point I was making—

The Hon. ROBERT BORSAK: I do not get that.

TROY WILKIE: The point I was making is the letter that you've referenced endorsed that we had observed the operations being in line with the SOPs, which don't have 15 shots.

The Hon. ROBERT BORSAK: But I've seen the video where you observed it, and you must have been at least half a kilometre away. How can you possibly know? And then landing, after the animal is dead, and conducting a post-mortem does not deal with what's happened on the ground, does it? The animal is already dead. It's got up to 15 holes in it; of course it's dead.

TROY WILKIE: We haven't post-mortemed any that have got 15 holes in it.

The Hon. WES FANG: The one you did post-mortem mightn't.

The CHAIR: Order!

TROY WILKIE: So you do it—

The Hon. ROBERT BORSAK: Well, what about 7½ holes? Is that enough? And shots in the guts and shots in the back, shots in the back of the neck—

TROY WILKIE: Again, that is not what has been observed.

The Hon. ROBERT BORSAK: —that missed bone.

TROY WILKIE: That is not what has been observed.

The Hon. WES FANG: The horse that you did an autopsy on had its lungs full of blood. The only way that could have happened is if it was shot and then drowned in its own blood and died. Mr Coleman, you told me that isn't a breach of POCTAA. How is that the case?

STEVEN COLEMAN: The advice and the report that we've received from the independent veterinarian says that the placement of the shots was appropriate and killed the animal.

The Hon. WES FANG: Yes, by it drowning in its own blood.

The Hon. ROBERT BORSAK: If you lung-shoot an animal, it can run up to 100, 200, 300 metres.

The Hon. WES FANG: How is that not cruel?

The Hon. ROBERT BORSAK: How is that, in the circumstances, possibly adequate and correct?

STEVEN COLEMAN: That's not what we've observed, Mr Borsak.

The Hon. ROBERT BORSAK: No, of course not.

STEVEN COLEMAN: It's just not what we've observed.

The Hon. WES FANG: If we did that with a racehorse, would we be prosecuted?

STEVEN COLEMAN: Again, we covered this ground. It depends on a whole range of circumstances, Mr Fang, together with—

The Hon. WES FANG: Yes, because—

STEVEN COLEMAN: Can I just point—

The Hon. WES FANG: —you're making allowances because it's done from a helicopter.

The CHAIR: Order! Given the time—

The Hon. ROBERT BORSAK: It depends on the RSPCA's attitude to the shooter, doesn't it? If I was a recreational hunter doing that, you'd be all over me like a rash and prosecute me up hill and down dale.

The Hon. WES FANG: Absolutely.

The Hon. ROBERT BORSAK: But because you're getting money from the Government, you're perfectly happy to sign off on it. Why didn't you say, "You shouldn't be using 308s on these animals. You shouldn't be shooting them 15 times"? You're not qualified to say that in the first place, because you have no basis upon which to judge what is cruel or not cruel in relation to these particular programs, do you?

The Hon. WES FANG: The Government is using Mr Coleman as cover. You realise that, right?

The Hon. BOB NANVA: Point of order—

The Hon. ROBERT BORSAK: What's the point of order?

The Hon. STEPHEN LAWRENCE: I presume it's Mr Fang interrupting.

The Hon. BOB NANVA: I think we're at a point where courtesy is not being shown to the witness. I think there are statements being barked at him.

The Hon. WES FANG: I object to that.

The CHAIR: Order!

The Hon. BOB NANVA: If there is a specific question, I'm sure Mr Coleman would be happy to answer it, but I just think he needs to be asked a question and given the opportunity to answer it.

The CHAIR: I uphold the point of order.

The Hon. ROBERT BORSAK: My question is—and Mr Coleman doesn't want to answer it, or he can't answer it—on what basis has the RSPCA determined that this is not cruel? That's what I would like to know because, as I said, if it was me as a hunter and I was observed doing that, I would be prosecuted to the nth degree because the RSPCA has a policy of not supporting recreational hunters because we're all cruel because of what we do. But, of course, if you're running a program using inadequate calibres shooting large animals with 308s, it effectively, Mr Coleman, is a crime. That's what it is, and it shouldn't be done. But you're not qualified and the vet's not qualified. No-one in the RSPCA is qualified for this, yet you signed a—

The Hon. WES FANG: And the chief inspector's not, either.

The Hon. ROBERT BORSAK: And the chief inspector's not qualified, either. Can you answer that, please?

TROY WILKIE: What was the question?

STEVEN COLEMAN: Which bit do I respond to?

The Hon. WES FANG: All of it.

The Hon. ROBERT BORSAK: Start at the start. On what basis did you make the judgement that you would be supportive of what the Government was doing, using inadequate calibres from helicopters on running animals that are very large, up to 350 kilos or more? You're not shooting a pig with a 308. That's different.

TROY WILKIE: When this inquiry commenced, we put a written submission in that outlines the basis of aerial culling being able to be an appropriate method when you've got volumes of this size. There's a lot of research that's referenced in that that outlines the basis of that judgement, so that's the basis on which we've concluded. It's on that research. If there's contrary research, please let's bring it up and go through it.

The Hon. ROBERT BORSAK: My friend Mr Nanva quoted research earlier from the now deceased Dr Tony English. What I'm saying here now came directly from his mouth to me. You can go back and do any

research in relation to Dr English's papers in years past and he will support exactly what I was saying. You don't actually know what you're talking about. Is that what you're saying to me?

TROY WILKIE: No. That's not what I said.

The Hon. ROBERT BORSAK: Please repeat it so I can understand it. I'm a little bit short of understanding how the RSPCA can have one set of rules for one part of the society in relation to dealing with animals being shot and a different set of rules when it comes to culling animals in national parks.

TROY WILKIE: The rules that we enforce are set by Parliament, not by us.

The Hon. ROBERT BORSAK: That's not the question. I want to know how you can justify having one attitude and another—

TROY WILKIE: We don't have two sets of rules because there's one set of rules.

The Hon. ROBERT BORSAK: All right. Here's another question—

TROY WILKIE: That set of rules is the Prevention of Cruelty to Animals Act, which the legislators in this room and outside of this room are able to write and control.

The Hon. ROBERT BORSAK: How is what's happening now different to what was happening in the Guy Fawkes cull?

STEVEN COLEMAN: I can assist with that. Again, this is evidence that we've given before. Mr Borsak, prior to 2000, in 2the Guy Fawkes River National Park, we had zero involvement in aerial culling. We weren't involved. It didn't come our way. There were no complaints. We didn't understand it. In my view, and this could be wrong, but the reality is that's not a position our organisation should be in. So post that incident, I specifically approached our then CEO and asked if we could reach out to National Parks—and you can imagine that was met with some resistance—to understand aerial culling. I've been up in a number of choppers. Does that make me an expert? No, it does not, but I, too, back in 2000, Mr Borsak, was of the same view as you. And that is, how can this be done? This can't be right that aerial culling can actually occur, despite the fact that we also have concern and interest in other species that are managed in this way as well, not just wild horses.

We also got involved at one point with the feral animal aerial shooting team theory training, which occurs out at Macquarie Marshes, to explain to those that are qualified to undertake this sort of activity their obligations under POCTAA. Our national colleagues I believe were in the Northern Territory for some period of time observing camels, I think, and donkeys being culled in the Northern Territory—again, to understand what happens from the air, from a practical perspective, and then on the ground to post-mortem animals to make sure that what we believe is happening is actually occurring in those animals once they're post-mortemed.

The Hon. ROBERT BORSAK: Mr Coleman—

The CHAIR: Sorry, the Hon. Robert Borsak, we have already gone over time. I know there are some members who still have a couple of questions. The Hon. Susan Carter.

The Hon. SUSAN CARTER: Good morning. In your opening statement you indicated that following the events at Wagga your inspectors had undergone additional training?

STEVEN COLEMAN: No. They will be.

The Hon. SUSAN CARTER: When will that additional training commence?

STEVEN COLEMAN: As soon as we can get inspectors together.

The Hon. SUSAN CARTER: So if a similar complaint was made today, the same inadequacies in inspection would be likely to be repeated because no additional training has yet occurred?

STEVEN COLEMAN: No, I don't believe so.

The Hon. SUSAN CARTER: What is the basis for that belief?

STEVEN COLEMAN: Again, I've spoken with our general manager and our chief inspector—and I think there is an additional component to this as well, and that's our contact centre. If complaints come through that relate to issues outside of the jurisdiction of POCTAA, then they should be referred to the appropriate agency. That's been the subject of—

The Hon. SUSAN CARTER: I'm sorry, I don't understand that answer. Would the additional 19 acres be investigated if the same complaint was received today?

STEVEN COLEMAN: Yes.

The Hon. SUSAN CARTER: Why are you so confident about that, given that there has been no additional training?

STEVEN COLEMAN: There has been communication to the inspectors about it. There was a call or a complaint I think about two weeks ago in relation to another alleged illegal knackery in a different part of New South Wales. I also formed part of that communication process with other agencies to make sure that all and sundry were aware that these allegations were on foot. But, in a broader sense, as we continue to review our standard operating procedures, together with our MOU with DPI, all of those factors need to be considered and then formalised.

The Hon. SUSAN CARTER: In relation to additional training, what training do any members of the RSPCA receive in relation to the adequacy of firearms and the adequacy of calibre of projectiles being used in aerial culls?

STEVEN COLEMAN: Can I take that on notice because there is a whole list of training requirements and deliverables that are undertaken. I'm happy to provide that.

The Hon. SUSAN CARTER: If there is an autopsy of a horse and it's found to have blood in its lungs, what does that tell you about the way in which that horse has died?

STEVEN COLEMAN: The reports that we've received from experts, from veterinarians, is that that's not necessarily a cause of death.

The Hon. SUSAN CARTER: Sorry, that doesn't answer the question. If a horse autopsy shows that it has received bullet injuries and its lungs are full of blood, what does that indicate in terms of cause of death?

STEVEN COLEMAN: Again, can I take that on notice because I'll need to provide veterinary advice about that.

The Hon. WES FANG: Mr Coleman, do you still support aerial culling?

STEVEN COLEMAN: In the right circumstances for animal management, yes.

The Hon. WES FANG: Do you still support aerial culling in relation to the brumbies in Kosciuszko National Park?

The CHAIR: Order! Time has expired.

The Hon. WES FANG: I know, but I think this is a very important question, Chair, given that the RSPCA has provided feedback on the SOPs. Mr Coleman, do you still support—

The Hon. STEPHEN LAWRENCE: Point of order: He has just been called to order and he is refusing and declaring his own view about how the hearing should proceed. He should be stopped. We have reached time.

The Hon. WES FANG: I'll ask the Chair if she is going to allow one further question.

The Hon. BOB NANVA: You can ask a supplementary question.

The CHAIR: I'm going to allow the question, but I'm also going to leave it up to the witness as to whether they want to take it on notice. They have gone well past their time. Thank you for coming today. I'll allow the member to put the question. If you want to answer it on the spot or you want to take it on notice, I'll leave that in the hands of the witnesses.

STEVEN COLEMAN: I'm sorry, can you repeat the question?

The Hon. WES FANG: The question that I was going to ask was: Do you still support aerial culling operations in Kosciuszko National Park, given that the Government has stopped all the rehoming programs at the moment? Is it fair to still kill them when you can't rehome them?

STEVEN COLEMAN: Mr Fang, that has to be a question for government.

The Hon. WES FANG: No, Mr Coleman.

The Hon. BOB NANVA: Point of order—

The Hon. WES FANG: The RSPCA is responsible for—

The CHAIR: A point of order has been taken.

The Hon. BOB NANVA: Chair, the question was asked; the question was answered.

The Hon. WES FANG: Okay, if that's the answer.

The CHAIR: Order! The Hon. Wes Fang.

The Hon. WES FANG: If you feel that that is not the responsibility of the RSPCA.

The Hon. PETER PRIMROSE: We don't need editorials, Wes.

The CHAIR: Order! Thank you for your evidence today. I believe there were some questions taken on notice. There may be further supplementary questions as well from the Committee, which the secretariat will be in contact with you about. The Committee will now have a very short break and return in five minutes.

(The witnesses withdrew.)

(Short adjournment)

Dr LISA SZABO, Director Food Safety and Chief Executive Officer, NSW Food Authority, affirmed and examined

Mr GREG VAKACI, Director Compliance, NSW Food Authority, sworn and examined

The CHAIR: Welcome and thank you to our next witnesses for coming today to give evidence. Would either of you like to start by giving a short opening statement?

GREG VAKACI: I'll just start with the very short statement. Thank you for the opportunity to make an opening statement. The Department of Primary Industries Biosecurity and Food Safety branch, to which Dr Szabo and I belong, is within the Department of Regional NSW. The Biosecurity and Food Safety branch is responsible for effective management and risk minimisation of biosecurity threats to New South Wales, as well as food safety throughout the food industry, from primary production to the point of sale. The branch is also responsible for compliance with animal welfare standards in animal research and exhibited animal establishments and provides coordination in response to natural disasters impacting primary industries. The relevant Acts in our remit are the Biosecurity Act 2015, the Food Act 2003, the Exhibited Animals Protection Act 1986, the Animal Research Act 1985, the Hemp Industry Act 2008 and the Poppy Industry Act 2016. These are the Acts in relation to our compliance functions.

We are aware that horse remains on a rural property in Wagga Wagga has been the subject of investigation by multiple agencies, including DPI. We would like to make the Committee aware that we are still pursuing active lines of inquiries relating to the property. We are, of course, willing and able to assist the Committee with their questions, but we are mindful not to prejudice the ongoing investigation that's underway.

The CHAIR: I might just start with a couple of questions myself and, I suppose, if there's concerns about some of these questions, we can talk about it more hypothetically. I'm just wondering what sort of human health risks there are in, say, an unlicensed slaughterhouse that was then moving those animals for human consumption. What sort of human health risks would we see from something like that?

GREG VAKACI: I'm happy to take that question. The purpose of having a regulated industry in relation to food and meat businesses is to ensure that the hygiene and suitability of the food that is being produced is overseen by the department, and the Food Authority licenses these businesses. It's critical that, in relation to businesses that are unlicensed, they're likely to be subject to cross-contamination of the food, in areas. There may be animal welfare concerns in relation to how they're being produced, and so the final product, usually, as well, is inspected as part of that meat-processing process for the safety and suitability of that food by a meat inspector. There are diseases in relation to animals as well that need to be controlled, and that also applies in relation to knackery meat coming out, as well. There's no lower standard. Both standards are pretty high. Obviously, in relation to the meat going into the food supply, that's really particularly important for human consumption.

The CHAIR: What sort of fines or other action is there, within the relevant Acts that you oversee, for someone that's found to be running an illegal slaughterhouse?

GREG VAKACI: The Food Act provides offences for unlicensed business activity. Under the Food Regulation, we cover meat, seafood, dairy, eggs, vulnerable persons—so, aged-care facilities. If you're operating any of those business activities, particularly in primary production sector, you can be subject to prosecutions. For the individual, it's 55,000—so, 500 penalty units. And, for a corporation, it's 275,000. That's the maximum penalty. Depending on the activities that are being undertaken, we may identify other offences under other legislation. Our officers are authorised under those various pieces of legislation, so we have the benefit of attending a premises and being able to also see whether there are biosecurity offences. They may be subject to higher penalties under that as well.

The CHAIR: In regard to the property at Wagga Wagga, can I ask when the Food Authority was first made aware of concerns at this particular property?

GREG VAKACI: Yes, sure. We had received a complaint in 2021 in relation to the property, and it was in relation to theft of illegal sheep testosterone and illegal slaughter of horses. It was a member of the public who made that complaint to us. These are all allegations, I must say, at this stage or at that point in time. The information was then referred to the police because there were also concerns about unlicensed firearms—again, allegations. We don't send our officers into these particular premises without being sure that they're going to be safe in undertaking those activities. We referred that to the police at the time, in 2021. During that time, that was COVID as well so, obviously, the police were stretched. I'm not speaking for what they've done in relation to it, but we didn't pursue anything further in relation to the element that was around the illegal slaughter because we were waiting for the police. We usually go. We have a really close working relationship with rural crime, so we

don't want to go in unprepared in relation to those types of matters. The next time we heard about this was in 2024, which was this incident.

The CHAIR: Did you know the month in 2024 that you received the most recent complaint?

GREG VAKACI: I think we received it on 28 February. We were notified by the police, and we attended in March. I think 4 or 5 March was the inspection.

The CHAIR: With the 2021 complaint, did your department ever follow up with the police after the complaint had been handed over to them to find out where it was up to?

GREG VAKACI: Not to my knowledge, once we'd referred it. I think, to be honest, they probably identified that in relation to bringing us out on the subsequent inspection, but I don't have that information, I'm sorry.

The CHAIR: That is okay. In regard to the most recent complaint, have you only attended the property once?

GREG VAKACI: Yes. No, sorry. We have returned to the property in relation to other matters under the Biosecurity Act. As I said earlier, we look at both sides. We look at the Food Act potential issues, and we also look at the biosecurity potential offences.

The CHAIR: I know you said there were ongoing investigations. Is that under both Acts, at the moment, that you're still investigating?

GREG VAKACI: We are looking into both pieces of legislation, that's right.

The CHAIR: Has any evidence from what the NSW Food Authority has gathered been given to any other departments? I understand that the Premier's Department and the environment Minister are also looking at their own investigation. Has there been any sort of sharing of information from those investigations?

GREG VAKACI: Yes. I'm sure Lisa would be able to speak a little bit to this, but we have been working across government in relation to coordinating our response to this.

LISA SZABO: Certainly, in that regard, the Premier's Department did bring together all the agencies that have been involved with the issue in Wagga Wagga. As a broad round table, we all got to hear then what each of the different agencies had been doing in that respect, and Premier's had gathered that information together as a compiled series of facts.

The CHAIR: Could I ask who those other agencies are? We have heard lots of agencies are involved, and then other people are saying they are not involved.

LISA SZABO: In terms of those that attended that meeting—I would go from my memory at the moment, as opposed to looking back at my actual calendar for the invite—I believe that the Wagga Wagga council was there, the RSPCA was in attendance, there was representation from New South Wales police, and we also had Racing NSW in attendance. As I said, that's from my memory; it may not be a complete list.

The CHAIR: On notice, could you let us know if that was any different, when you get the opportunity?

LISA SZABO: Yes.

The CHAIR: Are you surprised at all that the RSPCA and the police say that they don't have any ongoing investigations into this matter?

GREG VAKACI: From my perspective, they're looking at it from the POCTA legislation so it's possible that that's the case. We don't enforce POCTAA; the RSPCA and the police do. If there are no matters that they're considering—and I think police were pursuing a matter. I think it's in relation to their pieces of legislation. We don't particularly get involved in that.

LISA SZABO: If you would like, I can revert back to the question that you just asked in terms of who was involved. In attendance were the Department of Primary Industries—that would've been inclusive of the Food Authority, and I attended that meeting—Local Land Services, the police Rural Crime unit; Racing NSW, Greyhounds Welfare Integrity Commission, National Parks and Wildlife Service, the NSW Environment Protection Authority, RSPCA NSW and Wagga Wagga City Council.

The CHAIR: Thank you. That's very useful.

The Hon. WES FANG: Thank you very much for agreeing to appear today. It's going to provide a lot of clarity to us in relation to the questions that we'll be asking later on in the day. The first question I want to ask is about the 2021 referral that you spoke of earlier. I want to drill down a bit more on that. You said that you were

made aware of the property in relation to a number of issues, one of which was the slaughtering of horses. Is that correct?

GREG VAKACI: Yes, that's right.

The Hon. WES FANG: In that circumstance, then, what responsibility do you have to engage other agencies? I note that you did say that you did engage with the police, and obviously the police is one of the three bodies in New South Wales who can investigate animal welfare concerns. Given that they were stretched, was there any consideration given to providing that advice to any of the other bodies, such as Animal Welfare League or the RSPCA?

GREG VAKACI: Ordinarily we would be conducting our planning in relation to these kinds of investigations. We actually engage with the police primarily and with Local Land Services, if we need to speak to them, because they also have veterinary officers that can assist us. We would be planning our activities, if it was to go ahead, with other agencies and if there were concerns about POCTAA, then we would get RSPCA involved in that as well. We have done a number of investigations where we attend with RSPCA as well.

The Hon. WES FANG: What would be the threshold for engaging the RSPCA, given that you didn't do it on this occasion?

GREG VAKACI: If there were allegations in relation to how the animals were being handled or there were allegations in relation to animal welfare concerns on the property.

The Hon. WES FANG: So when it's been suggested to you that there's been slaughtering of horses on the property, that doesn't trigger for you any potential breaches of POCTAA.

GREG VAKACI: It could, but in relation to whether or not we—on that occasion, we didn't. We reached out to the police as the first point. If police were able to assist us to go out, then we would go with them and probably reach out to RSPCA if they were available.

The Hon. WES FANG: So it's probably something that you would do after you've been to site and after you've had an opportunity to look over—

GREG VAKACI: Or if we'd arranged for the police to come with us. If we aren't able to get that, we wouldn't be calling out the—

The Hon. WES FANG: I will drill down a little bit more on that 2021 notification to you. Obviously, you reached out to police. It was during COVID, so I accept it was a busy time. When abouts in 2021 was this? Are we talking early 2021 or late 2021?

GREG VAKACI: January 2021.

The Hon. WES FANG: And there were some other issues that were also raised, weren't there? I think you said testosterone or something?

GREG VAKACI: Sheep testosterone and theft of horses. There were some matters that sat with the police in particular.

The Hon. WES FANG: When they said "theft of horses", what were they referring to? Were they talking about the taking of horses from that property or were they talking about stolen horses being euthanised or slaughtered at the property?

GREG VAKACI: I think it was just in relation to an allegation that there was a horse on the property that had been—again, it's an allegation of theft in relation to the horse on the property.

The Hon. WES FANG: Ultimately, in relation to that 2021 notification that was made, what actions were undertaken by police, by your organisation or by any other organisations related to that complaint?

GREG VAKACI: We made contact with the police, referred it and, after that point, we didn't follow up that complaint further.

The Hon. WES FANG: Was there advice given to you in that notification as to how many carcasses they believed were on the property?

GREG VAKACI: No.

The Hon. WES FANG: I'm going to put this question to you now and I appreciate that it's a difficult one. Did the fact that it wasn't followed up potentially cost of the lives of hundreds of horses or brumbies?

GREG VAKACI: I wouldn't be able to speculate on that.

The Hon. WES FANG: Is it normal that you wouldn't follow up a complaint of that nature?

GREG VAKACI: If it's been referred to another agency, then we wouldn't. But that would be our normal process, if we have referred the matter.

The Hon. WES FANG: Have you have changed processes now?

GREG VAKACI: We are looking at these in particular. As I said, illegal slaughter investigations are not new to us. We do investigate quite a few of them. We have taken action in relation to illegal slaughter investigations. We prosecuted somebody in 2022 for it. These types of activities and allegations of this type of activity are not unusual to us. We do take penalty notice enforcement action. We issue prohibition orders in relation to it and we have prosecuted. I think, in relation to what has been revealed in relation to brumbies, this is probably an area that we need to look at in particular.

The Hon. WES FANG: There are some learnings for your organisation out of this.

GREG VAKACI: Yes.

The Hon. WES FANG: Before I move on, in relation to the 2021 notification that you received, did your organisation reach out to the property operator? Did they reach out to anybody at the property to say, "We've received a complaint"? Sorry, Hansard can't record a shaking of the head. I'm just going to say that you shook your head, indicating that, no, you didn't reach out to them.

GREG VAKACI: No, we didn't reach out to them. But that's not unusual because it's a matter that the police also had an interest in. We're not going to prejudice their investigation if they're going to take some further action in relation to it. We don't want to put people on notice in relation to that.

The Hon. WES FANG: But, ultimately, putting them on notice or not putting them on notice, there was a complaint almost exactly to the year three years prior that there was illegal slaughtering of horses there and the operator of the property was none the wiser and then continued to do it for another three years. That's potentially the case, isn't it?

GREG VAKACI: I guess they hadn't been put on notice in relation to the allegations that were made.

The Hon. WES FANG: No, that's right. I move now to the 2024 visit. I think the notification was 28 February.

GREG VAKACI: February, yes.

The Hon. WES FANG: You said that came from the NSW Police Force. Is that correct?

GREG VAKACI: Yes.

The Hon. WES FANG: In relation to that, you visited the property in early March with the police and Wagga Wagga City Council. Is that correct?

GREG VAKACI: That's right.

The Hon. WES FANG: And EPA was also there. Is that correct?

GREG VAKACI: No, I think it was just Wagga Wagga council officers.

The Hon. WES FANG: Were you in the first tranche of people on site on that property, or were you in the second tranche?

GREG VAKACI: I'm not sure what you mean by tranche.

The Hon. WES FANG: It's my understanding that the first tranche of people to the property—and we'll get clarification of this later—were Wagga Wagga City Council with police and EPA. That's my understanding. I'm assuming that that was the first visit where they discovered the carcasses, and then you must have been brought in at a later point. Is that your understanding?

GREG VAKACI: No. My understanding is that the police were involved and entered the property, and then we attended and inspected the property as well. I'm not sure if there were two other inspections at another point in time.

The Hon. WES FANG: Were you on site at the time that this inspection was happening, or was it just some—

GREG VAKACI: Me?

The Hon. WES FANG: Yes.

GREG VAKACI: No, not me. There were some other officers.

The Hon. WES FANG: So you had been briefed by them as to what occurred at this—

GREG VAKACI: Yes.

The Hon. WES FANG: Looking at the involvement of your organisation in relation to the illegal slaughtering and the illegal knackery component of what we're discussing today, I understand that there was an amount of horse flesh that was seized from the property. Is that correct?

GREG VAKACI: That's right.

The Hon. WES FANG: How much was seized?

GREG VAKACI: We seized—I think it was 436. Let me just get the amount.

LISA SZABO: Thirty-four.

GREG VAKACI: Four hundred and thirty-four—close.

The Hon. WES FANG: I applaud your recall of numbers. It's something that's very handy to have.

GREG VAKACI: That was comprised of horse meat and pig fat.

The Hon. WES FANG: That's interesting. How much of it was horse meat and how much of it was pig fat? Do you know?

GREG VAKACI: I don't have that breakdown, I'm sorry.

The Hon. WES FANG: I was of the understanding that about 300 kilos of horse flesh was seized. I was not aware that there was pig fat as well.

LISA SZABO: It was 320 kilograms of horse meat and 114 kilograms of pig fat.

The Hon. WES FANG: I didn't know about pig fat. This is going to lead me somewhere else that I wasn't expecting. Does that mean there were also pigs that were being slaughtered on the site?

GREG VAKACI: Again, this is kind of going into that territory of our investigations at the moment.

The Hon. WES FANG: Understood, and I don't want to prejudice anything. This is all new information to me. I'm just trying to understand. Let me put a hypothetical to you. When you have a registered, approved and insured slaughterhouse, what lengths would they go to to separate different animal carcasses and different meat processed in the facility? What risk of cross-contamination would exist?

GREG VAKACI: There are controls in place, essentially, that ensure that certain animals are being processed at particular points. That comes down to how they're also restrained. You can't be swapping between different species as you're processing, particularly without the proper restraining. Minimising contamination—cross-contamination, things like that—is really important. Hypothetically, processing of different species does happen, but it's controlled through their systems.

The Hon. WES FANG: Dr Szabo, are you able to tell from the samples—and I imagine that they've been analysed. Are you able to tell how fresh the samples were? That is probably a good way to phrase the question.

LISA SZABO: We didn't do any analysis of the samples. They were seized.

The Hon. WES FANG: What happened to the seized samples or seized evidence?

GREG VAKACI: There's a process under the Food Act in relation to seizures. After a period of time the seized items, if they're not appealed, then become the property of the Crown, and then they are disposed of.

The Hon. WES FANG: So no analysis was done in relation to what was seized? You're not sure how long it was in storage for? You're not sure how fresh it was, whether it was a number of horses or not?

GREG VAKACI: I'm hesitant to answer that because we're still looking into various aspects of this whole operation.

LISA SZABO: If it were a licensed facility, they, of course, would be keeping those sorts of records and that would be the records that we would—

The Hon. WES FANG: But I suspect, Dr Szabo, that it may have one or two compliance issues. I'm going to assume that they don't have those records. Is that a fair assumption?

LISA SZABO: They're an alleged illegal processing facility.

The Hon. WES FANG: Which is why I think it's important that I ask the question. What analysis was done in relation to what was seized? I'll explain why I'm asking this question. Please tell me if you're not able to answer it because it might prejudice the investigation. Mr Talbot gave an interview on ABC radio, where he indicated that there were maybe 20 or so horse carcasses that he had slaughtered, that he'd done that over a period of time and that the meat was only for his own purposes—to feed his dogs et cetera—whereas council's press release was obviously in stark contrast to that. They've indicated that they believe that there were around 500 or so carcasses and that, obviously, if that's the case, then there would be a lot of dogs or perhaps a commercial-type operation with the meat.

Now, if Mr Talbot's position is to be accepted, we could perhaps presume that the meat was in storage for a period of time, that it was one of the 20 horses that he may have slaughtered and that he was feeding his dogs off that meat, which might indicate it was a bit older—or not. That's why I'm asking these questions. Was any analysis done in relation to the products that were seized so that there can be a definitive question put to Mr Talbot around this?

GREG VAKACI: I really am hesitant to answer that, because it goes to the investigation and there are other lines of inquiries that we need to follow up.

The Hon. WES FANG: Is there a current ongoing investigation that involves your departments in conjunction with other departments, or are you investigating this as a standalone organisation?

GREG VAKACI: We are investigating in relation to the matters under our legislation and we are liaising with other departments. I won't be able to tell you those other departments because that might also then prejudice those other inquiries. But I can tell you now that we are working across the other agencies in relation to our investigations so that we can look at the offences relevant to our particular pieces of legislation.

The CHAIR: Do you have any kind of time line in regards to how long this investigation may take?

GREG VAKACI: Unfortunately, no. There are a number of moving pieces and that will kind of be determined by what comes out of those further inquiries. If they are fruitful, then we'll be able to determine that then. So unfortunately—

The CHAIR: Then you'll go from there.

GREG VAKACI: Yes. "How long is a piece of string?"

The CHAIR: I thought it might have been but I thought I'd ask anyway. Is it quite unusual in New South Wales for there to be a potential backyard slaughterhouse of this size, in regard to the accusations of the number of animals?

GREG VAKACI: As I said earlier, we do investigate a range of unlicensed activity and that can be different species. We have investigated slaughtering pigs, chickens, sheep and goats. Horses are not a usual matter that we would come across. The size and scale, it varies between how long and how big that operation is. As I said, we do investigate these. We do take action. Where we have the evidence, we take these quite seriously and prosecute.

The CHAIR: In regard to some of these investigations, does that include looking at potential other properties owned by the same people or are you restricted to where the complaint sits?

GREG VAKACI: It depends on what the information is that comes to hand and whether there is a relationship to another property, and the movement of animals between properties. Again, that just depends on what comes out of the initial inquiry. Sometimes there's quite a bit of planning that goes into these activities by the officers to ensure that they are attending the correct premises and are able to proceed and take action when necessary.

The Hon. WES FANG: Again, please tell me if this prejudices the investigation at all, but whilst I believe there have been indications that any of the animal products that were produced at the alleged illegal knacker would have been for pet consumption or animal consumption, could you provide some guidance as to what risks would exist if it was used for human consumption?

GREG VAKACI: As the Chair had earlier mentioned, and I kind of alluded to, if it's not being processed at a licensed abattoir—the difference being that abattoir meat will be for human consumption whereas knacker meat is for pet meat—there are potential issues around faecal contamination from the carcass if it's not appropriately dressed. There are other issues in relation to, through that chain, keeping it cold and making sure that the microbiological growth is minimised in that process. There are also issues around residue limits in animals. When they're being admitted to abattoirs, there are requirements on withholding periods for certain animals so that those pesticides and things like that don't enter the food chain as well, so there's a microbiological element to

it. There's a quality element to it. If they're not being kept under temperature control, then it will deteriorate as well and may lead to some issues around people becoming sick if it's not cooked properly. We are talking raw meat.

The Hon. WES FANG: My final question is can you categorically ensure that none of this meat has been provided for human consumption?

GREG VAKACI: We don't have any evidence of that.

The Hon. BOB NANVA: Point of order: It is genuinely fascinating, but I don't know that it's entirely relevant to the terms of reference of this inquiry.

The Hon. WES FANG: You don't want to know?

The Hon. BOB NANVA: I'm happy to find out afterwards.

The CHAIR: Mr Fang, could I reword your question, because I had a final question as well. I think there were accusations originally, from some of the complaints, that it was being sent for human consumption.

The Hon. WES FANG: Which was where I was going, Chair, yes. But I'll hand over the questioning to you.

The CHAIR: Thank you. Is that part of the investigation? Was that part of the original complaint?

GREG VAKACI: Yes, that's right. We're still considering all lines of inquiry. That's all I can say at the moment.

The CHAIR: Unless there is anything else that you wanted to provide to the Committee today, we've exhausted our questions. Thank you so much for coming today. I know the difficulties of providing evidence during the middle of your investigations, but we appreciate the information you have been able to give to us. If there were any questions taken on notice, the secretariat will be in contact. The Committee may have some questions on notice that we send to you as well. The Committee will now break and return at 11.45 a.m.

(The witnesses withdrew.)

(Short adjournment)

Mr WADE BIRCH, Chief Operating Officer, Greyhound Welfare and Integrity Commission, affirmed and examined

Ms JACQUELINE JOHNSTONE, General Manager Integrity, Racing NSW, affirmed and examined

The CHAIR: Welcome back to the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. I welcome our next witnesses and thank them for giving their time to give evidence today. We've now got a little bit of time for a short opening statement. I'll go to Racing NSW first. Do you have a short opening statement you'd like to make?

JACQUELINE JOHNSTONE: No, thank you.

WADE BIRCH: No, thank you, Madam Chair.

The CHAIR: The Committee has resolved to ask free-flowing questions, which means that any Committee member can indicate that they have questions. Would the Hon. Wes Fang like to start?

The Hon. WES FANG: I've got plenty, but I don't want to steal the—

The CHAIR: That's fine, you're the one who is indicating you'd like to start.

The Hon. WES FANG: Ms Johnstone, we heard from the RSPCA this morning, and we also heard from them at the POCTAA hearing that we had earlier, that their involvement in this property in Wagga Wagga came about because of a referral from Racing NSW. Is that your understanding as well?

JACQUELINE JOHNSTONE: Yes. If it would be of some assistance, I've got a time line in terms of the actual referral.

The Hon. WES FANG: I love a time line; I'd love you to hit me with it.

JACQUELINE JOHNSTONE: Okay, I'll start from the beginning in terms of Racing NSW's involvement and then the referrals thereafter. On 27 September 2022, Racing NSW's welfare department received information reporting concerns for the welfare of thoroughbred horses allegedly being slaughtered for the purpose of dog meat. The person allegedly responsible for this was Mr Adrian Talbot. At that time it was established that he was not licensed or a registered owner with Racing NSW. Racing NSW contacted the person who provided the information to ascertain more information at that stage. The following day, on 28 September 2022, Racing NSW contacted New South Wales police and requested assistance pursuant to the MOU between the organisations.

On 29 September 2022, Racing NSW attended the property at Wagga—being —together with the New South Wales police. At that stage no New South Wales thoroughbreds were present on the property; however, mixed breeds of horses, including two microchipped thoroughbreds which had been identified as being predominantly domiciled in Victoria, were observed on the property. New South Wales police led the inspection and were assisted by Racing NSW to identify whether there were any thoroughbreds on the property, and then at that stage Racing NSW advised Racing Victoria's welfare department of the Victorian thoroughbreds that were identified. Police made further inquiries in respect of Mr Talbot concerning the other breeds of animals that were on the property.

Moving into October, from 1 to 7 October 2022, Racing NSW conducted an investigation and interviewed Mr Talbot in respect of the allegation of slaughtering thoroughbreds. At this time, because information was known in relation to other breeds including standardbreds, Harness Racing NSW was also notified. On 12 October 2022 Racing Victoria requested photographs of the Victorian thoroughbreds that were identified at the property inspection. Racing NSW provided those photographs. On 4 November 2022 Racing NSW wrote to Mr Talbot regarding the investigation and advised that the matter had been referred to the Equine Welfare Committee. He was then provided with the opportunity to make submissions in respect to Racing NSW's preliminary view to place him on the Racing NSW Excluded List, which would prevent any industry participants providing him with thoroughbred horses. Racing NSW spoke with Mr Talbot, who confirmed received the correspondence and the Equine Welfare Committee process, explaining what the Racing NSW excluded person list was.

Then, on 20 January 2023, Racing NSW wrote to Mr Talbot in respect to not receiving any submissions regarding his placement on the list. The notice to attend the Equine Welfare Committee was scheduled and that was due to appear on Monday 30 January 2023. On 30 January 2023 Racing NSW Equine Welfare Committee opened and Mr Talbot failed to appear and the matter was considered in his absence on the evidence that was available. On 22 February 2023 Mr Talbot was placed on the Racing NSW Excluded List. At that stage, Racing NSW also notified New South Wales police of the placement regarding Mr Talbot and ensured that they were aware that he was not to receive any further thoroughbred horses. On 7 September 2023 further intelligence was received by Racing Victoria regarding thoroughbred horses being sent to an unknown knackery in Wagga.

Racing NSW drove past the location to ascertain if any thoroughbred horses could be observed on the property of Mr Talbot. At that stage, no thoroughbred horses were observed from the roadside. There did appear to be one deceased horse in the paddock that couldn't be identified in terms of breed or identity.

Racing NSW, at that stage on 7 September 2023, referred the intelligence to the RSPCA to ensure the welfare of that particular horse that appeared to be deceased, and to ensure the welfare of all animals on the property of Mr Talbot. Racing NSW also advised the RSPCA on that day that Mr Talbot was placed on the Excluded List and he is not a registered owner or licensed person. Racing NSW also referred the intelligence, in respect to the knackery operating in Wagga, to the New South Wales police. On 18 December 2023 an anonymous informant contacted Racing NSW concerning a large number of equine remains at the property of Mr Talbot. Racing NSW advised the informant that Mr Talbot was on the Excluded List for Racing NSW, and Racing NSW liaised with the New South Wales police in respect of the information. On 20 December 2023 Racing NSW referred the matter to the New South Wales police rural crime investigation unit.

New South Wales police advised that they were making inquiries with other agencies, including the RSPCA, National Parks and Wildlife Services, Department of Primary Industries, Food Authority, and confirmed received the information. In January 2024 Racing NSW continued to liaise with New South Wales police in respect of their involvement in this matter. The anonymous informant who initially provided the information to Racing NSW continued to contact Racing NSW in respect of the equine remains and advised that the equine remains were in fact in the creek on the property of Mr Talbot. With this information, Racing NSW referred the information to the Environment Protection Authority, and that was on 5 January 2024. On 17 January 2024 Racing NSW made a follow-up inquiry with the Environment Protection Authority, and the EPA requested the information be referred to the Wagga Wagga council. On 18 January 2024 Racing NSW contacted Wagga Wagga council and referred the relevant information via email.

On 19 January 2024 the Wagga Wagga council environment protection officer contacted Racing NSW regarding the information and confirmed receipt. On 23 January 2024 Racing NSW and the New South Wales police met with the environmental protection officers to refer the information and consult in respect of the intelligence. The Wagga Wagga council contacted Racing NSW investigators to acknowledge receipt of the information. On 13 February 2024 Racing NSW conducted a drive-by of the location and observed what appeared to be Victorian thoroughbreds at the property. Photographs obtained were referred to Racing Victoria for further follow-up and identification.

On 26 February 2024 Racing NSW introduced the person who provided the information to the New South Wales police and Wagga Wagga council and facilitated a meeting. On 5 March 2024 a joint agency inspection led by the New South Wales police, Department of Primary Industries and Wagga Wagga council in addition to the Local Land Services took place. Racing NSW remained off the property and on stand-by to assist for the purposes of identifying any thoroughbreds and to establish whether there were any New South Wales thoroughbreds on Mr Talbot's property.

The Hon. WES FANG: Can I check if that was 28 February 2024?

JACQUELINE JOHNSTONE: The inspection took place on 5 March 2024. That was led by police, DPI, Wagga Wagga council and Local Land Services. Racing NSW assisted for the purposes of identifying any thoroughbred horses. Following that inspection, there weren't any New South Wales thoroughbreds identified. There were, however, two thoroughbred horses that were identified as being predominantly domiciled in Victoria.

The Hon. WES FANG: That is extremely detailed and I thank you very much for that. I am sure that Hansard may ask for a copy at some point, and I probably wouldn't have minded a copy either, but I'm sure we can get that at another point. The reason that I was slightly confused about that is that we know the RSPCA were engaged twice by Racing NSW. The first time was, I think, in September 2023.

JACQUELINE JOHNSTONE: Yes.

The Hon. WES FANG: And they've indicated that they were contacted again by Racing NSW to reinvestigate the property.

JACQUELINE JOHNSTONE: Yes.

The Hon. WES FANG: Do you know what date that you spoke to RSPCA again?

JACQUELINE JOHNSTONE: The information was referred to RSPCA, I believe, on 7 September 2023.

The Hon. WES FANG: Yes, and then they said that there was a second engagement from Racing NSW which prompted their second bite of the cherry in relation to the property.

JACQUELINE JOHNSTONE: Yes, the matter was referred on 20 December 2023 to the New South Wales police. New South Wales police would have made that referral.

The Hon. WES FANG: So it wasn't from Racing NSW directly; it was from the police on evidence from Racing NSW?

JACQUELINE JOHNSTONE: That's correct, because of the initial referral on 7 September 2023 by Racing NSW.

The Hon. WES FANG: At some point—and I wasn't sure I was quick enough to actually capture it—you said that there was further evidence that was given to you about the site of the carcasses and that they were in the creek bed. Was that on 18 December 2023 or on 20 December 2023?

JACQUELINE JOHNSTONE: Let me refer to the exact date for you. That was in January 2024.

The Hon. WES FANG: January?

JACQUELINE JOHNSTONE: Yes. The informant contacted Racing NSW in respect of that information.

The Hon. WES FANG: Was it on 5 January 2024 that the EPA were involved?

JACQUELINE JOHNSTONE: Correct.

The Hon. WES FANG: We now know that the RSPCA had another look at the property. Do you know if they were aware of the information of the informant that said that those carcasses were in the creek bed?

JACQUELINE JOHNSTONE: I don't specifically know. I didn't receive any correspondence from the RSPCA in respect of that. The information concerning the creek bed was referred to the EPA. But prior to that, on 20 December 2023, the information was referred initially to the New South Wales police because we had established that there were no New South Wales thoroughbreds on the property, and we'd also placed Mr Talbot on the excluded list. And then at that stage it was understood by the New South Wales police that they had engaged the RSPCA in respect of the information.

The Hon. WES FANG: It seems to me as if there has been a very thorough referral program that Racing NSW has engaged in, in relation to this property. There has been an exchange of information between Racing Victoria and Racing NSW in relation to the thoroughbreds. Is it my understanding from the time line you've provided that it was actually Racing Victoria that alerted you that there were potentially further thoroughbreds on that property?

JACQUELINE JOHNSTONE: The information received by Racing Victoria was just general intelligence in respect of a knackery operating in Wagga, not specifically that there were thoroughbreds on that property. But having regard to the previous information and intelligence and placing Mr Talbot on the excluded list, we initiated a response to go past the property and make further inquiries so we could make the appropriate referral if there were thoroughbreds at the property.

The Hon. WES FANG: I want to really understand the processes and how the engagement between the different agencies work. I guess the real trigger for the further investigation that finally led to the 5 March visit, is what I'll call it, was—around 18, 20 September you made a large-scale notification to police, Parks, RSPCA, DPI. Would it be fair that, through police, that was obviously then notified to all those agencies? From a time line perspective, we can presume that the relevant agencies from that date were aware of this property?

JACQUELINE JOHNSTONE: Yes, with the exception of RSPCA, which were advised on 7 September.

The Hon. WES FANG: Yes. The RSPCA would have received, then, two flags that there was an issue at the property. Did you or anybody from your organisation have any follow-up engagement with the RSPCA to provide them further intelligence, such as, for example, the carcasses in the water course were located there and not in the one acre that they said that they looked over?

JACQUELINE JOHNSTONE: I suppose in relation to the RSPCA, they confirm receipt of the information or the intelligence that we provide. We weren't provided with a follow-up inspection report or information as to what was identified and what wasn't. Understanding that Racing NSW referred the information to the New South Wales police and understood that they had then engaged or made the referral to RSPCA, not Racing NSW themselves, it was understood that that referral had taken place. So we didn't receive any information or have any—

The Hon. WES FANG: I'm not suggesting you should have. I guess I'm more looking that the onus from Racing NSW's perspective is, "We've done the right thing. We've referred it to the pre-eminent body that does

animal welfare investigations in the State. They're competent; they'll do their job. We've done what we need to do." That's, effectively, the position that Racing NSW takes. Is that right?

JACQUELINE JOHNSTONE: In respect of jurisdiction, yes. Once we attended the property, we had exhausted—by placing them on the excluded list, and then made the referral, which we had thought, in respect of the horse that appeared to be deceased, to go to the property, the RSPCA, and ensure the welfare of those horses, and then the subsequent referral to the New South Wales police, with the understanding that that information was passed on to relevant other bodies.

The Hon. WES FANG: Mr Birch, I'll move to you now. Are you able to provide if your organisation was in any way engaged in the matters that have been raised in the time line that Racing NSW has just provided us? Was your organisation aware that there was this illegal knackery and that there may be a link to greyhounds in New South Wales and, indeed, interstate?

WADE BIRCH: No, we weren't.

The Hon. WES FANG: When did your organisation first become aware that there were potential issues here?

WADE BIRCH: Formally, it would have been 10 May.

The Hon. WES FANG: It was 10 May?

WADE BIRCH: Very recently, yes.

The Hon. WES FANG: Is that because the Premier's Department held a round table that effectively drew all the organisations together?

WADE BIRCH: Apologies, I should say there was a round table and we became aware of the information prior to that. I'd have to get a date for you. As far as subsequent investigations in respect of—

The Hon. WES FANG: You might want to bring your microphone a little bit closer. I struggle because 10 years in Blackhawks—

WADE BIRCH: Sorry. In respect of current investigations, formally, we've been engaged by the DPI. That's the lead agency in respect of matters concerning the Greyhound Welfare and Integrity Commission. The first date—and I'll confirm this—was 10 May.

The Hon. WES FANG: It was 10 May?

WADE BIRCH: Yes.

The Hon. WES FANG: Was it not brought to your attention prior to that that, at least in the media, there was coverage that there may have been some trade in the horsemeat that was harvested at this illegal knackery and that there may have been greyhound breeders that were the recipients of that horsemeat?

WADE BIRCH: Shortly prior to that there was information that some greyhound racing participants may be of interest to the lead agency investigating the matter. We've since met with the DPI to discuss and provide information, pursuant to our MOU. But it has been quite recent, when I listen to the time lines that I heard earlier this morning, and just more recently.

The Hon. WES FANG: Have you spoken to some of those greyhound racing participants who have indicated that they purchased meat from Mr Talbot?

WADE BIRCH: There are no participants who have indicated that they have purchased meat from that particular person.

The Hon. WES FANG: Have there been any conversations with any participants near the property that have received meat in order to feed greyhounds?

WADE BIRCH: No, there have not. As I said, we're working with the DPI; they're leading the investigation. We've provided information and assistance to the DPI as part of that investigation, and that's the way in which we're proceeding. We don't want to cut across an investigation that the DPI are managing.

The Hon. WES FANG: The DPI didn't seek to engage your organisation until 10 May. Is that fair?

WADE BIRCH: Yes, it was. It would be around 10 May, yes.

The Hon. WES FANG: You are aware that the media had provided an idea that there was certainly a trade in horsemeat with greyhound participants, were you not?

WADE BIRCH: I'm not aware of that media, no.

The Hon. WES FANG: Was anyone on your team?

WADE BIRCH: Of that specific media?

The Hon. WES FANG: Yes.

WADE BIRCH: No. I'm not aware of media coverage suggesting that meat had been provided to greyhound participants.

The Hon. WES FANG: Was anybody in your organisation aware of that?

WADE BIRCH: Not that I'm aware of, no.

The Hon. WES FANG: That's extraordinary because it was well covered that there was a belief, certainly, that it was meat going to the greyhound industry that was being produced at that knackery. Nobody in your organisation was made aware of that, and nobody sought to be proactive to look at those matters?

WADE BIRCH: We were working with the DPI from 10 May. They were leading the investigation in respect of those matters, and we were working with that lead agency. We don't work on belief; we work on evidence when we're investigating matters.

The Hon. WES FANG: But if there is a prominent case that at least creates some suspicion, what's the threshold for you to actually engage and to seek further evidence from participants?

WADE BIRCH: We'd need some evidence or allegation to put to someone. I mean, this is hypothetical in respect of what we'd actually need. We weren't provided with any information at all or any probative evidence to suggest that that was actually occurring.

The Hon. WES FANG: So DPI didn't think until 10 May that they needed to engage with you, and I believe it's pretty well known that Mr Talbot's brother is quite heavily involved in greyhound racing.

WADE BIRCH: I can't speak for the DPI, but that's when we were formally engaged.

The Hon. WES FANG: Since you have been formally engaged, what efforts have you made to investigate this matter?

The Hon. BOB NANVA: Point of order: I do find the subject matter interesting—

The Hon. WES FANG: Probably not as interesting as I do.

The Hon. BOB NANVA: —but I don't think the subject matter is entirely relevant to the terms of reference of this inquiry. For the avoidance of doubt, I can go through the terms of reference of this inquiry—

The Hon. WES FANG: I'd refer you to "any other matter".

The Hon. BOB NANVA: —but I just don't see that this is relevant.

The CHAIR: The line of questioning is somewhat relevant but that's based on the information that I know what the member is actually asking. Perhaps the member needs to make it more clear in his questions how it relates to this particular concern.

The Hon. WES FANG: I'm trying the "softly, softly" approach; it is not my usual nature. I'm trying very hard to give people procedural fairness.

The CHAIR: We appreciate that.

The Hon. WES FANG: What I'll do is I'll hand over the questioning, Chair, and I will then see how I go.

The CHAIR: Review your questions.

The Hon. WES FANG: I'll review the questions, yes.

The CHAIR: I have some further questions for Mr Birch. To be very clear, the link is around the allegations of greyhound trainer Ben Talbot selling potential illegally slaughtered brumbies that come from Adrian Talbot's property. That's the allegation, as is my understanding. My understanding as well is that Mr Ben Talbot was found to have euthanised a greyhound in breach of GWIC's rules and was given a two-year disqualification, and that was on appeal taken down to a four-month disqualification. Are you aware of that?

WADE BIRCH: No, I'm not.

The CHAIR: Mr Ben Talbot was also then appointed as president of the Wagga Greyhound Club. Does GWIC have any current investigations based on the latest accusations in regards to Ben Talbot and his relationship with Adrian Talbot where the brumbies were being potentially slaughtered?

WADE BIRCH: We don't have a current investigation apart from the investigation that we're assisting with in respect to the DPI's investigation.

The CHAIR: Ben Talbot was appointed in February 2023 to GWIC's industry participant advisory council. I'm wondering why GWIC has appointed this individual to an advisory council within GWIC.

WADE BIRCH: That appointment was done prior to the allegations that you speak of. They remain allegations, as I understand it. There have been no findings or no charges laid against any greyhound racing participant, including Mr Ben Talbot, as I understand it.

The CHAIR: My understanding was that he was given a two-year disqualification for breaching GWIC's rules.

WADE BIRCH: I'd have to take that on notice.

The CHAIR: My understanding was that that was previous to February 2023.

WADE BIRCH: I wasn't involved in the employment of Mr Talbot but I can certainly follow that up and provide some information to the Committee.

The CHAIR: Is Mr Ben Talbot still part of GWIC's advisory council?

WADE BIRCH: Yes, he is.

The CHAIR: Will that be reviewed given the recent allegations?

WADE BIRCH: Once we can properly review those allegations—as I said, they are allegations. If there's any further information or evidence provided to GWIC, that position could be reviewed.

The CHAIR: But at this point, he's not suspended or anything during this period.

WADE BIRCH: No, he's not.

The CHAIR: I also have some questions for Ms Johnstone. Thank you for coming in today. My understanding, from the time line, is that after Racing NSW had alerted different authorities to the concerns that had come to your agency, the particular individual in question was still being allowed to rehome brumbies from that program.

JACQUELINE JOHNSTONE: After the information was referred, I'm not aware of any information in respect of that individual and the rehoming, or his involvement, in fact, with the rehoming, of brumbies.

The CHAIR: In the past Racing NSW has called for it to be a criminal offence to slaughter ex-racehorses and I understand that's part of Racing NSW's rules, but is this something that you would like the Government to act on especially to ensure that it's actually in legislation, given this case?

JACQUELINE JOHNSTONE: Racing NSW feels very strongly about a position of slaughtering thoroughbred horses, which is why the implementation of Local Rule 114 was introduced, to ensure the protection and the welfare of those horses, both during their racing careers and on retirement. So it is certainly a matter that's close to Racing NSW's heart in terms of putting in preventative strategies. Outside of Racing NSW, I think that's certainly a matter for larger consideration.

The CHAIR: I will go back to the Hon. Wes Fang, and I might have a couple of other questions as well.

The Hon. WES FANG: I'm trying to reconcile the issues around there being an illegal knackery and a potential connection to the greyhound racing industry, whether it be confirmed or in media reports or even tangential, that GWIC isn't proactive in investigating. Is it the case that GWIC is always passive in its response, as in it waits for evidence to be given to it or it waits for an official complaint? Or is there a level of proactive investigation by the agency?

WADE BIRCH: No, there is proactive investigation, but this investigation is being led by the DPI. We are providing assistance and we're working with the DPI in respect of their investigation. We don't want to cut across their investigation, or—what would I say—impact their investigation in a negative way by going out and doing something that's not in concert with the DPI.

The Hon. WES FANG: And I'm not suggesting that you do. But it was well known, I think, by many people. I live in Wagga and so I'm well aware of the local media, and I have no doubt that you have people who

work for your organisation in Wagga, or who at least follow Wagga media, who would have been aware of what was occurring. It was clear that there was at least a link that was being promulgated in the media and yet your organisation doesn't seem to have been proactive until DPI engaged with it on 10 May. You didn't approach DPI, you didn't seek to quarantine any evidence that might have been available, and you didn't seek to engage even with the RSPCA, the National Parks and Wildlife Service, police, whatever. You sat back passively, waiting to be asked. Is that normal?

WADE BIRCH: What do you say—what is your understanding of what was promulgated, being a Wagga citizen, just so that I can understand and respond?

The Hon. WES FANG: Adrian Talbot was interviewed on ABC Radio. He indicated that there was euthanising of horses, that the meat was being used for his dogs and that out of that came the suggestion that it may have also been used for other dogs. There was on Sydney radio allegations that there were greyhound breeders who had purchased meat from Adrian Talbot and that was all occurring in April. I would have thought that even if you weren't following the Wagga media, on which it was pretty much front-page news, you would have been at least following the Sydney media and any reference to greyhounds, and that you would have been proactive in looking at this matter, not waiting for DPI to ask you on 10 May. Is that an unreasonable proposition that I put?

WADE BIRCH: No, but there currently are no rules or legislation preventing meat being provided to greyhounds. Until such time as the investigation is complete and the allegation is founded, we're not in a position to introduce something that is a hypothetical. What you're asking me and what I am saying is that there is no offence, currently, under the rules.

The Hon. WES FANG: Then you are passive. You're not proactively saying, "Is this an issue that we need to be involved in? Is it the case that through the greyhound racing industry, Mr Talbot has been able to market his wares? Is it from greyhound trainer to greyhound trainer?" There's clearly a link at least through media reports that would've—should have, I believe—made your organisation be proactive instead of being passive. Do you disagree with that premise that I've put?

WADE BIRCH: I disagree, given the information we currently have.

The Hon. WES FANG: Given that on 10 May your organisation had been asked by DPI to provide some support and evidence in relation to this, what has GWIC done to support DPI? What further work do you think will need to be done in relation to this?

WADE BIRCH: Our manager of investigations and compliance is in contact with the DPI's investigation team on a daily basis, providing assistance as far as information and manpower. We are working together to get to the bottom of this investigation and bring it to a proper conclusion as quickly as we possibly can.

The Hon. WES FANG: At this point, you're saying to this Committee that there has been no evidence uncovered that there has been any horsemeat, or any products from an illegal knacker operated by Adrian Talbot, that has been purchased or has been—I don't want to say "consumed" because it might have been given away. But have there been business interactions between greyhound trainers and Mr Talbot?

WADE BIRCH: There have been no charges laid against any greyhound person.

The Hon. WES FANG: I'm not talking about charges laid. I'm talking about has your organisation been able to establish whether there has been any trade that Mr Talbot has been engaged in with your participants?

WADE BIRCH: It's an ongoing investigation. It has not been established at this stage, as I understand it.

The CHAIR: Ms Johnstone, you gave a pretty detailed time line and I notice you were reading from some notes. I'm wondering if you're comfortable to table that document so that the Committee has that time line available?

JACQUELINE JOHNSTONE: Certainly.

The CHAIR: That would be fantastic. Thank you so much. Unless there's anything that either of you wanted to put on record or any additional information from some of the questions that came forward, I believe that the questions have been exhausted. Thank you both for coming in today. If there were questions taken on notice, the Committee secretariat will be in contact. If the Committee has any further questions on notice, the Committee will be in contact with you about that as well. Thank you both very much for your time today.

(The witnesses withdrew.)

(Luncheon adjournment)

The Hon. PENNY SHARPE, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, before the Committee

The CHAIR: Welcome back to the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. I now welcome our next witness, Minister Penny Sharpe, and thank her for making time to give evidence today. Minister Sharpe, I remind you that you do not need to be sworn as you have sworn an oath to your office as a member of Parliament. However, would you like to start by making a short opening statement?

The Hon. PENNY SHARPE: Yes, thank you, Chair. I do have some information that I would like to provide to the Committee. I just want to first clarify a number that was in the letter sent to the Committee last night. This was the letter in relation to the investigation of the rehoming program and a particular staff member. The letter states that an audit by National Parks and Wildlife Service has found that only one horse was unaccounted for out of about 1,700 that were trapped since 2019. I just wanted to clarify that it should have read 2,700, and the exact number being 2,760. I would also like to update the Committee on the situation regarding wild horse control at Kosciuszko National Park, and I'd like to provide the following numbers, which are now available on the National Parks website.

From the start of the plan in 2021 to 20 May this year, 8,505 horses have been removed. Of those, 5,539 were by aerial shooting. From the period of the last population survey, which members would recall was 20 October 2023, up until 24 May, a total of 5,966 horses have been removed. Since closures of the northern part of Kosciuszko National Park, which is from 4 April until 20 May, 4,253 horses have been removed, almost all of those via aerial shooting. I do also wish to update the Committee on something that has developed today. The NSW Threatened Species Scientific Committee has made a determination today to uplist the broad-toothed rat from vulnerable to endangered based on the Commonwealth conservation advice for this species. Horses are one of the key drivers of the decline.

This is a broad-toothed rat for people who do not know what they are. The impact of the horses is that they trample the habitat of these animals. The primary reasons for the endangered listing are that the species has undergone a large reduction in population size, and further reductions are considered to occur. Horses affect their habitat, as I have said, but I did want the Committee to understand that. I do also just want to talk about two investigations that are being carried out by my department, DCCEEW. One is in relation to the allegations against a staff member, and the second is in relation to the rehoming program generally—and I'm sure members will want to ask me questions about this later.

There are two investigations that sit with my department, DCCEEW. The first is the inquiry into rehoming. It's really a review. The terms of reference are on the website and, for the convenience of the Committee, I can table those here today if people would like that. I am very happy to share that. They are publicly available. That inquiry is being undertaken by an independent company and will report to the secretary of my department on 14 June. Rehoming is paused while this occurs. The second inquiry is into allegations made against an individual staff member within National Parks. I want to be really clear here: All allegations are taken very seriously, and I take them very seriously. We will ensure—and we have ensured—that they are investigated properly and seriously. But we also believe that the staff are innocent until proven guilty.

I just want to raise with the Committee that there has been a preliminary investigation. There has been zero evidence that that staff member has done anything wrong. I just would ask the Committee, as you are undertaking the rest of the deliberations today, that we keep in mind that this is not a forum for an individual to have baseless claims made against them. The correspondence that I sent to you yesterday I would like to take you through. The allegations have been investigated independently, with an independent company. This was not done internally within Parks. The department has determined that no misconduct has occurred. The investigation was conducted independently, as I said, by a private investigation company. It involved a comprehensive review of electronic and phone records and interviews with affected staff, amongst other inquiries.

The source of the allegation was requested but declined to provide further information. The allegations have been comprehensively considered and this matter has now been closed by the department, and I am satisfied with that. I also understand—and I've updated the Committee about this—that the National Parks and Wildlife Service found only one horse was unaccounted for out of around 2,700 that have been trapped since 2019. Multiple staff are required and present when trapping occurs, and detailed records are kept of trapping activity, making it very difficult for one staff member to ever act alone.

The staff member against whom the allegation was made has no involvement in decisions to allocate horses to rehoming. The horses are provided free of charge and are obtained when requested and if available, suggesting there is no incentive to make any improper payments. Given the nature of the program outlined and the processes

in place, it is highly unlikely that conduct as alleged would or could occur, but, beyond that, there has been a serious investigation that I believe has cleared that staff member. I am happy to take questions.

The Hon. WES FANG: Thank you, Minister, for appearing again today. I very much appreciate you making yourself available. I'll start in relation to the letter that you've actually just referenced in your opening statement.

The Hon. PENNY SHARPE: To be clear, is this the letter in relation to the staff member?

The Hon. WES FANG: Yes. The one that you sent late last night. The first thing is that you've identified the very first thing that I picked out, which is that the number was clearly wrong in relation to the number of horses that were rehomed. In relation to the property in Wagga—I believe you've already indicated publicly—could you provide us with an idea of the number of horses which that person received from the rehoming program?

The Hon. PENNY SHARPE: I would need to clarify this, but I believe it's about 260.

The Hon. WES FANG: I guess when you're looking at roundish figures, when you're talking about 2,700-odd horses, that's somewhere around 8 per cent or 9 per cent of the total number of rehomed horses that went to that person. Sounds right?

The Hon. PENNY SHARPE: The maths works, yes.

The Hon. WES FANG: Is it normal for somebody to receive 10 per cent of the rehomed horses in the program?

The Hon. PENNY SHARPE: I think the review's looking into that detail but it appears that, yes, that has been the way that it has occurred.

The Hon. WES FANG: Turning to the investigation that the secretary organised in relation to the staff member that you reference in your letter, your letter says, "The secretary has advised me that the allegations have been investigated and the department has determined no misconduct has occurred." How did they conduct that investigation?

The Hon. PENNY SHARPE: As I said, a private investigation company was given the task of doing the investigation.

The Hon. WES FANG: I'm sure you know my first question is going to be: Who was the company?

The Hon. PENNY SHARPE: Can you let me finish?

The Hon. WES FANG: Yes.

The Hon. PENNY SHARPE: There's a private company that has done an investigation. It was a very thorough investigation in relation to what was undertaken. I'm not in a position today to table the full investigation. But I am very willing with the Committee—I need to take advice around procedural fairness in relation to this staff member and whether I can provide that. I have no problem in providing it; we just have to be clear. I just was not able in the time to get the clearance where I would like to have tabled that. And I would flag that I will do that when I can, once we've got that advice. But I'd flag that, given the outcome, I'll be redacting the name of the person involved. In terms of what happened with the investigation, and what was undertaken, I'm very happy to share that in a way that I can, once I've got the proper advice.

The Hon. WES FANG: I appreciate that. The private investigation company that conducted the investigation, who was that?

The Hon. PENNY SHARPE: I can't remember their name. I'll get advice and I can come back to the Committee. I just can't recall what the name was.

The Hon. WES FANG: You don't have it with you?

The Hon. PENNY SHARPE: I'm just getting advice now. I'm very happy to share it. The company is called Centrism—sorry, Centrium.

The Hon. WES FANG: Would you mind spelling that?

The Hon. PENNY SHARPE: Company C-E-N-T-R-I-U-M.

The Hon. WES FANG: Okay. It says that they have done "a comprehensive review of electronic and phone records and interviews with affected staff". What does "affected staff" mean?

The Hon. PENNY SHARPE: I think the point would be staff that are involved in the rehoming program, staff that are involved in the tracking program, and the individual staff member. As I said, I can provide you—

and I am willing to provide you—with the detail of the investigation once I've got it cleared in relation to procedural fairness and the legal requirements that we have to our staff.

The Hon. WES FANG: In relation to the investigation, you've indicated that you believe that all the trapped horses have been accounted for in the way that National Parks and Wildlife Service maintain their databases and the way that reports that are due back from rehoming are then handed back to National Parks and Wildlife Service. Are you confident that National Parks and Wildlife Service have maintained their database, including the four-month reporting of the outcome?

The Hon. PENNY SHARPE: That's what the review's about. That review's coming in on 14 June. Again, I would be very happy to share the outcome of that. That's exactly what the review is looking into.

The Hon. WES FANG: What about horses that weren't captured by data in the rehoming program? Has there been—

The Hon. PENNY SHARPE: I'm not quite sure what you're asking.

The Hon. WES FANG: I'm coming to that, but there was certainly evidence that we've received that there have been horses that weren't going through the rehoming program, that were trapped and were made available to other parties. Has that at all come up in your investigations, Minister?

The Hon. PENNY SHARPE: The first thing I would say is that the rehoming program is looking at all of those issues. My preliminary advice is that it's actually very—as I previously outlined, the way in which trapping happens and the way in which rehoming happens is not done by individuals; it's done through a collective process that is very open. In relation to record keeping and the way that operates, that's what the review is for. I just don't have enough information now to be able to confirm that for you either way. But, obviously, all of these issues are under consideration.

The Hon. WES FANG: Is it fair to say then that if there were horses that were trapped outside of the ones recorded in the rehoming program, they wouldn't have been captured in your investigations?

The Hon. PENNY SHARPE: I just can't answer that till we've got the review. I don't know. They're fair questions, but I just can't speculate because I just don't know where they're up to.

The Hon. WES FANG: What if I indicated to you that there is evidence that there were horses in Kosciuszko National Park that were trapped outside of the rehoming program, that are not recorded in the rehoming program, that were provided to other entities?

The Hon. PENNY SHARPE: If there is evidence of that, I'd like to know about it. If you can provide me with the details, I'll ensure that they're thoroughly investigated as part of the review.

The Hon. WES FANG: What if I can tell you that that evidence was provided to National Parks and Wildlife Service and the RSPCA?

The Hon. PENNY SHARPE: I can't speak to that. I can speak to whether that evidence is provided. I've said to you that in relation to the allegations around a single staff member, they have been investigated, and I believe that they are thorough. I believe that there is no blame on that individual staff member. If there is more evidence that's been put in, it will be picked up as part of the review. And, as I said to you, it's not due until 14 June. I'm not in a position to comment on it and I wouldn't be speculating either way because I haven't seen any of that information.

The Hon. WES FANG: So neither the secretary then nor members of National Parks and Wildlife Service haven't made you aware that they received evidence that this has occurred in relation to this matter.

The Hon. PENNY SHARPE: I understand that you've got National Parks staff coming this afternoon, so you can ask them about that.

The Hon. WES FANG: I know. I appreciate that.

The Hon. PENNY SHARPE: What I would say is that any allegations of wrongdoing I take extremely seriously. When allegations have come, where I've been aware, I have passed them on to the department. If they're coming up through a different way, I can't speak for that, but my department is under no illusion that all allegations are to be thoroughly examined, investigated and reported upon.

The Hon. WES FANG: Would it be your expectation then that if National Parks and Wildlife Service had received evidence and a complaint that brumbies were being taken from Kosciuszko National Park that were not being recorded in the rehoming program but were being made available to other entities, that they would make you aware of that evidence?

The Hon. PENNY SHARPE: I'd expect that to be investigated, as I've said.

The Hon. WES FANG: But they would make you aware of that evidence.

The Hon. PENNY SHARPE: I speak to my department all the time in relation to the horse program. As you can imagine, it's had a lot of attention. And there are ongoing discussions about that. I talk to my department all the time on that, but I wouldn't necessarily expect me to understand everything that's going on. As far as I'm concerned there is a thorough review into the rehoming program and that any of the issues that come before that will be dealt with. I am not expecting my department to give me a blow-by-blow of how that's going. It's only until 14 June. That's when I will interrogate the work that's been undertaken. If you're saying there is evidence, I will definitely ask the question about whether that has been dealt with, but I would anticipate and expect that it has.

The Hon. WES FANG: We heard evidence earlier today that the Premier's Department has become involved in the whole-of-government response to the Wagga Wagga matter.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Why was it left to the Premier's Department, and why was it not your department that has taken charge of this?

The Hon. PENNY SHARPE: Because the Wagga Wagga knackery issue, I think, has been shocking for people, because it draws in a lot of different agencies—thoroughbred racing, rehoming, local government, the Food Authority and all of those things. It was actually as a result of a very good conversation with the member for Wagga Wagga, Joe McGirr, who said to me, "Penny, this is all over the place. How do we bring it together?" It was there that I suggested that we actually get Premier's to bring it all together. Our aspect of this is the rehoming part of it, and we take full responsibility for that but, in terms of actually dealing with what became a very complicated situation with many different agencies, my agency isn't the right person. The reason the Premier's Department exists is to bring across government and to solve those problems. I was really happy that they did that, and I think that it's been very effective in working through the various moving parts of this situation.

The Hon. WES FANG: When did the Premier's Department become involved?

The Hon. PENNY SHARPE: Pretty early on. I would have to take on notice exactly when, but I can tell you that as soon as these issues came to light. Obviously, I was very concerned about the rehoming aspect of it, but it was clear that there was a whole range of other things. As I was talking to colleagues and to their officers about what we were doing—and, as I said, I had a conversation with Joe McGirr, the local member—my recommendation was we should bring Premier's into this. It was pretty early on from when it was exposed, but I would have to take on notice the actual date.

The Hon. WES FANG: So it is fair to say then that the Premier's Department became involved quite early on. I haven't got the exact date myself but, certainly, it would seem that the revelations were revealed on Sydney radio, and I am sure we will hear a bit more about that with the next witness.

The Hon. PENNY SHARPE: And I was extremely concerned when I heard them, and took action straightaway when I was alerted to them.

The Hon. WES FANG: No, I appreciate that. I will acknowledge that you were very quick to provide information to Mr Hadley to say that you were going to conduct an investigation.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Just on that—the Premier's Department became involved quite early on. Is that fair to say?

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Minister, are you aware that a member of this Committee—a Government member—indicated to this Committee that an ongoing police investigation was the reason why we could not summons certain witnesses, because it might prejudice the investigation, only for us to be told later on that the police were not investigating?

The Hon. PENNY SHARPE: I think there are a couple of things here. I am aware that there is an issue about whether there was a police investigation. Well, sorry, there was a police investigation, and charges have been laid.

The Hon. WES FANG: Charges have been laid?

The Hon. PENNY SHARPE: Yes. In the letter that I sent to the Committee—have you got the letter in front of you?

The Hon. WES FANG: I do.

The Hon. PENNY SHARPE: If you look at page 4 of that letter, in the Government response at dot point 4—

The Hon. WES FANG: Sorry, which page?

The Hon. PENNY SHARPE: Page 4 of the letter.

The Hon. WES FANG: We have only got two pages.

The Hon. PENNY SHARPE: The Premier's Department letter, I'm talking about.

The Hon. WES FANG: Okay. Thank you.

The Hon. PENNY SHARPE: Sorry, I've given you the wrong one. My apologies. I take collective responsibility for all of them; it's all right. In the Premier's Department letter, page 4, which is the Government response to the discovery of the horse remains near Wagga Wagga, point 4 says, "New South Wales police charged a person with unlicensed possession of ammunition, and the facts will be tendered to the Local Court." There was an investigation undertaken in terms of crimes that could have occurred in relation to that, and I can't go into the detail of that because, obviously, I'm not the police Minister nor are police operations something that are in my purview. But the point that I would make is that yes, there was an investigation and there were charges laid, because you can't have charges laid if there wasn't an investigation.

The Hon. WES FANG: No, I appreciate that. What has been somewhat troubling is that when this Committee sought to look at the issue of providing subpoenas and compelling witnesses to appear before this inquiry, one of the Government members indicated to us that there were ongoing police investigations and that, in doing so, we would be prejudicing that investigation. The Premier's Department was involved early on, as you've indicated to us. It is my belief that the Premier's Department provided that advice to that member. How was that miscommunicated? Was it deliberate or was it an accident? Minister, I'm starting to get to the realm of conspiracy theories here.

The Hon. PENNY SHARPE: Sounds like it.

The Hon. WES FANG: It appreciate you say that, Minister.

The Hon. PENNY SHARPE: You said it, not me.

The Hon. WES FANG: It would seem that this letter from Mr Draper arrived about an hour after our deliberative, which said nothing about an ongoing police investigation. The police wrote to us the next day and confirmed that there was no ongoing investigation. That was not what the Government member told us.

The Hon. PENNY SHARPE: First of all, I think you probably should ask the Government member but the point that—

The Hon. WES FANG: I have, and if you are happy for the Government member to provide that advice, I will give them an opportunity to do so.

The Hon. PENNY SHARPE: This is not the way in which inquiries work. You have deliberatives; you can speak to him about it. The point that I'd make is that there is no conspiracy here. We have been really open about the way in which we've dealt with the shocking revelations that happened at the Wagga illegal knacker. The Government has been more than proactive. One, I put in place the investigation into what it meant for rehoming and for an individual staff member. I worked with the local member to put in place the Premier's Department response to bring all the different departments together. We've provided advice.

What this sounds like to me is that the difference between an ongoing investigation versus an investigation is probably just a matter of being caught in translation. There's no conspiracy here. We've been really upfront. There was a police investigation. In terms of the crimes committed, he's been charged in relation to those matters. I can't speak for the police in terms of their investigation other than to say that there's been one. This is where the charges have been laid, as is appropriate, and the rest of the responses are being dealt with by the Government by the various departments, including my own.

The Hon. WES FANG: Minister, this is where we would differ in our opinion because, ultimately the difference—

The Hon. PENNY SHARPE: You're not supposed to ask me for opinion, by the way, but that's okay.

The Hon. WES FANG: You took the question. The point is, Minister, that the difference here is that by indicating that we would prejudice the investigation by summoning a witness—

The Hon. PENNY SHARPE: Mr Fang, this sounds like a matter for the Committee and the way in which the Committee deliberates. I wouldn't seek to impact on that.

The Hon. WES FANG: Minister, I haven't finished the question.

The Hon. PETER PRIMROSE: Point of order: In relation to this line of questioning, we've let the Hon. Wes Fang continue on talking about matters that were before a confidential meeting of this Committee. I'm seeking an assurance from you, Chair, that you will bring him to order if he continues to do so. Otherwise, let's clear the gallery and have a conversation.

The CHAIR: I will redirect the member. The Minister has also indicated that she's unwilling to continue to answer these questions.

The Hon. WES FANG: Minister, given that the rehoming program has ceased—

The Hon. PENNY SHARPE: No, it's on hold while the review is underway.

The Hon. WES FANG: Ceased. Paused. You can use whatever word you like but, ultimately, there is no—

The Hon. PENNY SHARPE: There's a difference between ceased, paused and stopped.

The Hon. WES FANG: Minister, at the moment there is no rehoming being undertaken—

The Hon. PENNY SHARPE: No, because it's paused while the review is being undertaken, on which we will get a report on 14 June.

The Hon. WES FANG: Minister, I haven't finished my question, which is why have you allowed aerial culling to continue while the only humane method of dealing with brumbies, which is rehoming, has been stopped?

The Hon. PENNY SHARPE: Because I don't consider rehoming of 260 horses that are then illegally— are then disposed of a good rehoming program. In relation to reducing the number of horses in the park, I've been very clear about this: This needs to occur. The broad-toothed rat is just reason why this needs to occur. This is two separate issues. The issue of aerial culling has been through a rigorous process. It is overseen by independent vets in the RSPCA. It is considered the best animal welfare outcome for us, having to reduce the number of horses. It is two separate issues. To be clear, I want the rehoming program to continue and I want it to be successful. I want it to be part of the future of how we manage the number of horses in the park. There are excellent and wonderful people who rehome horses, and I want them to be able to do that. I do not think an outcome where 260 horses were rehomed and didn't survive to be a good one. That's why the review is in place and that's why the program is paused.

The Hon. WES FANG: Minister, do you think it's equitable to continue culling the brumbies whilst you've paused the rehoming aspect?

The Hon. PENNY SHARPE: I just made the point that they're two very separate issues. I don't think there is a case for pausing the aerial shooting program while we deal with the rehoming program. They are two separate matters.

The CHAIR: I have a few questions, and then I will throw to Ms Sue Higginson.

The Hon. PENNY SHARPE: Sorry, I just want to clarify two things. The rehoming inquiry is occurring. The name of the company is Centium. The investigation was by a company called Protiviti. I apologise to the Committee.

The CHAIR: Will the report from the Premier's Department that is due on 14 June be made public?

The Hon. PENNY SHARPE: I would expect so, yes.

The CHAIR: Based on the investigation to date, broadly, in your opinion, how was this allowed to happen, and allowed to happen for so long with such a significant number of animals—260?

The Hon. PENNY SHARPE: As I said, I think it's unacceptable. My view is that the review needs to get to the bottom of it. I don't want to speculate too much, but I would make a couple of points. One is that the way that post-rehoming occurs and the way in which that is monitored is, I think, subject to the review. I think we need to look at that. I think that there are clearly issues in relation to the sharing of data. My understanding is there were some red flags about this property from other agencies that were not shared. Again, the review will get to

the bottom of this. But my understanding is they were not shared with National Parks. If that's the case, then that shouldn't happen.

Government should be working. If one agency stumbles across something that is wrong, they should be required—and we should have good, strong data sharing that would say, "Look, there is a red flag here. Do you have any exposure here? Are you involved? Maybe you need to have a look at it." I don't want to speculate too much, but to me it looks like we're heading towards an important tightening of the rules around rehoming, what happens post rehoming and data sharing. On how far or what the detail is, I would wait for the review to get that.

The CHAIR: In regard to the post rehoming follow-up, our understanding is that after a certain number of months—I believe it might have been four months—there is supposed to be that follow-up. There have been accusations that after the expose that was recently in the media, people who have rehomed brumbies have suddenly had paperwork sent to them, sometimes two years after they've rehomed a brumby, now asking them—and they never got it four months afterwards. Is that a failing from the department?

The Hon. PENNY SHARPE: I would be concerned about that. I agree with you. I think the rules were that there needed to be some follow-up. Whether that's been occurring—I think this is what it has exposed. I suspect the answer is no. I don't think that's acceptable, but that's exactly why we're doing the review. It's why we want rehoming to be a significant part of horse population control in Kosciuszko National Park. Clearly there have been some deficiencies. That's what the review is about, and I would intend to clean those up.

The CHAIR: There have been concerns raised about the wild horse depot in Blowering and the fact that the number of horses being rehomed were not matching the number of horses allegedly coming to the depot. Is that also being investigated?

The Hon. PENNY SHARPE: I think that's part of what the rehoming is. As I said, the preliminary advice is that there has been around 2,760 and it was one horse unaccounted for. That's through the trapping yards. I just think I'm not in a position to provide that information because I haven't been given advice, because it's part of the review.

The CHAIR: Do you admit, looking at those two aspects, that there has been a lack of appropriate oversight from the department into the rehoming program itself?

The Hon. PENNY SHARPE: I'm definitely concerned that we are where we are.

Ms SUE HIGGINSON: Minister, my question is really just for clarification about the initial part of your evidence. With the NSW Threatened Species Scientific Committee up-listing or down-listing, tragically, the broad-toothed rat—sorry, is the scientific committee's report published? Is it available? Could you indicate when that might be?

The Hon. PENNY SHARPE: Yes. It actually happened today, Ms Higginson. I believe it may not quite be up—I will just get advice. Tomorrow, it will be on the website. It will have the detail. I can give you a little more information. The NSW Threatened Species Scientific Committee today made a determination to up-list the broad-toothed rat from vulnerable to endangered. The TSSC determination—sorry, this was in my notes—will be published tomorrow—24 May. The primary reasons for the endangered listing are that the species has undergone a large reduction in population size, exceeding a 50 per cent reduction over 10 years, and further reductions are considered likely to occur.

Horses affect the habitat of the broad-toothed rat. Grazing and trampling of vegetation by horses removes shelter, nesting habitat and food sources, exposing them to predation by other feral species and reducing food and shelter resources needed through winter. Essentially, they live in the grasses next to the watercourses. The snow goes on top but they actually live underneath it. If it's been trampled, there's no way for them to actually survive in the winter, which is why the impact of the horses is so great. Habitat degradation and loss by horses is listed as a key threatening process under the New South Wales Biodiversity Conservation Act. In the final determination for the New South Wales horse plan, the broad-toothed rat is specifically listed as a fauna species impacted by horses through habitat destruction.

Ms SUE HIGGINSON: One final question, Minister: Would you please consider making the Commonwealth Minister aware of the New South Wales determination, because the listing on the Commonwealth list may be impacted by the New South Wales consideration?

The Hon. PENNY SHARPE: Yes, this automatically occurs. Part of the up-listing, in the advice that I've got, is a result of some of the Commonwealth advice. There is good work happening between both jurisdictions and that's been shared. As you have rightly identified, that impacts the way in which the listing is operated both at a State and Federal level. I obviously undertake to do that, but I believe that it has already occurred.

The Hon. WES FANG: Minister, I'm pretty much at the end of where I was hoping to reach with you in relation to the questions, but I just want to establish a few base facts moving forward. Is it fair to say that there have been deficiencies in the way that the National Parks and Wildlife Service has documented the brumbies that go through the rehoming program, and that there is an admission that some of that paperwork, such as the four-month outcome notification that rehomers are supposed to provide to National Parks, has been somewhat deficient?

The Hon. PENNY SHARPE: I'm concerned that may have been the case. That's why we're doing the review.

The Hon. WES FANG: Okay. I will take it from that that we can say, yes, there are perhaps deficiencies in the way—

The Hon. PENNY SHARPE: Don't verbal me. I've accepted that I am concerned about it.

The Hon. WES FANG: I'm not trying to verbal you, Minister.

The Hon. PENNY SHARPE: I'm concerned about it. That's why we're doing the review. We will fix any deficiencies that may or may not be found.

The Hon. WES FANG: There are a lot of things I'm concerned about. What I'm seeking is that there are known deficiencies, and I would think the evidence the Committee has would indicate that's the case. Do you believe that that's the case as well?

The Hon. PENNY SHARPE: And they're being investigated. Let's just be clear, Mr Fang. The reason these investigations are occurring is that this information came to my attention both via the media and others. I instructed my department to do an investigation into an individual, and also an investigation into the rehoming program, so that all of these issues can be properly dealt with and I can get to the bottom of all of the allegations that are there. Once we've done that, I'll do that.

The Hon. WES FANG: I accept that, Minister. I guess all I'm seeking is an understanding—

The Hon. PENNY SHARPE: You're seeking an opinion. I'm telling you that I'm concerned—

The Hon. WES FANG: No, Minister, it's not—

The Hon. PENNY SHARPE: —and that's what the investigations are doing. I'll take what necessary action there is when we get to the end of it.

The Hon. WES FANG: Minister, now I believe—

The Hon. PETER PRIMROSE: How about you stop interrupting the Minister?

The CHAIR: Order!

The Hon. WES FANG: Minister, I now believe you're verballing me.

The CHAIR: Ask the question, please.

The Hon. WES FANG: Minister, do you accept that there are deficiencies in relation to the way that National Parks and Wildlife Service documented some of the rehomed brumbies' paperwork?

The Hon. PENNY SHARPE: I don't know that yet. But when the evidence is finalised through the review, I'll take action if there is.

The Hon. WES FANG: Okay. Would you agree that the letter that you provided us last night indicates that you have no visibility around the actions of brumbies that happened outside the rehoming program?

The Hon. PENNY SHARPE: No, I don't agree with that.

The Hon. WES FANG: In that respect, taking that answer, can I infer from it that your clearance of the staff member is absolute and that you are 100 per cent confident that, whether we're talking about brumbies that have been through the rehoming program or brumbies that may have been caught outside of the rehoming program, there has been no wrongdoing whatsoever, as you state in your letter?

The Hon. PENNY SHARPE: What I am confident of is that National Parks and Wildlife staff do an incredible job under very difficult—

The Hon. WES FANG: That's not an answer, Minister.

The Hon. PENNY SHARPE: Let me finish.

The Hon. WES FANG: That's also not an answer, Minister.

The CHAIR: Order!

The Hon. PENNY SHARPE: Are you going to let me finish?

The Hon. WES FANG: That is political speak.

The Hon. PENNY SHARPE: Let me finish. No, actually, I'm the Minister for this department.

The Hon. WES FANG: I know—I'm holding you responsible.

The CHAIR: Order!

The Hon. PENNY SHARPE: Those staff sit under my responsibility and I think that they are professional and incredible. They deserve the support to do the jobs that we ask them to do through the laws that we put in place, for which we are collectively responsible.

The Hon. WES FANG: That's correct.

The Hon. PENNY SHARPE: So the point I'm making is I have faith in National Parks and Wildlife staff. When these allegations came, I instituted and directed the department to do an independent investigation into the allegations against this staff member. That has been undertaken, and I am satisfied that that has been undertaken properly and that, on the evidence that we have, there is no issue with this staff member.

The Hon. WES FANG: And—

The Hon. PENNY SHARPE: Let me finish.

The Hon. WES FANG: I thought you had.

The Hon. PENNY SHARPE: No, just let me finish. I am absolutely satisfied that is the case. I am genuinely worried that this staff member may be publicly named, which I believe would be very unfair and I believe should not occur. We need to actually have fairness for the people that we ask to work with us. It's actually required in terms of these committees that they're not used as opportunities to name people unfairly. The point that I would make is, if there is other evidence in the way in which you're describing it that is picked up in the review, and if it is with the department, I would expect that it's been fully dealt with.

I've made a couple of commitments today. One is I am seeking advice in relation to this individual member around being able to publish the investigation so you can be assured that it was thorough. I am assured about that, but it's a matter for you and I understand that you don't have it in front of you, which is fine. There's that part of it. The second part of it is that there is an ongoing review into the rehoming program and other issues. If there has been evidence that's been provided to my department, I expect that it's being dealt with and we will deal with that in due course.

But to get to the bottom of your question, I am confident that this staff member has not done the wrong thing. I thank all National Parks staff for the job that they're doing, particularly in relation to the horse management plan. These are staff who have been under significant pressure in their communities, who have had terrible things happen to them, including a horse head dumped on the front of their office. We are asking them to undertake the horse management plan to reduce the number of horses in this park because it is damaging and endangering an entire alpine ecosystem and 12 other threatened species. Our Parliament asked us to do that. Actually, it was your Government that asked them to do it by putting in place the wild horses heritage plan. They are undertaking the job we've asked them to do. They should be able to do that safely, and they should be able to do that without fear of their reputations being traduced unfairly.

The Hon. WES FANG: Minister, you have stated categorically that the issues have been investigated and that you believe that there is no wrongdoing.

The Hon. PENNY SHARPE: Well, I don't know yet because I'm waiting for the rest of the review.

The Hon. WES FANG: That's not what your letter says.

The Hon. PENNY SHARPE: Which one are we talking about?

The Hon. WES FANG: The one you sent last night.

The Hon. PENNY SHARPE: Yes, about the individual.

The Hon. WES FANG: Last night.

The Hon. PENNY SHARPE: Yes, I wrote the letter and I did send it. I know what it is.

The Hon. WES FANG: It was wrong, but 2,700 or 1,700—what's the difference, right?

The Hon. PENNY SHARPE: The difference is important in terms of if we've only found one—

The Hon. WES FANG: It is; that is exactly right.

The Hon. PENNY SHARPE: Actually, the numbers that are updated make it better.

The Hon. PETER PRIMROSE: Any chance of the Minister being allowed to answer?

The Hon. PENNY SHARPE: They actually make it better.

The CHAIR: Order!

The Hon. PENNY SHARPE: There's one unallocated horse they've been able to get to, out of 2,760. Last night I only told you it was 1,700. I apologise that that was wrong, but let's be clear: This makes the problem less concerning.

The Hon. WES FANG: I've indicated to you that there's evidence that there are horses outside of the rehoming program that are being taken out of the park.

The Hon. PENNY SHARPE: And you've given them to the department and they're being investigated, and I will report back on those when I'm able to. I am not in a position to do so because the report isn't due until 14 June. I'm sorry, I can't look into a crystal ball and I can't time-travel to 14 June.

The Hon. WES FANG: There's a note for you.

The Hon. PENNY SHARPE: Yes, which is fine. I've got excellent staff.

The Hon. WES FANG: You do.

The Hon. PENNY SHARPE: Here we go. I can update. I think I'm almost out of time. How long am I here for?

The CHAIR: Quarter past.

The Hon. PENNY SHARPE: Okay, that's fine. I can provide information in terms of when the Premier became involved in the Wagga Wagga illegal knackery. It was close to or on 18 April. I'm sure you'd be pleased that my staff were able to provide such good advice to the Committee.

The CHAIR: I've just got one more question, Minister. I know that the Hon. Wes Fang touched on this, but I just wanted to ask it in a different way. There's been a lot of distress from the genuine brumby rehoming groups, who feel that they're being punished with this suspension of the rehoming program. They're very stressed that they're not able to save some of these horses, and all because of the conduct of a rogue operator. Will you be expediting to make sure that we can see that rehoming suspension removed and that rehoming can begin again soon?

The Hon. PENNY SHARPE: Yes, I'd really hope so. Just because of the way in which this came to the attention, I think that's right. My time frame will be as soon as I get the report and I'm given the advice. There's a couple of things that need to happen: We need to decide what action we're going to take to fix any issues that have evolved, but I would anticipate that we do that and we open the program as soon as we possibly can. I really want to thank the people that do rehoming. I've met rehomers. They do incredible work. They're very caring people who really care for the horses, and that's really good that we have that as one of the parts of the tools of managing the horse population. When we get the population down to the 3,000, and it's legislated, the way in which I want to try—and we have talked about this a lot—to actually manage the population is far more about rehoming. It's about investigating things like reproductive control. All of those issues are on the table as we move through the process of reducing the numbers.

The CHAIR: If there's the opportunity to open up rehoming while anything that's come up in the investigation that still needs to change can still occur concurrently, will that still happen?

The Hon. PENNY SHARPE: I think that'd be okay. I'm not suggesting that we need to do this and have a lengthy process to change it. Without having seen it and knowing exactly what the issues are that are going to be thrown up, I would anticipate that we can, in principle, reopen it on the basis of—what'll have to happen is that the report will have to come. We'll have to examine it. I'll get advice from the department about what needs to be changed to fix any of the issues that have arisen. If there are any other issues that need to be dealt with, we deal with that. I would want them to put that in place within weeks, not months, so that then we can reopen the program. Rehoming is an important part of horse management in Kosciuszko National Park, and it will continue to be so.

We just need to make sure that it's as rigorous as it should be—I think that the allegations and exactly what we're doing now is getting to the bottom of that—because I don't think it has been.

The CHAIR: Thank you very much for your time today. If there were any questions on notice or if the Committee has any follow-up questions, the secretariat will be in contact with you in relation to those questions.

(The Minister withdrew.)

Mr RAY HADLEY, Host, The Ray Hadley Morning Show, 2GB, sworn and examined

The CHAIR: I now welcome our next witness. Thank you, Mr Hadley, for coming and giving your time to give evidence today. Would you like to start by making a short opening statement?

RAY HADLEY: I think I've been invited because I was the one that broke the story about Wagga Wagga, some time before the Minister started the inquiry, after I got a tip from some people in Wagga Wagga there was an illegal knackery operating. I then contacted Mr Peter Thompson, who I believe is a witness later on today, the general manager of the council. He was reluctant to confirm it because he hadn't disclosed it to staff in its entirety, nor to the council itself. But, by the Thursday, he came on the program, broke his leave and admitted that he had found the skeletal remains of 500 horses in an area of the property owned by Adrian Talbot. I think that's why I'm here.

The CHAIR: Yes, I think so! Thank you. The Committee has resolved for free-flowing questions, which means that anyone can jump in and ask a question.

RAY HADLEY: I'm happy to accommodate the Committee in any way, shape or form.

The Hon. WES FANG: Thank you, Mr Hadley, for appearing today. You are here because you broke the story. Certainly the revelation that there were 500 horse carcasses found on a property in Wagga was alarming to a number of people. Could you provide some insights as to—did you start to receive emails as soon as you broke the story as to what happened?

RAY HADLEY: I broadcast into the Snowy Mountains. Obviously there's a great interest in that region about the brumbies. I also broadcast into Southern Cross Triple M in Wagga Wagga. Immediately I started talking about it, without having the exact details. Yes, I started to get emails. I knew about the property. I would reply to emails while I was on air about the nature of what was happening there. It seemed to be common knowledge in the immediate area of the property—that wasn't owned, I don't think, by Mr Talbot—that there was some sort of illegal knackery happening. Shortly after that, I had spoken to the Minister's office through one of the staff—one of my staff had spoken to her.

I was concerned, firstly, that the horses had been treated in such a fashion, and then I was more concerned as I discovered that there had been an investigation undertaken by Racing NSW. I confirmed that with Racing NSW, as was evidenced here this morning with Jacqueline Johnstone. Then it was confirmed that other agencies had become involved—DPI, I believe. And then I became horrified that the RSPCA had been there, and then the evidence this morning that I happened to play on my program from the CEO, Mr Coleman, that they went there on two separate occasions and didn't venture where the council went, over the ridge, to find the 500 skeletal remains.

Remarkably, I nearly fell off my broadcast chair this morning when I played the fact that there was a coolroom—which I knew about—on the property, and the RSPCA inspector failed to go in the coolroom on a property where allegedly horses were being slaughtered. I thought that was astounding. If that's a practice of the RSPCA, as opposed to what they did when Guy Fawkes happened 20 years ago—when they of course cautioned the Minister, Mr Debus, and National Parks and Wildlife that if they continue to aerial-cull brumbies, they'd be prosecuted individually. It seems the RSPCA, 20 years later, have lost their way where they won't go to a coolroom at a property where carcasses are hanging, nor will they go further than one acre on the property to discover where the rest of the skeletal remains are.

The council are not Inspector Clouseau. They don't have some power to mystically go onto a property and find things. They're just standard, normal people operating in an environment where they're concerned about, and they ventured further than one acre to find the skeletal remains. Then Minister Sharpe very kindly—after I advised her office of what was happening, I became even more concerned when she told me quite clearly that 260 brumbies had made their way from the holding yard to this property. I tried to think about the possibility of 260 horses going rehoming to one bloke. I thought, "How does that work?" So I started to think there must be some collusion between National Parks and Wildlife officers and this Talbot character, because it was impossible to conceive that someone would rehome 260 brumbies. My fear is—we'll never know, I suspect—that of the 500 skeletal remains 260 of them are brumbies. I mean, if that's the way we rehome brumbies, we're in a very sad state of affairs.

I'm sorry if I'm becoming a bit emotional, but I am emotional about it. I think everyone in this room should be emotional about the dastardly way National Parks and Wildlife have provided these brumbies to this butcher, Adrian Talbot. The remarkable thing from Wade Birch this morning was GWIC, the Greyhound Welfare and Integrity Commission, didn't know that the carcasses were passed on to Talbot's brother, who's the chairman of the Wagga Wagga greyhound club, and distributed to greyhound trainers in northern Victoria and southern

New South Wales at profit. It's a remarkable set of circumstances and a very dark day for National Parks and Wildlife and the RSPCA, I'm afraid.

The Hon. WES FANG: I'm very much going to get to the issues around GWIC. I'm glad you raised that because I will bring that up a little bit later. In relation to the brumbies themselves, in some of the correspondence you would have received through your show, there would have been some indication that rehoming would have provided to you about the difficulties they might've had in getting brumbies and that somehow there's issues farming brumbies out from the Blowering depot. Would that be—

RAY HADLEY: I got inquiries from all over Australia. I broadcast into Queensland as well, and I had rehoming in Queensland saying, "We'll take 20 brumbies." They wanted, specifically, one type of brumby over another type of brumby, whether it was a bay, a chestnut, a black, a piebald, a skewbald or whatever they may have wanted. But no matter what they wanted, they were told they were unavailable. I couldn't quite understand that because if one bloke can get 260, how can some bloke in Queensland not get 20 or some bloke in West Wyong not get three? It just seemed incomprehensible that the horses were all being channelled to the one place to be slaughtered.

I know the Minister doesn't want people named within National Parks and Wildlife, but Mr Fleming's got to take the blame for all of this; he's the head of it. He's got to get to the bottom of whether the bloke who was working in that distribution centre in the Snowy Mountains was colluding with this other character, Talbot, to make sure that these were sent to him, were "dogged"—that's what they called it. They were dogged for dogs, or killed for dogs—for profit. It's a fairly lucrative enterprise, dog meat, particularly in the greyhound industry. You'd like to think that there wasn't a drink somewhere along the line for someone at National Parks and Wildlife; you'd like to think that. You'd like to put people above all that, but whether you can or not is another matter. That will be, no doubt, part of the investigation that Minister Sharpe's encountered now.

The Hon. WES FANG: You wouldn't have seen this yet, Mr Hadley. Minister Sharpe sent the Chair a letter last night. We resolved to publish it, so I can talk about the letter. While the figure is incorrect in the letter, it indicates that the National Parks and Wildlife Service has rehomed, since 2019, about 2,700 brumbies. On the numbers that the Minister provided to us, about 260, that would be somewhere in the region just below 10 per cent of the number of rehomed brumbies went to Mr Talbot. It was clear, though, from your evidence that rehoming said they were having trouble getting brumbies.

RAY HADLEY: Probably because too many were going to Mr Talbot to get slaughtered, I suspect. Just on the numbers, as you are probably aware—because I've become passionately involved in this, and I'm not normally a person who gets involved in debates about brumbies. I've been led to believe that's there's been a report—and I've spoken to the people that put the report together—in relation to numbers. This may be instructional for the Committee. In the report that they did—the remote sensing report by AirborneLogic, a company that's based in South Australia. They did a comprehensive report that I've appealed to the Minister to replicate, in some shape or form. The reason I say that is Dr Stuart Cairns is relied upon to be the outstanding methodology proponent in this area. In August 2021, Dr Cairns said,

Essentially what you are doing is you are measuring the distance of the object you see from the aircraft and eventually, when collect enough data, you can then model that decaying, declining sightability. Once you have got that, you can work out a probability of detecting an animal in a nominal survey strip.

That was in relation to kangaroos, a native animal. Penny Sharpe said in reply as part of the committee in 2021,

And is there work being done—look, the counting methodology is argued. It does not matter what sort of animal it is. It is a significant issue.

Yet the same person, in 2024, is standing by the methodology of Dr Cairns, whom she cross-examined in 2021 as being flawed. From this latest report that I have now in front of me from these people that have done this survey, they're talking about, remarkably, a tenth. According to National Parks and Wildlife and the Minister, there are over 5,000 brumbies in one northern part. They went down there and looked at it through AirborneLogic. They found 569 horses in the area, working with the NPWS numbers, which can be extrapolated to the population of 5,122. What I would say to the panels and to the members here, the numbers being canvassed are between 14,000 and 22,000—can't be right.

Biostatisticians have said quite clearly, experts in the field, that that figure simply cannot be right. It might be 14, it might be 22, but it can't be a band between 14 and 22. My fear is, with legislation in place that we reduce it to 3,000, if we think there are 22 or the average is 18, say—if we think there are 18 and as a result we kill 16 when there aren't 16 there but we kill some number, we'll get below the 3,000. That's why I implore the Minister and the department to actually reconsider the fact that they think Stuart Cairns, Dr Cairns, is some sort of expert when other people say he's not and even the Minister at the time in opposition said he wasn't.

The Hon. WES FANG: That's of great concern because the numbers, whether we're talking pre-cull or post-cull, are relevant in relation to not only the number that the Minister will continue to cull but also in relation to rehoming. And so that's why I think this letter was so important from the Minister because talking about numbers, there is ambiguity in relation to that number.

RAY HADLEY: I think there are a lot of arguments. I take my advice from biostatisticians. I'm a broken-down choirboy now a broadcaster; I'm not a biostatistician. I take my notes from them. I've got that many of them that have been on my program and spoken to me about it. The legislation put in place by your Government, not this Government, to reduce it to 3,000—so we accept that. There's bipartisan support in seeking that number, but my fear is it'd be lovely to get them rehomed, but there are people in the Snowy Mountains that contact me who listen to me on Capital radio in Jindabyne and Tumut and other areas who say that they are a valuable contributor to tourism, to the general area, and if we destroy them—I mean in the year 2000 I was lucky enough to be broadcasting at the Sydney Olympics when the Man from Snowy River entered the stadium. Actually he's now almost my future brother-in-law. Steve was on board that horse. So if it's big enough to celebrate in the year 2000 a Man from Snowy River on a brumby—it wasn't a brumby but purportedly a brumby—it's big enough in 2024 to continue to acknowledge the role they played in our lives since white inhabitants.

The Hon. WES FANG: We've had evidence provided to this Committee that outside of the rehoming program was potentially movements of horses outside to other entities.

RAY HADLEY: Are you talking about a black market?

The Hon. WES FANG: Yes.

RAY HADLEY: Okay, well, let's call it a black market, and that's my fear that someone who was in charge of rehoming horses was copping what used to be called in the old days for the younger members, a sling. It's called a backhander, a secret commission, a cash for comment, or a cash for a brumby as the case may be. My fear is there may well have been a black market but that's a matter for the police to investigate if it's designated to be the case. But, those poor brumbies that went to Talbot—they're in the bellies of greyhounds across New South Wales. The evidence of Mr Birch this morning, who I know quite well—I have a great regard for Wade Birch over a long period of time, a very distinguished racing official, now a greyhound official. But to actually say that this bloke, I think the Chair identified him as Ben Talbot—

The CHAIR: Ben Talbot.

RAY HADLEY: To think that he's on some sort of board—

The CHAIR: He's on the GWIC advisory committee.

RAY HADLEY: The Greyhound Welfare Integrity Commission—a disqualified person who has returned to the game? I have been identifying rorts in Greyhound Racing NSW for the last three days as you well know and I can't get Minister Harris to get off his backside and do something about it, but I will give him a tip if he's watching or listening: I won't be letting up. I saved Greyhound Racing NSW when Mike Baird tried to get rid of it. I started my career in 1980 as a greyhound caller at Appin, Bulli and Nowra. I love greyhound racing but I hate to see the battlers who are involved in greyhound racing treated as offal as they are at the moment. I know it's a side issue, if anyone wants to interrupt me, but I'm passionate about that as well. It's also about animal welfare and I know you're all concerned about that.

The Hon. WES FANG: I'm going to move to a related topic in a way. We know that Adrian Talbot obviously was operating the property. We know that Wagga Wagga City Council through their press release indicated that there were 500 carcasses from horses, and we know that there was a coolroom that was there and it took Wagga Wagga City Council to identify that there was horse meat inside that coolroom. Could you provide to us guidance about any correspondence you might have been given that indicated there was a market from that property to provide meat for dogs?

RAY HADLEY: Yes, I did. I got correspondence from—look, in the main, greyhound trainers are good, decent people. There are a few crooks, like there is in every capacity, but they're good, decent people. When they heard about it—I mean, they'd been buying horse meat from what they thought was a legal knackery. They were, I guess to a certain extent, horrified to see themselves party to the slaughter of horses and, in particular, as it turned out, possibly brumbies—260 of them. So, yes, they contacted me. They identified Ben Talbot as the go-between for Adrian Talbot and them. Wagga Wagga is greyhound racing town—plenty of trainers south and north of Wagga Wagga, into the northern part of Victoria—and it was pretty well known that the meat was coming from Talbot's knackery, which turned out to be an illegal knackery. They weren't to investigate that. They're people training greyhounds; they're just buying meat to feed their dogs.

The Hon. WES FANG: We're not indicating that there is anything untoward about those people who bought meat—

RAY HADLEY: No.

The Hon. WES FANG: —because, obviously, they weren't to know that it wasn't a legal place to source meat. They were just buying meat. But it was pretty clear that they were buying meat from the Talbots and using it for greyhounds?

RAY HADLEY: Yes, with the GWIC representative as the intermediary.

The Hon. WES FANG: And that's exactly where I'm going. So GWIC today—

RAY HADLEY: It beggars belief. The Greyhound Welfare and Integrity Commission and Greyhound Racing NSW have a fair bit to answer for in relation to that matter. And it is related, despite what members may have said—"Oh, it's an unrelated matter." It's not, because it's well and truly within the realms of possibility, if not a fact, that brumbies were slaughtered and sold from the Talbot property. That's inarguable.

The Hon. WES FANG: Yes. You would have heard the evidence today from the GWIC. I've indicated that there was local media in Wagga Wagga relating to the Talbots and their connections and then, obviously, you broadcast some of that evidence as well. So it was fairly well broadcast that there were connections between the Talbots and the greyhound racing industry. When the GWIC indicated that they weren't proactive in responding to that, did that surprise you?

RAY HADLEY: I was astounded to hear Wade Birch. I have told you I have a high regard for him. He's an outstanding steward of thoroughbreds, now involved in greyhound racing, and for him to sit here this morning—he must have been on leave; he mustn't have listened to the radio, read the papers or, of course, as most do now, read the internet, because after we started reporting it, it was everywhere. It was absolutely everywhere, and for someone within the Greyhound Welfare and Integrity Commission to say, "Oh, no, we didn't know about it, so we didn't chase him", is a bit astounding. I can only assume that perhaps there were reasons they ran dead on it because of the attachment of one of the Talbots with the Greyhound Welfare and Integrity Commission. I am only surmising that; I can't make any accusations. But given what I know of Wade Birch, who is a very, very thorough investigator, what he offered in evidence this morning absolutely astounded me.

The Hon. WES FANG: Would it be fair to say that there are times when you are made aware of evidence through your program and you'll break a story where the Government or members of an integrity unit, whether it be with Harness Racing NSW or Racing NSW or whatever, might come to you and say, "We weren't aware of that. Can you provide us, offline, a little bit of information so that we can follow-up on that?" Is that usual?

RAY HADLEY: I've known Peter V'landys for 40 years. When I called the trots at Harold Park, he was the boss there, so I have a long-term relationship with him, and if he hears something—he can't listen to the program; I'm on between 9.00 a.m. and midday. He's busy. But obviously it filters back to him, and he'll jump on the phone and say, "What have you got?", and then he'll give it to Jacqueline Johnstone or other members of the integrity unit at Racing NSW. The same with Harness Racing NSW—not that I've had much to do with Harness Racing recently—if I get something like that. And in the days when Mr Baird was trying to rid the State of greyhound racing because there were some things happening that should never have happened, and hopefully they don't happen again, I was contacted by good people within greyhound racing and I said, "Look, you've got to look at this."

Eventually, what happened is Mr Baird and his advisers threw the baby out with the bathwater. Instead of getting the crooks out of greyhound racing, they thought, "We'll shut the whole thing down and that way we won't have a problem"—you know, with live baiting and the like, which is reprehensible and not acceptable. But, in the end, common sense prevailed. But in answer to your question, yes. I've got his number and I texted him this morning, Wade Birch, to say, "I'm appearing after you sometime. I'll have to catch up with you." He's got my number because he answered my text this morning when—even though they might be based in Bathurst, or wherever they're based these days, I'm sure that, upon hearing it, a text to me would have said, "What have you got?" and I would have said, "This is what I've got: Adrian Talbot/Ben Talbot. Go and do your best." But I never heard from them.

The Hon. WES FANG: It wouldn't be unusual for you to do that. It's not like there's this reluctance for you to provide them with information.

RAY HADLEY: No. You get all sorts of tips. Some are that weird you couldn't possibly share them with your staff or even on air, but when you do your research, as we do on my program—and I've got three wonderful young women who assist me to that end—when I know it's a fact, I go hard on it. I went hard on this one. It was evident right from the word go, once I spoke to Peter Thompson on air three days after I revealed the story, and

he just said straight out, "Yeah, there were 500 skeletal remains on the property." Within a week I'd found out from Minister Sharpe's office that 260 were brumbies. We went our hardest. We don't publish everything we get because I like to make sure, given I've done this for nearly 40 years—particularly the last 24 as a shock jock, as I'm now known—I make sure that in most cases I know my facts before I present them. In this particular case, I knew my facts. I was well aware of what was going on.

The Hon. WES FANG: With that in mind, did the Minister reach out to you to say, "There are some concerning things that you've broadcast," or was it the other way round? Did you have to reach out to the Minister?

RAY HADLEY: One of the Minister's staff used to work with me, Natalie Peters, who's an outstanding journalist. I think Natalie's there to try and quell the troubled waters between myself and the Minister which is—all you people would understand, being in government or opposition, that's a very important component of what you do: that you have media people that have contacts and the rest of it, and they can make individual contact. Natalie contacted me about it and then contacted my staff about it. She has a relationship with them because she worked with them as well and she's a very capable woman.

I think at the first instance, they didn't quite believe. I mean, they didn't dismiss me, but I don't think they believed, which was understandable because it was a fairly remarkable story: an illegal knackery in Wagga Wagga with 500 horses killed and probably many more over a period of time. I don't blame them for the sense of disbelief, but then they found out the brumbies had arrived there. The other thing is, on National Parks and Wildlife—I'm just thinking about things out loud—is a point you raised with the Minister, which she's admitted to. I've got some emails here from people who've been rehoming brumbies for a number of years. No-one's ever spoken to them. This one email I've got—I won't identify it—from someone who's got two rehomed brumbies: never heard from National Parks and Wildlife.

As soon as we raised the spectre of the brumbies going to Talbot, the knackery, in May they get a letter, an email: "Can you give us the details? Do you still have the two horses? If you don't, where did you sell them? What did you do with them? Did you microchip them? Are they this? Are they that?" I nearly said something rude there, but it's a backside-covering exercise by National Parks and Wildlife. The horse has bolted, particularly the brumbies to Talbot's. It's bolted, but all of a sudden there's this fervour to find out where the rest of the brumbies have gone. Hopefully, they've gone to good homes and are being looked after by good people, as opposed to being knocked on the head and shot and having their throats cut.

The Hon. WES FANG: I appreciate I'm monopolising a lot of the time, Chair.

The CHAIR: You've asked a lot of the questions I was going to ask anyway. One thing that has really surprised me from the hearing today is we heard from the Food Authority that they had been alerted about this property in 2021 and that they'd passed that over to the police. There was another authority that was alerted in 2022 that alerted the police. I believe the RSPCA had at some point alerted the police as well. We've even got dates for complaints going all the way back to 2017, yet when this Committee wrote to the police to ask if there was any active investigation, they've told us that there's no active investigation on this. I just wanted to know if you had heard anything about the police involvement or why this keeps slipping by?

RAY HADLEY: Madam Chair, I was quite astounded when I first started making investigations. I have a good relationship with the commissioner, Karen Webb. I spoke to her office and they said exactly what you've just enunciated: There was no investigation. I can only imagine that, with the wave of crime in regional New South Wales, they are overwhelmed, the police. There are cars being pinched left, right and centre. Youth crime is out of control, as the Premier has dictated by going to Moree. I think it was a low priority. Some bloke killing horses was not high on the agenda. I can only assume that.

I am not blaming the local area commander or his officers. The poor buggers are that pressed as it is. They are flat out doing what they need to do without going into areas of illegal knackereries and that. But I think at one stage, when it became obviously a matter of great public importance, there should have been more attention paid by the rural crime squad. There should have been some attention paid to it then, but I can't be critical of the police in the early stages because they've got enough on their plate.

The CHAIR: The Premier has also started an investigation into this. We have heard this morning that there was a meeting. That meeting included council, RSPCA, EPA, LLS, rural crimes, Racing NSW, GWIC as well as National Parks. Have you heard anything about the Premier's investigation into this? Do you think that that is going to be enough to really make sure that this doesn't keep happening?

RAY HADLEY: I have confidence in the Premier. I think he's a very honourable man. I have a meeting with him next week about a whole range of issues and I was going to raise this one with him then. I haven't had conversations with him about it to date. But I would hope that there would be a line in the sand from Minister Sharpe and from the Premier, Mr Minns, regarding this matter. My firm belief is that not only should

they suspend rehoming; they should suspend the aerial culling at the moment because I think there are enough question marks over that. I know there is bipartisan support for the culling and I know that I'm swimming against the tide to that end, but I would hope that there would be consideration given to stopping the aerial culling. I read a statement from member Borsak this morning on my program that he released. He is obviously concerned, from that statement, about the matter at the moment in relation to the expertise—I think were the words Mr Borsak used—and I share his concerns.

Madam Chair, I really don't understand. We are a fairly sophisticated society. We've changed a lot. I've changed a lot. People have changed a lot. It's a different world in 2024 than it was 20 years ago when I started doing what I do now on 2GB. But 20 years ago we stopped aerial culling. We stopped it. Bob Debus said, "Go for your life. It's a beautiful place up there, Guy Fawkes National Park. Let's get rid of those brumbies and shoot the bloody things. Get them out of the joint." It lasted for a short space of time because the RSPCA—a different RSPCA than the one I see in 2024—said, "That's inhumane. That's not right. Stop doing it. If you don't, we will hold you personally responsible, Mr Debus, and you in charge of National Parks and Wildlife."

We've come a long way in 24 years, but somehow we've gone back into some vacuum when it comes to killing horses from aircraft. Does anyone in this room really think that it's a better place in 2024 than it was 20 years ago? I do. I think it's a better place. But in relation to brumbies it's a worse place because what was stopped in 2024—and Mr Coleman, I've called this morning for his resignation. His board should sack him for his performance here this morning. He should be sacked. He sent people to that property. They saw a coolroom—a coolroom!—and they didn't think to have a look inside. Mr Coleman said, "Yes, they probably should have had a look." Should have had a look inside? There were carcasses discovered by Wagga Wagga council!

The RSPCA, which is charged with protecting animals, brumbies and the rest of them—including the broad-toothed rat or whatever it is down there; they are charged with protecting that—didn't look inside the damn coolroom. What, are we growing strawberries? Are we keeping the strawberries cool? Are the blueberries in there? For God's sake, there were beasts in there that'd been slaughtered, and they didn't look. And then the explanation is, from Steve Coleman—his performance this morning a disgrace, Madam Chair—they looked at an acre of the 20 acres, but they didn't look at the other 19 acres. They've got varicose veins or something? They can't walk 150 metres over the hill and see all the carcasses, all the skeletal remains down there? I applaud this Committee for doing what they're doing, but it's a *Ripley's Believe It or Not!* performance this morning by Mr Coleman, I'm telling you. I just can't—

The Hon. STEPHEN LAWRENCE: Point of order—

RAY HADLEY: Point of order. Good luck to you.

The Hon. STEPHEN LAWRENCE: I am just concerned about these insults directed to Mr Coleman.

The CHAIR: Can you expand on that?

The Hon. STEPHEN LAWRENCE: There's a procedural fairness resolution that speaks to reputational interests that people have. But there's parliamentary privilege here. He's a professional—

RAY HADLEY: Well what do you think I'm saying it for? There's parliamentary privilege.

The Hon. STEPHEN LAWRENCE: Excuse me. Please respect the process.

The CHAIR: Order!

RAY HADLEY: I can't hear you. Speak up.

The Hon. WES FANG: Yes. You might want to bring your microphone closer.

The Hon. STEPHEN LAWRENCE: He's come along as a professional. He's given evidence this morning. He's now being subjected to insult and ridicule.

The CHAIR: I remind the witness to be mindful about some of the comments that we make.

RAY HADLEY: Madam Chair, I respect your position. Thank you very much for your courtesy.

The CHAIR: Thank you. I have a question, and I know the Hon. Wes Fang has delved into the evidence that we heard by GWIC this morning as well. I suppose I was particularly shocked, as you mentioned, that this Ben Talbot was disqualified for illegally killing a greyhound and is now on the GWIC advisory council and that he's still on the advisory council, even though he's been linked to these accusations in regard to the slaughter of these horses. Have you heard any evidence that he was involved in that other than through his brother Adrian at all?

RAY HADLEY: No. I don't have any evidence, other than he was the go-between, between the slaughter of the horses and the distribution for money to greyhound trainers. But, like you, I'm simply astounded that the Greyhound Welfare and Integrity Commission would, firstly, have a representative who has a history of not being a person of some repute and then, when these revelations are revealed, he's still on the same committee—board, whatever it may be called—for integrity. I would have thought that the Greyhound Welfare and Integrity Commission board would have said, "Maybe it's time you just stood aside until we find out what happened with the horses being slaughtered in Wagga Wagga."

The CHAIR: Just in regard to this long time line, as I said, some of these complaints go back to 2017. What do you think's happened here? How has this all been sliding through for so long?

RAY HADLEY: I've asked the same question myself, how we had to wait until 2024—in April of 2024—for it all to be revealed. As it was, I think, on 19 April or thereabouts I first broke the story. He—Talbot—was just under the radar. It's really funny because some people, in the initial stages, when I made the claims I made, wrote to me, supporting him and saying, "He's a great rehomer." I said, "He's a great slaughterer. He's not much of a rehomer." And some of these poor people had sent him horses, not necessarily brumbies, but horses to be rehomed, thinking they'd go to a nice home when, in fact, they were being slaughtered. When it became quite evident, when the council came on the program and said they'd found the skeletal remains of 500 horses, then I started to get a different flow of email. But some things happen because people con people. Some things happen because of apathy. But, Madam Chair it seems to me to have gone on for seven years, and I couldn't offer an explanation as to why. Sometimes people get away with things for way too long. That's what's happened here, I'd say.

The CHAIR: It sounds like, even from hearing from the environment Minister, that there's just been a huge failure of process and communications between these major authorities, given that we've had the Food Authority, the RSPCA, the police, Racing NSW, all these authorities involved, and yet communication's just—

RAY HADLEY: The remarkable thing is there was an interview conducted by a young ABC reporter two days after we broke the story and at the time when we knew there were 500 skeletal remains. I'm not criticising the ABC. The young reporter went there, and this Talbot said, "Oh, no." He said, "There are 40 horses." He was about 460 shy. There was then, "Oh well, the council must be making it up. It can't be true." I'm sure Mr Thompson, when he appears later on this afternoon, will confirm what he told me on the radio—that there were 500 skeletal remains there. It just beggars belief that it went on for so long. The scary part is, we know about 500. Given the fact that we now know it's been operating illegally since 2017, God only knows how many horses—not all brumbies of course. I don't know how long the brumbies were. I think the Minister told me—and I'll be corrected on this—that they stopped sending him brumbies in July last year. I think that was the date she gave me. But I don't know how long before that he was getting brumbies or other horses, because he seemed to be a central figure.

One lady did write to me, who said she moved from, say, West Wyalong to Coffs Harbour and couldn't take her children's ponies with her, so she left them in the care of someone who said, "I know this bloke called Talbot who looks after horses." When they finally relocated to Coffs Harbour and they got some acreage or something up there, they asked the bloke who they'd given the horses to, "Can we bring the horses? We'll float them up here." She wrote to me and said, "He said, 'I gave them away to Talbot.'" So she started ringing Mr Talbot, and he said—he made excuses—"The horses are out in the paddock. I've got to go out and catch them," and all of this. Finally, his estranged partner, according to this lady, told her that the horses had been killed a week after they arrived there—slaughtered. So she's got to go and tell the two little girls that their horses aren't coming home because Talbot's slaughtered them.

It appears to me that over a long period of time—if you're saying it's back in 2017—this is a method of operation. You park your horse there, and sometimes people don't go back for them. Their children are grown up and they don't want to be on the ponies anymore and things like that, and it was just a convenient way of parking a horse. "I'm moving to a suburban block. I don't have acreage anymore. My circumstances have changed. My marriage has busted up and we can't afford to keep the horses," and they sent them there thinking they were being rehomed and sent somewhere else as a pony club horse or something like that, and they were, obviously, slaughtered.

The CHAIR: Very sad.

The Hon. BOB NANVA: Mr Hadley, thank you for your time this afternoon. There is a range of government agencies that routinely use aerial culling to control populations of other wild animals such as deer, goats and pigs. Are you supportive of those programs that use aerial culling?

RAY HADLEY: No. I'd prefer, Deputy Chair, there be no aerial culling. I understand we've got a problem with feral pigs, feral goats and other feral animals, and the farmers battle against it, although some in western

New South Wales are now goat farmers making a fair living out of it, as opposed to slaughtering them. But my belief is, on the basis of what Mr Borsak said—and I haven't had a private conversation with him; I've only seen what he's written—I'm concerned about aerial culling on a range of fronts. Deputy Chair, in the early stages when they first trialled aerial culling—and it's supposedly still being trialled—a gentleman who has farmstays right on the edge of the national park had two people staying at the farmstay. They went for a walk. A chopper descended, shooting deer as opposed to horses, and those two people who I spoke to on my radio show sought cover under a stump until he rang National Parks and Wildlife and said, "Back them away. We've got people out there."

They were in the national park and they were just walking along when the shooting started. Whether the shooting was close to them or not, that was never ascertained. They could just hear gunshots and they sought cover. I am concerned that if we've got a national park which can be accessed by members of the public, I know that they lock it down. I will give you an example of one near Dorrigo at the moment where they shut it down—not Guy Fawkes but an adjacent national park. Fences were burnt down in 2019, and there are farmers up there that are cattle farmers. The cattle get out and go into the national park. Recently, National Parks and Wildlife have said, "Right. We are going to muster the cattle. If we can find branded cattle and we know who owns them, we'll return those cattle."

But because they've been wild going on for five years, there are calves being born which are now heifers, steers or whatever, and they've got no brands on them, even though the farmers tell me that the cattlemen say, "I know what breed of cattle I've got. That blokes got this breed. I've got that breed. Over generations we've bred these cattle." National Parks and Wildlife are now advising those farmers, "If we find a branded beast, we'll send it back to you. However, we're going to shoot the rest," and they use the proposition that they're wild bulls. Well, they're not all wild bulls. There are some bulls in there and others as well.

I don't know what methodology they'll use to shoot the beast—whether it'll be from ground or the air—but I think that sometimes National Parks and Wildlife think they're the John Wayne and Gary Cooper of 2024 and want to shoot everything. The cattlemen up there want their cattle back, and they'll muster them and get them back but National Parks and Wildlife—so in answer to your original question, yes, I'm opposed to aerial culling in general.

The Hon. BOB NANVA: Are you concerned, more broadly, with the use of lethal means to control wild animals or just the aerial culling?

RAY HADLEY: No, not in a control sense. I have great empathy for farmers in relation to pigs, deer and wild dogs killing sheep and the like. It's just the thought of someone shooting from a chopper. From Mr Borsak's email this morning and from what I saw, there's a degree of difficulty to kill from the air. I'd be advised by Mr Borsak with his expertise that that degree of difficulty diminishes when you do it from ground level. I understand that we've got feral animals that we have to deal with but I'm worried about aerial culling. As I've said, we opposed it 20 years ago and here we are down the track saying, "It's all hunky-dory." It worries me.

The Hon. BOB NANVA: If we could disregard count methodologies for the moment, I'm interested in your thoughts about the wild horse heritage plan specifically and the objectives of that legislated plan to bring horse numbers down to 3,000 in the national park?

RAY HADLEY: Given it's got bipartisan support, it's hard to argue with it because it doesn't matter who holds sway in government, you both feel the same way about it. They legislated 3,000 and you're observing what they legislated so I can't be critical of you or your government for observing what a previous government did.

The Hon. BOB NANVA: Do you feel it gets the balance right between protecting the colonial cultural heritage and having more sustainable horse populations from an animal welfare perspective, but an ecological one as well?

RAY HADLEY: I don't disagree with that, Deputy Chair, but I'd like the Minister to examine the documents. She's got the documents; I've driven her mad with them. I'd like her to examine the methodology used and remember what she said about Dr Cairns in 2021. She was very sceptical of his methodology then and now she is not very sceptical of his methodology because it might suit the argument. I think you're being really reasonable about it. I can't argue about the 3,000 or 4,000 or 5,000, but I do think it's important to have those brumbies in that park in some way, shape or form. I think it's very important for the locals and for tourists as well. I think it's very important. They're part—this will not be palatable to many people—of our colonial heritage. They've been an important part of our lives during white settlement and they played a very important part of our lives during World War I and other conflicts. I think that we can accommodate 3,000 brumbies in the national park but I'm fearful that, with the methodology being used, we might get below 3,000, which is the mandated, legislated number we should have.

The Hon. ROBERT BORSAK: Mr Hadley, I'll jump in. My colonial heritage—or our colonial heritage—is very palatable to me, I've got to say. I think you're right on that point.

RAY HADLEY: That's good but there'll be others who disagree with us, Mr Borsak.

The Hon. ROBERT BORSAK: I don't care what others say. That's my opinion. In relation to the RSPCA and what you were talking about, do you think they've actually been honest with their stakeholders in the sense of how they changed their position from what it was at Guy Fawkes to where it is now?

RAY HADLEY: I'll put it this way: I obviously, when the honourable member interrupted me for being combative, which is the nature of the beast, I'm afraid, given what I do for a living—I do apologise if I was a little overbearing.

The Hon. WES FANG: No, don't.

The Hon. ROBERT BORSAK: That's par for the course here.

RAY HADLEY: Okay, that's good. What did you say? "Don't apologise"? I've learnt as I've gotten older. I'm 70 this year. The older I get, the more likely I am to apologise. Twenty years ago you wouldn't have gotten an apology but you get one today. Back to you, Mr Borsak. The point that I would make—and I'll use workplaces as the example, which has been in the news lately. When I first started at 2UE in 1981, we used to have these eight-track cartridges and if I made a mistake, a bloke would throw it across the room and hit me in the head. If you did that now, your feet wouldn't touch the ground; you'd get punted. Things have changed and, thankfully, they've changed for the better—and they'll keep changing for the better. We got to the stage in 2000 where some good, decent people at the RSPCA said, "This is not on. This is inhumane, and it's cruel." Someone over 20 years ago said, "That's inhumane and cruel," and yet we fast forward to 2024 and the same organisation with a different leader says, "No, that's okay. That's all right."

The Hon. ROBERT BORSAK: It seems to have gone the wrong way for an organisation like that.

RAY HADLEY: Everyone else has been dragged kicking and screaming, in some respects, into 2024. It appears the RSPCA have gone back to 1974 or earlier. At the end of the day, I obviously have a significant problem with the RSPCA, as is documented by my comments here. In relation to your question, yes, everyone else has changed. They've changed as well but for the worse, in my opinion.

The Hon. ROBERT BORSAK: That was my questioning around it this morning. They said, "We've learnt better how it's done," which made absolutely no sense to me.

RAY HADLEY: I know that it's a separate issue—and if I'm out of order someone will tell me that—but I've been dealing with other matters in relation to the RSPCA about nepotism. One of the things that was brought to my attention is that, say, there are five people vying for a job as an inspector and one of them is subservient to Mr Coleman and the other is combative. The subservient ones always win and the combative ones don't. I fear Mr Coleman's attitude towards combative inspectors who say, "We've got to go hard on this illegal knackerie abattoir"—I don't know who the inspector was, but whoever the inspector was went onto that property that day and said, "We're here to inspect this illegal knackerie. What's that? A coolroom. What's in there? Nothing. Okay. We'll move on."

Yes, in answer to your question. I don't want to punish the inspector because he may have been operating under orders not to go into the coolroom. But for Mr Coleman to come here today and to admit to Mr Fang that they didn't go in the coolroom when they were looking at an illegal knackerie—I played it on air at about half past 11 this morning and I scratched my head. I said, "Has anyone edited this tape? This can't be true. A bloke at the RSPCA couldn't say 'We're not going to look at a coolroom at a knackerie.'" I think the RSPCA board, full of vulnerable people, needs to have a good long look at their charter about protecting animals—a really long look at their charter.

The Hon. WES FANG: Mr Hadley, you have received a lot of feedback from brumby supporters, from stakeholders and from members of the public in relation to this issue. You have obviously been broadcasting about it for a long time. When I put the question to the Minister as to whether aerial culling should cease while ever rehoming should cease, she said that they were two separate issues that really weren't linked. Do you think the public feels that way? Do you think the public feels as if it's fair that while ever there is aerial culling but not rehoming they're two separate issues and are not linked at all?

RAY HADLEY: I would say to the Minister, with all due respect, that there's a great suspicion involving National Parks And Wildlife. As one farmer described to me up in Grafton-Dorrigo, they're not very good neighbours. And they are neighbours for many people in the Snowy. It's like anywhere. If you live in a street and you've got a good neighbour on one side and you've got someone on the other side you'd rather not deal with, it

makes it a bit uncomfortable. If you've got a neighbour that borders your land by 30 kilometres and they are not a very nice neighbour, it makes it very difficult for you.

I would say, in relation to the Minister saying they are separate issues, I think the public view at the moment, from my feedback, is that there's a very deep suspicion about the National Parks and Wildlife particularly raised because of 260 brumbies going to a bloke who was going to shoot them, kill them, do whatever he did to them and slaughter them. You can't separate the suspicion of what they did then with aerial culling. Don't forget, it's not Penny Sharpe going up there with a rifle in a chopper; it's National Parks and Wildlife commissioning all of this.

While there is that suspicion and while the organisation is under investigation about how those brumbies came from that area onto Talbot's property and until that's cleared up by the Minister through an investigation—and I'm confident she will get to the bottom of it—I think the aerial culling should be suspended. I think the Minister is wrong to say that they are separate issues. They are not separate issues; they are being conducted by the same people. If we are concerned about the behaviour in one area, we should be concerned about the behaviour in another area.

The CHAIR: Thank you for joining us today. I don't think there were any questions taken on notice. If the Committee has any further questions for you, the Committee secretariat will be in contact with you. Thank you again for making time to give evidence today.

RAY HADLEY: I would like to commend the Committee, and I mean this most sincerely. There are all sorts of different political persuasions here, but I think that it's really important that the upper House Committee examines the facts and comes back with a solution that is right and just. I thank you very much for your time.

(The witness withdrew.)

(Short adjournment)

Mr PETER THOMPSON, General Manager, Wagga Wagga City Council, sworn and examined

Mrs FIONA PILTZ, Executive Director, People and Culture, Wagga Wagga City Council, sworn and examined

The CHAIR: I welcome our next witnesses. Thank you both for coming here today to give evidence. Would you like to start by giving a short opening statement?

PETER THOMPSON: Just a very brief opening statement to explain why we're both here. I'm the general manager and I was there for all material times up to the day that the media story broke. I had taken a number of days' leave. Fiona Piltz is one of my executive team and she, for her sins, was acting general manager on the day that the story broke. Between the two of us, you have the leaders of the organisation at all material times.

The CHAIR: The Committee has resolved to allow a free flow of questions, which means we'll just jump in and ask questions, if you're comfortable with that. I think the Hon. Wes Fang would like to start.

The Hon. WES FANG: I would love to. Thank you for appearing. I declare that I live in the Wagga Wagga City Council area, and so I appreciate both of you being here. I thought that should be declared at the start. I'm going to take a step back. Obviously, we'll come to 5 March. Was that the date that the actual site visit occurred?

PETER THOMPSON: That's correct.

The Hon. WES FANG: We'll come to that shortly. But, taking a step back to the initial discovery or notification that there was perhaps an issue, how did Wagga Wagga City Council become involved in this matter?

PETER THOMPSON: A representative of Racing NSW contacted us and, together with the New South Wales rural police, requested a meeting to discuss the slaughtering—or information that they had been given that there may be horses being slaughtered on a property outside of Wagga. We met with them the next day—that was two of my compliance officers. That was 23 January. They explained that they had information from a member of the public, who wished to be anonymous, that there were horses being slaughtered at a property. They had tried other government agencies to pursue that issue, and we were pretty much the last people that they came to who may have a regulatory power to explore that complaint further.

The Hon. WES FANG: It was Racing NSW that reached out initially?

PETER THOMPSON: They were there at every step of the way—because there were a number of meetings, as you can imagine.

The Hon. WES FANG: Yes.

PETER THOMPSON: In fact, as has been said earlier this afternoon, when you hear the story, it's not something that you dismiss easily. The two compliance officers came straight to me and said, "We've just had a meeting with New South Wales police, and this is what they've said." I rang back the Racing NSW representative on the same day and said, "I've just been briefed on it. We will act on it." I gave her a rough precis about how we would proceed from there. Racing NSW were in the following meetings up to the point of the entry to the property.

The Hon. WES FANG: It has become clear from evidence today that the issue at that property has been ongoing for a number of years. The Food Authority said that they raised issues in January 2021. They've raised issues with the police. Racing NSW has raised issues. The first time that anybody sought to engage the council on this issue was that 23 January meeting. Is that correct?

PETER THOMPSON: That's my understanding, with Racing NSW and the police both coming together.

The Hon. WES FANG: Is there a reason that they sought concurrence from you in relation to acting on that property?

PETER THOMPSON: My understanding, from being in the conversations, was it wasn't concurrence. They were looking for a government agency that had a regulatory power that could be used to go in and investigate this complaint. They had been to State government agencies and we were the last door to be opened, effectively.

The Hon. WES FANG: Was it clear to you in those meetings whether the RSPCA had been approached? I assume at that point you were given evidence or given notification that there were probably an unspecified number of horse carcasses that were on the property. Did anybody think to approach RSPCA in relation to their ability to access a property with animal welfare concerns?

PETER THOMPSON: We were advised by, I think it was, Racing NSW during those initial meetings that they had endeavoured to engage with RSPCA—and may even have done something with RSPCA—but

no-one was acting on the information. To be frank, I wasn't pursuing who else might be engaged; it was, "How can we act on this information and go on and see what is actually happening?"

The Hon. WES FANG: Before I ask any further questions, I'll be clear that I'm not criticising you for that. I'm more seeking clarity as to what other organisations and entities were engaged and what advice was provided to you in relation to that property before you then sought to act. Ultimately, it was Wagga Wagga City Council that used their statutory powers in order to access the property. There's absolutely no criticism of council in that respect. I'm just trying to understand some of the evidence that we heard beforehand. I'm not criticising not engaging with RSPCA; I'm just trying to seek whether they advised you that they had, because we now know that they had engaged with RSPCA twice.

PETER THOMPSON: I didn't take it as criticism. There was definitely conversation about the RSPCA having done something with Racing NSW but, to be honest, it wasn't a big part of the conversation. From Racing NSW's perspective, they were not getting any further with their investigation through that channel.

The Hon. WES FANG: It was after 23 January, and the meeting with the compliance officers, the police and Racing NSW, that you then became involved. What's the time frame for planning a course of action that led us to 5 March?

PETER THOMPSON: That same afternoon when police and Racing NSW came to council, four council staff, including me, met to plan that course of action. Essentially it was to obtain external legal advice on ensuring that if we enter the property using a power of entry rather than with consent, whatever we collected while we were in there would stand up as evidence in a subsequent prosecution. That may seem a little unusual, but for councils to use a power of entry—we don't do it that often. Because this was such a significant issue, we wanted to make sure we got it right.

In the next several weeks we obtained that advice. It related to a number of matters that we should attend to. One of them was getting better evidence upon which to base a decision to enter the property. By "better evidence", I mean that what we were provided with was an anonymous report to a third party, who came to us. We asked Racing NSW if they would ask the informant whether they were prepared to come in and speak to us directly, on the basis that we would maintain their—

The Hon. WES FANG: Anonymity?

PETER THOMPSON: —anonymity. The lady did do that, and we spoke with her directly. She described what she had seen. She was very concerned about her own welfare, it must be said, so it's a credit to her that she did come forward. From that evidence, we were then galvanised to enter the property. We were satisfied that we had grounds to do that. That was approximately a week before we in fact entered on 5 March.

The Hon. WES FANG: Racing NSW almost exactly mirrors the evidence you've just given, and I don't think you would have been fully briefed on the evidence—

PETER THOMPSON: I haven't spoken to them since 5 March.

The Hon. WES FANG: No, but in the evidence that was given today in this hearing, they indicated that they did bring their informant to council and that they provided you clear evidence as to what they saw.

PETER THOMPSON: I confirm that.

The Hon. WES FANG: Mrs Piltz, it looked like you were seeking to—

FIONA PILTZ: No.

The Hon. WES FANG: No, understood. So there's a galvanised decision to take action here. What entities other than Wagga Wagga City Council were engaged in planning that 5 March visit to the property?

PETER THOMPSON: The rural police, or stock squad—I'm not sure what the exact title is—were at every meeting and they were pivotal to assisting us with entering the property. I couldn't speak highly enough of the support that they gave us in the preparation for entering the property. We discussed what eyes we might need when we go in, because we're all perfectly capable of identifying a horse carcass but part of the issue was identifying where those horses may have come from—were they thoroughbreds, were they brumbies—and that's way beyond my skill set. So it was the police and possibly Racing NSW—I'm not sure—who organised the DPI Food Authority to be there and also the Local Land Services vet.

The Hon. WES FANG: Was the EPA also involved in the 5 March visit to the site?

PETER THOMPSON: No, the EPA had already been approached, not by us but by the police, I think. They had indicated that council were the appropriate regulatory authority to deal with the matter, not the EPA,

and I'd agree with that answer. The way that the legislation divides who does what, it's a council issue to deal with.

The Hon. WES FANG: Now we'll fast-forward to the day that you attended the property. Could you provide some overview as to how that was achieved?

PETER THOMPSON: Everyone convened at the council chambers, or building, early in the morning on 5 March, and there was a briefing with everyone in the room and everyone had a clear understanding. Sorry, I should say the police were concerned that there may be a risk to council officers going on. There was a safety issue that they had raised previously and they offered assistance, which we gratefully accepted. That is one of the reasons why they were there, and there were, I think, five police officers there that morning. There were about 12 of us in total, and we discussed what we were going to do when we went onto the property.

That was relevant because the actual house on the property, where the person undertaking the activity was, is quite a small area. The property itself is over 100 acres, so it's quite large, and we were specifically going to where we had been told that the carcasses had been seen rather than going to the house. In fact, we were deliberately avoiding the house. The property is owned by a person that lives in Wagga and it was agreed that we would use the council's power of entry to go in. But as we left to go to the property, I rang the property owner. He did answer his mobile phone. I said who I was and what we were about to do and asked whether he would consent to us entering. We had a conversation and he unlocked the gate for us to the property, which is not near the house but the gate near to the property, and we went in with consent.

The Hon. WES FANG: Could you detail for us the search that was conducted? How was it conducted? What did you see? How was it documented?

PETER THOMPSON: Most of the property is cropped and, at the time we were there, there was only stubble in the paddock, so the paddocks themselves were quite bare. We drove to the location where the informant said that she had seen the carcasses. The carcasses were there, but they had been fairly roughly covered by soil, so there were bits of horses that weren't covered and bits that were. It was quite a substantial area. The way I describe it is probably an area the size of a bus that had been covered over with soil.

The Hon. WES FANG: When you say "an area the size of a bus", are we talking about an excavated hole where the carcasses were?

PETER THOMPSON: The carcasses from the informant's information were dumped in a watercourse. Imagine there's a high bank and a low bank. They were in that, along the—lower than the high bank. What had happened since the informant had seen them is someone had pushed soil over the carcasses to cover them, so they were in the same place but covered. But there was the strong odour that you would anticipate from—

The Hon. WES FANG: Decomposing—

PETER THOMPSON: —decomposing horses that had been there for a while. We took photos and geolocations of that particular site. We searched around for whether there were other horses that were not covered. There was an odd bone here or there, but I wouldn't say that there were other horses there. We then embarked on searching under corridors of trees which were on the property to see if there were other horses there. Ultimately, we found pile after pile after pile of carcasses in various states of decomposition. I think from memory there were, say, 12 to 14 separate piles.

The Hon. WES FANG: The press release that was issued by Wagga Wagga City Council indicates that there were approximately 500 carcasses. I can imagine that, where you have piles of carcasses, it may be difficult to determine the number. I presume that you would be counting something such as a skull, because—one horse, one skull—it would seem fairly reasonable to me that that would be a good way to determine the number. Is that how you determined that there were approximately 500?

PETER THOMPSON: That's correct. One of the piles—and it's probably better to say that these were spread over a small area rather than piled, and it was skeletal, so they were bones rather than carcasses that still had hide on them, which were in other areas. It was spread roughly on one layer, and we divided that area up into 12 quadrants, if you like, because there were 12 of us there. Each of us counted the skulls that were in our particular area, which was quite manageable and very accurate, and we added up the total skulls that were in that one pile, which was the biggest pile. There were over 200 in that pile. Then, to get to the 500, we extrapolated and estimated: If that seems to be four horses deep and there's roughly five or 10 wide, we think there's roughly this many. But the big pile was the only one that we did an express count of skulls, and that produced the more than 200 number.

The Hon. WES FANG: At this point, you've physically counted at least 200 skulls. You've extrapolated there's approximately 500, or thereabouts. As it stands at the moment, have those remains remained in place on

the property, or have they been dealt with by the property owner? Has there been a more accurate count on the number?

PETER THOMPSON: No. Ms Piltz and I have been back to the site ourselves and there's been a much better effort to cover the horses that were covered with soil previously. They're now completely buried, I think it would be fair to say, and all of the other piles have been burnt. But, on the day, we took many, many photos. The police have drone footage of the piles. There was a lot of evidence taken before the bones were incinerated.

The Hon. WES FANG: I'm sure you might have heard the interview where the property—I haven't determined whether it's the property owner or the property operator. But, certainly, the person—and he has been named already, Adrian Talbot—was interviewed by ABC radio. He provided evidence that the 500 number was well outside the number—that it was extreme, that he believed it was only about, I think, 20 to 40; that they were euthanised; and that they were, in part, for personal consumption by his dogs. The 200 that you've indicated is obviously five times as many as 20 to 40. Would it be fair to say that you would dispute the evidence that he provided—well, dispute the interview that he provided and the numbers that he indicated in that interview?

PETER THOMPSON: In the strongest possible terms. It's not true. There's photographic evidence that anyone would be convinced that there were hundreds of horse carcasses on that property.

The Hon. WES FANG: I'm glad we established that because I think it's important, obviously, moving forward that he indicated that there was a credibility issue with what council had put forward, but what you're saying is that there's photographic evidence and you've documented that to indicate that that wasn't the case.

PETER THOMPSON: Yes.

The Hon. WES FANG: Taking a step forward from there, obviously that 5 March site visit led to the discovery of the carcasses, but it also led to the discovery of the coolroom. You wouldn't have seen the evidence this morning, but this coolroom has been much discussed and who and who did not go into it. There was horse flesh or horse meat that was in that coolroom. That has been indicated to us from the Food Authority. They were there at the 5 March visit. Is that correct?

PETER THOMPSON: I will speak to that because it's a bit of a long story, in the sense that we weren't there when they went into the coolroom. The reason for that is when we had satisfied ourselves that we had the evidence we needed on what we'd found in the paddock, I understand and believe to be true that the police went to the Wagga courthouse and obtained a search warrant to then search the property where Mr Talbot lived, because we were in the farming property behind his property. The police, with the other State agencies, executed that search warrant and discovered the meat in the coolroom, as well as other things. We weren't part of that operation because it didn't relate to what we were investigating, but we were called back to the site because they had found more horses in the yard. So I have seen the coolroom and what was around the backyard but not in the house, nor was there a reason for me to see that.

The Hon. WES FANG: When you say that you were called back because there were further horses—

PETER THOMPSON: They found further horses that we hadn't found in the morning, closer to the house.

The Hon. WES FANG: Are we talking horses alive or horses not so alive?

PETER THOMPSON: There were a couple of live horses there, but that's not what I'm talking about. They were more piles of carcasses.

The Hon. WES FANG: There were more carcasses there?

PETER THOMPSON: The 500 tally includes those as well.

The Hon. WES FANG: I want to tease through this very methodically so that there is no question as to the evidence that has been put on the record. The 500 horses were carcasses. We've got photographic evidence of that?

PETER THOMPSON: Correct.

The Hon. WES FANG: The horse flesh was seized by the Food Authority?

PETER THOMPSON: The Food Authority, correct.

The Hon. WES FANG: Were you involved at all in seeking an explanation from Mr Talbot as to how that property became the site of that many horse carcass piles and of a coolroom with horse flesh, given that there is no planning approval and no regulatory approval for a knackery on that site?

PETER THOMPSON: Not at that time. When we came back—and I was there—we did give him a caution before asking him questions because we thought we may rely on those answers in a future prosecution. But the only questions that we asked him at that time were did he dispose of the horse carcasses on the property and whether he was the person that covered the horse carcasses. He answered those questions. We didn't ask more questions because at that time we weren't actually aware of what they'd found at the back of the property. That happened before we went on the second inspection.

The Hon. WES FANG: In relation to planning, approval and zoning, is there an ongoing investigation from Wagga Wagga City Council in relation to any compliance issues or lack of compliance issues, for want of a better term, in relation to that property?

PETER THOMPSON: Yes, there is. I'll say an ongoing investigation because we haven't made a decision yet. It was our intent to issue a clean-up notice. We haven't issued that yet because, for all intents and purposes—

The Hon. WES FANG: That's occurred.

PETER THOMPSON: That's occurred. We have obtained advice on what evidence/requirements we would need to prove a case under a number of different provisions—one of them is operating the facility without development consent—and what are the sanctions that would flow from that. There are other offences, such as a potential water pollution offence as well. We're still deliberating whether we will pursue those. As a council, we're loath to spend money on prosecutions when we can't recover our costs because the person who's convicted can't pay. This may be one of those situations, and that will influence our decision. Our primary goal here was to stop what was happening. It's actually the State government that issued the order on the day to stop what was happening and then clean up.

The Hon. WES FANG: There is no more operations of an illegal knackery on that site?

PETER THOMPSON: No.

The Hon. SUSAN CARTER: Thank you very much for being here. I have a couple of questions to help me get things straight in my mind, if you don't mind. When you arrived at the property for the first inspection, did you see the live horses?

PETER THOMPSON: Yes—on the day?

The Hon. SUSAN CARTER: Yes.

PETER THOMPSON: Yes.

The Hon. SUSAN CARTER: How far distant were the live horses from the carcasses that were found?

PETER THOMPSON: The horses were at the house block, so it depends on which pile of horses as you're measuring the distance from. They were the most obvious when we came the second time because we walked through the house yard. There weren't many; I couldn't even tell you. There might be five, but not tens and tens of them. It was just a small number.

The Hon. SUSAN CARTER: What I'm trying to work out is how far would you have had to walk from the house block till you found the first carcasses.

PETER THOMPSON: The first carcasses were in the house block. In fact, there was a recently—I'm not sure what the right term is, and if I could find it, it's probably too graphic. The intestines of a horse, which had obviously recently been butchered, were behind a tree in the house block quite near to where the coolroom was.

The Hon. SUSAN CARTER: You gave evidence to my colleague in relation to the smell that could be detected.

PETER THOMPSON: Yes.

The Hon. SUSAN CARTER: If you were in the house block, was that smell detectable?

PETER THOMPSON: In no way—no. The smell that I referred to before would be 400 metres from where the house is.

The Hon. SUSAN CARTER: If an earlier inspector had walked 400 metres, they would have, presumably, smelt the odour?

PETER THOMPSON: They would have walked past hundreds of carcasses in order to get to the point where they could smell. The ones that were most recently killed were the furthest from the house. So all the other horses were between that location and the house itself. Most of the horse carcasses, by far the majority, would have been—again, it's my memory—100 metres from the back fence of the farming property. That's not house

and curtilage; it's bigger than that. But from that back fence, most of the horses were just in consecutive piles along two separate tree lines that led from the house through the back.

The Hon. SUSAN CARTER: Those piles were covered with dirt or they were just clearly—

PETER THOMPSON: No. If you were standing at the back fence, then you would see—in fact, that's exactly what we did the second time we were there. We were called because they'd found the horse carcasses that were in the yard. When we went to inspect those, we could see other piles of horses down another tree line that we hadn't seen that morning.

The Hon. SUSAN CARTER: So standing in the yard of the house block, you could see piles of horse carcasses?

PETER THOMPSON: Yes.

The Hon. SUSAN CARTER: Does it surprise you, then, that earlier inspections hadn't been able to detect those piles of horse carcasses?

PETER THOMPSON: I couldn't comment. If you went to the back of the property, you would see them. If you're there for an inspection, depending on your goals, you may not see a need to go to the back of the house property. I know I'm speaking in riddles, but there's the house block, which is quite small, and then there's the cropping area of the farming property, which is quite big.

The Hon. SUSAN CARTER: When you say "going to the back", do you mean the back of the house block or the back of the cropping property?

PETER THOMPSON: No, the back of the house block. I know I'm speaking in riddles, but when we came the second time we entered through the house because the police were there and had executed their search warrant, and we actually saw horses that they hadn't seen when they were looking at the house because they were just piles that were under trees.

The Hon. SUSAN CARTER: And the live horses, were they at front of the house block or the back of the house block?

PETER THOMPSON: I'd say the side of the house block.

The Hon. SUSAN CARTER: So if you are at the side of the house block where the live horses were, is it reasonable that you might be able to see the horse carcasses piled up?

PETER THOMPSON: No. I'd say that if you were where the horses were on the day we were there, you wouldn't see the horses because they were to the side of the house and the horse carcasses and the—

The Hon. SUSAN CARTER: But if you'd walked the perimeter of the house block, you would have seen—

PETER THOMPSON: Lots of them, yes.

The Hon. SUSAN CARTER: Thank you. That's very helpful.

The CHAIR: Mr Thompson, I know you told Ray Hadley on 18 April that the council was commencing regulatory action. I was just wondering if you could give us an update on that. Has that taken place now or is it still all underway?

PETER THOMPSON: What I was referring to in that comment was the issue of a clean-up notice, and we haven't issued that clean-up notice, although we have finished the legal work for it, because we've since been on site and the clean-up has for all intents and purposes been done. I wouldn't say we've made a final decision yet because there's still a question mark about the horses that have been buried where they've been buried, but given it's a rural property, we're being fairly realistic about what we should expect as well in terms of a clean-up. So no final decision yet, but we haven't issued it and I suspect that will be the last result on the clean-up notice.

The CHAIR: Do you have any ongoing investigations still on this place?

PETER THOMPSON: As I commented to Mr Fang, we're looking at a number of offences. The regulatory action that I was talking about with Ray Hadley was the clean-up notice. That's what we were about to do. We still need to make a decision as to whether we prosecute for offences and whether we have evidence and grounds for offences, and we're still looking at that, and they are offences under either, or both, the Environmental Planning and Assessment Act for the operation of a knackery or the disposal of waste without approval, or they're under the Protection of the Environment Operations Act, which are water pollution offences because of the carcasses that are below that high bank of the watercourse.

The CHAIR: And do you have a time line on that at this point?

PETER THOMPSON: There would be a time line ticking in terms of, now that we know about it, how soon we have or what our deadline is for issuing the summons, but we'll make the decision a lot earlier than that. As I indicated before, one of the issues that weighs hard is what are we trying to achieve with that prosecution? Given that I doubt Mr Talbot has the finances to pay our costs of prosecuting it and local government has lots of things to spend money on, this is important, but it also will be probably a significant amount of money, and it's weighing up what is the public benefit in the prosecution of this individual as opposed to the cost to us in actually undertaking that prosecution. I know it's not your question but I would suggest, in the context of what this Committee is hearing, the issues of substance are probably a lot more significant than one individual who has been able to do what he has been able to do in this instance. It's how he was able to do it.

The CHAIR: And you suspect that there are other individuals doing something similar?

PETER THOMPSON: We're not aware of them. We did get another complaint about someone subsequent to this particular fellow. That was investigated and it was not something which we needed to respond to. If you're asking generically whether I think he's a sole operator, I'm a realist and I doubt that's the case.

The Hon. WES FANG: I support lower rates, by the way.

The CHAIR: What's the reaction from the local community on this?

PETER THOMPSON: That's a good question. I think the community encouraged that we did act. Councils are regularly criticised for not acting or acting slowly or not doing the right thing, and sometimes that criticism may be well placed. The fact that I think we got it right on this occasion, and the fact that we were the door that got knocked on and the answer was "Yes, we will respond to that", has been well received. I'm not aware of any criticism, but in my role you don't tend to pay too much attention to that either. It may well be there; I just haven't seen it.

The CHAIR: We've heard this time line throughout the day: We've had complaints going back to 2017, we've had police being alerted by the Food Authority in 2021. Are you surprised that this really came to a head and ended up in the media when the council took action? I don't know how much of the evidence you've heard today, but are you surprised that the whole system was constantly failing to take appropriate action, which potentially allowed more animals to be illegally killed on this site for many years, and that didn't come to a stop until council stepped up? Not to undermine anything that you've done, but it seems quite unusual.

PETER THOMPSON: If I'm surprised about anything, it's that we weren't notified by one of the other agencies earlier. That's probably what surprises me most.

The Hon. WES FANG: Which is why I asked the questions earlier about the first advice.

PETER THOMPSON: I couldn't speak highly enough of the other agencies in working with us. I keep saying that because I don't think people should form a view that they weren't supportive of us. They certainly were. But, as I said earlier, you hear the allegations of what might be happening, and our reaction was to ring Racing NSW back on that day and tell them we will act, and plan what we were going to do on that day. And then, when we were actually on the site, discovering what was there, I gave a high-level briefing to my mayor confidentially, because it was always going to be a big issue. The press release that we issued we actually drafted three weeks before and provided it to the police saying, "When this reaches the media, this is the press release we are going to issue", to make sure they were comfortable with that press release. So from my perspective, if you look at what we did as logical steps in managing the issue, I'm surprised, if there were complaints since 2017, why it wasn't red-flagged.

But, look, there could be all sorts of reasons within agencies—resourcing, illness, miscommunication. It certainly would be unfair of me to speculate. But it was always going to be a significant issue because, as I said on the Ray Hadley show, I don't think people would have this level of sympathy for a mob of cattle. Horses have a particular place in the hearts of most Australians, for all the right reasons. To witness something like was on that property, even though it could be done—well, if they had all the controls in place, you can have a legal knackery. But to actually be confronted by something like this at the scale that it has been undertaken at over a period of years is something that I think was quite confronting. That was the word that's been previously used, and I don't think that's an unreasonable word to use in the circumstances.

The CHAIR: Thank you for your evidence today.

PETER THOMPSON: Someone should ask Ms Piltz a question.

FIONA PILTZ: I'm good. Thank you, Mr Thompson.

The CHAIR: You've come a long way to be here, so we really appreciate it.

The Hon. WES FANG: How did you feel about him taking holidays on the day the news broke and being stuck having to deal with the media furor? Has it led you to resist taking the job on a temporary basis ever again?

FIONA PILTZ: Honestly, no. I have actually asked the general manager whether I can stay as the lead on this matter, working with the compliance officers, because I believe that obviously apart from my own learnings and understanding it's a really important issue for our community and we want to get it right. I'm really pleased to be able to stay and continue to work. If I get asked to act again, I will put my hand up.

The Hon. WES FANG: I think, just from a personal perspective, that Wagga Wagga City Council has been exemplary in this respect. You sought advice, you took in information and you acted quickly. I think that has been of great benefit to the community and has certainly shone a spotlight on the organisation, but it has certainly been a very good spotlight. Thank you both for coming and appearing but also for giving that evidence and acting as quickly as you did because I think it has been very important not only for the community but also for this Committee to understand the goings-on and the way in which it was approached. Thank you so much.

The CHAIR: Thank you as well for travelling all the way here today to come in person. We really appreciate that. If there were any questions taken on notice or if the Committee has further questions after the hearing today, the secretariat will be in contact. Thank you both again for coming and providing evidence today.

(The witnesses withdrew.)

Ms MELINDA SUKHLA, Executive Director, Delivery and Assurance, NSW Premier's Department, affirmed and examined

Mr ROBERT SMITH, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service, on former affirmation

Mr ATTICUS FLEMING, Deputy Secretary, NSW National Parks and Wildlife Service, on former affirmation

The CHAIR: I now welcome our next witnesses and thank them for coming today to give evidence. Is there a short opening statement from Parks?

ATTICUS FLEMING: Yes, please. As I think I've said before, Chair, the National Parks and Wildlife Service, or NPWS, is required by law to reduce the horse population in Kosciuszko to 3,000 horses in those four retention areas by 30 June 2027, and to zero in other parts of the park. I do want to start by commending the National Parks and Wildlife Service staff who are implementing the program and who are doing so with great skill, professionalism and attention to animal welfare in what are very challenging circumstances. I have said previously that no-one enjoys doing feral animal control really of any kind, but we do this because we are required by law to do it, recognising that horses are having a very severe impact on the environment and the cultural heritage in Kosciuszko.

Despite that professionalism, there are ongoing threats and abuses of staff. I do just want to call out some from the last week because it is real and it is ongoing. I will just read from some of the posts on social media, just three or four examples, and I won't give any names. Under a picture of a National Parks and Wildlife Service helicopter, "Somebody shoot the helicopter down"; "I just hope this maggot's crashed that thing and they suffer before they die"; "I just hate, hate, hate them"; "They're not even humans"; "Yep, let's let them see us standing there watching it burn"; "They are assholes, effing assholes"; "I wish the chopper would crash"; "Hope the chopper crashes"; and "There's a place in hell for these bastards"—excuse my French.

That is a very small sample, but I mention it today because there is a connection to the Committee, and that is that there are many pages like this, and there are people participating in these conversations online—or part of these pages—who are giving evidence to this Committee, either directly or through organisations. There's 2,500 staff who wear the lyrebird badge. So I hope that the Committee takes that really seriously, and I hope that there is a really strong statement from the Committee that that sort of stuff is just not to be tolerated. It's a disgrace that that's directed at public servants.

I'll move on and just address a couple of other things. Firstly, I'll update on the control of numbers and talk a little bit about the future program. As of the close of business yesterday, 22 May, we'd removed 8,718 horses since the plan commenced. That includes 6,179 horses since the 2023 survey, and it includes 4,446 horses since this northern closure on 4 April. I note NPWS gave an undertaking to the court recently that we would remove only 811 horses from the northern retention area in the period 9 May to 30 June. That number, as of today, a few hours ago, has been reached. That means, for our program going forward, until we do our next survey, which is likely October 2024, we won't be removing any horses from the four retention areas. Based on the advice that we have from CSIRO, Queensland department of ag and the University of New England—so, experts at those institutions—the population in the retention areas now, with 97.5 per cent certainty, is at least 3,712 horses, so likely much more than that and well above the legal limit or the legal population target still.

That's in the retention areas. Horse control will continue in the removal areas. The extent and duration of that depends on operational factors, noting that we need to get that population to zero. There's probably a couple of things to note about those numbers. Firstly, it should now be very clear that the claims that there were no more than 2,000 or 3,000 horses at the time of the last survey are demonstrably incorrect, given we've removed over 6,000 since the survey, and there are thousands more still in the park. I think we all acknowledge it's difficult to estimate the population of animals across, effectively, nearly 7,000 square kilometres. But all of the credible science indicates that the estimate we're relying upon and the way in which we generate that estimate is the best available science.

The second thing I wanted to note about the numbers is that the only way we can reach the 3,000 population target is with aerial shooting. Under the plan for the first couple of years—that was without aerial shooting—we removed 1,270 per annum on average. That's well short of the rate of removal that was needed if we were to get to the target of 3,000. In fact, our estimate, based on fairly ambitious attempts to scale up the other control measures—if we didn't have aerial shooting—would've still left us with in the order of 13,000 horses in the park in 2027. In other words, recognising how challenging any feral animal control is, a decision not to have aerial shooting as one of the methods would, in effect, be a decision to allow the horse population to continue to grow and to continue to degrade the park and its threatened species.

The Minister earlier today noted the decision will be published tomorrow, about the up-listing of the broad-toothed rat. That is a panel of eminent independent scientists who have said the broad-toothed rat is now at higher risk of extinction. In making that decision, they have called out feral herbivores and in particular have said feral horses are the main threat among feral herbivores. Feral herbivores are not the only threat. They are a threat, and feral horses are the main threat among feral herbivores. In other words, if we don't get the population down, we're going to continue to lose our Australian natural heritage and damage our cultural heritage.

The Hon. ROBERT BORSAK: Mr Fleming, could I just ask you a question about that?

ATTICUS FLEMING: I'm almost finished and then I'll come straight to it.

The Hon. ROBERT BORSAK: It is a rather long statement and—

The CHAIR: Order! I will allow the witness to finish the statement and I will throw to you for first questions.

The Hon. ROBERT BORSAK: It's rather long and it's chewing up an awful lot of time.

The CHAIR: Yes. I will ask Mr Fleming to—

ATTICUS FLEMING: I will be prompt. I want to mention welfare and just really underline that the staff are deeply committed to welfare. To the best of our knowledge, there's not been a single adverse welfare incident under this program, and there's no evidence that has come to us that says this has been an adverse welfare incident. That's an exceptional outcome. Of course, there's always a risk. If there is an incident, we will be transparent and we'll adjust our procedures but, to date, fortunately, there have been none.

Finally, I just wanted to make a couple of comments about the alleged activity at the Wagga Wagga property. I note, as you've heard today, there are investigations by several agencies with direct responsibility that are still underway. NPWS has not been involved in any of those site visits or investigations. This is because NPWS does not have statutory powers or functions for non-native animals on private land. I think the Minister talked about the allegation against an NPWS staff member and the fact it's been independently investigated and determined. There is no case to answer. I won't run through the dot points that I think she has included in her letter and mentioned today other than to note that the observation was, I think, given the nature of the program and the processes in place, it's highly unlikely that any conduct such as alleged would or could occur.

Finally, there's a broader investigation into the administration of the program, which is ongoing and due to conclude with a report presented to the secretary by 14 June. This is being managed by the secretary and his office. It's at arm's length to National Parks and Wildlife Service. It's on the public record that an individual occupying that property was a registered rehomer who received horses between November 2020 and June 2023. That investigation will look both at the rehoming program, its administration generally and the provision of horses to that individual. I mention that because, given that review is in process, I don't intend to comment further on matters that relate to the administration of that program or the allocation of horses to the individual.

I support what the Minister said earlier today that, obviously, if the review indicates that improvements can be made—and often reviews do—then those improvements will be put in place. I finally say, in that respect, I think one of the key challenges for government overall and all of our agencies is how to manage the post-rehoming risk when NPWS does not have powers and functions outside the park. Thank you for giving me the latitude to finish that.

The CHAIR: Ms Sukhla, did you have an opening statement?

MELINDA SUKHLA: No. I'm happy going straight to questions.

The Hon. ROBERT BORSAK: Mr Fleming, you paraphrased what the Minister said this morning in relation to the broad-toothed rat, but why now, five minutes after this inquiry gets started—on this day at least—is the status of the broad-toothed rat suddenly lifted? I am not suggesting its status is wrong now, but if it was so important that it be protected, why wasn't this talked about one, two, three or four years ago? Why is it worse now, all of a sudden? Isn't it a little bit convenient that you are putting this on the table now?

ATTICUS FLEMING: No. The broad-toothed rat has been listed as threatened for some time. It was uplifted by the Commonwealth. I don't have the date off the top of my head.

The Hon. ROBERT BORSAK: So you have been asleep at the wheel, and you should have uplifted it years ago. Is that what you are telling us?

ATTICUS FLEMING: No. It was uplifted by the Commonwealth not too long ago. The State committee, which, for the record, is not part of the National Parks and Wildlife Service portfolio—it's part of the broader

Environment portfolio—goes through a rigorous process, and I saw the notification only in the last 24 hours of this decision coming up tomorrow.

The Hon. ROBERT BORSAK: It has not been discussed and has only been raised today for the first time; that is an interesting coincidence. Moving on, the Committee heard today from the RSPCA that it has obvious deficiencies in its skills, knowledge and expertise to oversee and give advice to reach a conclusion on what it is purportedly observing in relation to your shooting campaign and whether it is humane or not. Notwithstanding, the RSPCA CEO was asked if the RSPCA supports the installation of video monitoring systems [VMSs] on the helicopters and firearms used by National Parks and Wildlife Service and other fast program shooters. Given that there is a relatively inexpensive tamper-proof VMS system used on a number of commercial fisheries around Australia for auditing humane fishery practices, will you categorically state that you, as the head of this shooting program, will install VMS systems on all helicopters—on skids et cetera—and firearms used in aerial shooting and that these videos can then capture and independently be audited by the RSPCA? Can you answer that question for us?

ATTICUS FLEMING: What I can say is that if the Committee makes a recommendation, as part of the government, I'll contribute to a response to that recommendation, but what I—

The Hon. ROBERT BORSAK: I'm asking you the question now.

ATTICUS FLEMING: Yes, and I'm telling you that if—

The Hon. ROBERT BORSAK: Why won't you give the RSPCA—because in a previous hearing, when I asked you about that, you said that you were not going to install it. That's what you said.

ATTICUS FLEMING: I'm not going to recommend to government that it be installed ahead of—

The Hon. ROBERT BORSAK: Why not? You don't want to be audited?

ATTICUS FLEMING: Because your Committee will presumably consider it and make a recommendation. If the Government asks the question, "Should we do it?", then the Government will need to consider why you would do that just for aerial shooting and why you would not do it for ground shooting or why you would not do it for recreational shooting.

The Hon. ROBERT BORSAK: I'm not talking about ground shooting; I'm not talking about recreational shooting. I am talking about the VMS system, which the RSPCA said in evidence today that they would support in relation to the audit of the current program that you are conducting.

ATTICUS FLEMING: I've given you an answer in terms of—we, as an agency, would constructively contribute to any government response to the inquiry but I will flag with you a couple of concerns. One is, as I think was raised at the last hearing, that that is getting close to surveillance in the workplace. That will raise a whole series of industrial issues. I'm not going to try and think about those off the top of my head.

The Hon. ROBERT BORSAK: Come on, Mr Fleming. That's a cop-out. What it's going to do is show what's actually happening on the ground with shooting horses with inadequate calibres. That's actually what's going to happen.

ATTICUS FLEMING: I disagree with you. I disagree with you both in relation to the shooting and in relation to the fact that surveillance in the workplace is not an issue.

The Hon. ROBERT BORSAK: What caused the Guy Fawkes problem? Video.

ATTICUS FLEMING: The second thing I'll say is that if the Government is going to consider that they'll presumably consider it at a whole-of-government level—

The Hon. ROBERT BORSAK: Why don't you make a recommendation that it should be done to prove that what you're doing is humane and normal?

ATTICUS FLEMING: —and they'll consider whether it is aerial shooting, ground shooting or recreational shooting. I don't understand why you would separate them.

The Hon. ROBERT BORSAK: Don't try and muddy the waters. This is helicopter shooting we're talking about—

ATTICUS FLEMING: You've asked me for my view.

The Hon. ROBERT BORSAK: —not ground shooting, not recreational shooting—no other shooting at all. We're talking about what's happening on helicopters and you using 308s to shoot animals up to 15 times to try to kill them.

ATTICUS FLEMING: We gave you a really detailed response after a previous hearing, which—

The Hon. ROBERT BORSAK: I read the response and it wasn't adequate. You don't explain what's going on. The RSPCA this morning actually walked away from their support of you.

ATTICUS FLEMING: I disagree with the assertions you've made and I'll refer to you the response we gave after the previous hearing, where we went through in some detail and identified why, effectively, the equipment we're using, the ballistics, are more than adequate for the job at hand.

The Hon. ROBERT BORSAK: Are you a ballistics expert?

ATTICUS FLEMING: No. That's why I listen to—

The Hon. ROBERT BORSAK: Did you produce a ballistics expert report in relation to those firearms and projectiles? No, you didn't.

ATTICUS FLEMING: That's why I listen to the experts and that's why we've given you—

The Hon. ROBERT BORSAK: Who are the experts? Can you have them put a paper, please? This Committee has heard from experts who, at the very start of this inquiry, told us that what is being done and was already being done at that time was not humane and not adequate. The 308s may be good for shooting pigs but they don't qualify for shooting horses up to 15 times.

ATTICUS FLEMING: I disagree with you, and other experts disagree with you.

The Hon. ROBERT BORSAK: You disagree with me? Okay, could you please give me the basis upon which you disagree? Can I have a paper on it, please? Would you like to take that on notice?

ATTICUS FLEMING: I'll happily go back and see if there's anything we need to add to our previous response.

The Hon. ROBERT BORSAK: I'd like to get a paper from you that explicitly tells us that this is exactly what should be done. You can go all over the world to look for it, Mr Fleming, but you won't find it.

ATTICUS FLEMING: There is a whole series of references listed in the previous response we gave you. I'll go through those and see if there's anything else that we should provide.

The Hon. ROBERT BORSAK: Shooting animals a number of times quickly doesn't assuage what's going on.

ATTICUS FLEMING: We agree to disagree.

The Hon. WES FANG: Thank you very much for coming and appearing again today. Some of you we've already had before the Committee and others—now I'm going to struggle pronouncing your surname—

MELINDA SUKHLA: Sukhla.

The Hon. WES FANG: I'll try to remember that. Welcome for the first time. Mr Fleming, I will start with you. Obviously, we've received a letter from the Minister overnight, and that provided some clarity in relation to the investigation that has been undertaken by the National Parks and Wildlife Service in relation to issues—

ATTICUS FLEMING: Sorry, it was not undertaken by the National Parks and Wildlife Service.

The Hon. WES FANG: Let me correct. The secretary of the department provided the avenue for the investigation and the external agencies provided that support and it has involved a number of National Parks and Wildlife Service staff. The Minister in her letter says "affected staff". What does she mean by "affected staff"?

ATTICUS FLEMING: I don't know. You will have to ask the Minister.

The Hon. WES FANG: I did ask the Minister and she fobbed off the question. It was a strange phrase, I thought—"affected staff"—in relation to the matter.

ATTICUS FLEMING: Sorry, I can't comment.

The Hon. WES FANG: Did she mean the staff that are involved in the rehoming of brumbies, do you think?

ATTICUS FLEMING: As I said, I can't comment.

The Hon. WES FANG: Which staff were interviewed?

ATTICUS FLEMING: Again, I'm not going to comment on that, sorry.

The Hon. WES FANG: Why not though?

ATTICUS FLEMING: Because that was an investigation that was commissioned by the secretary, conducted by an independent investigator and it hasn't been released.

The Hon. WES FANG: I appreciate that, but the Minister—

ATTICUS FLEMING: I think the Minister offered to release it with certain things redacted, but I'm not going to pre-empt any of that.

The Hon. WES FANG: No, I appreciate that. I'm trying to understand, given the limited evidence. Obviously, I have questions about the timing of this letter. This letter was sent late last night, less than 24 hours before we are having a hearing today. It provides no detail whatsoever but effectively clears a staff member unsaid of allegations unsaid and it provides no detail in relation to how that investigation occurred. Yet we're supposed to, on face value, accept that the Minister's letter is accurate and you're telling me that I can't ask questions about the investigation. That seems extraordinarily strange to me, Mr Fleming.

ATTICUS FLEMING: The investigation was commissioned by the secretary or his office. It was conducted by an independent private investigator. I think something has been posted on our website this afternoon which contains similar information to what you've read out from the Minister's letter. But, no, I think it's relatively clear. It's basically saying that, of the 2,760 horses that have been trapped and removed, all but one have been accounted for. It's saying you have multiple staff present through all of these operations and detailed records are kept, making it very difficult for one staff member to act alone. It's saying the staff member against whom the allegations were made had no involvement in decisions to allocate horses and it's saying the horses are free, there's an unlimited supply and they're basically made available on request. It's hard to see what incentive there is for the conduct that was alleged.

The Hon. WES FANG: We'll get to that.

ATTICUS FLEMING: When you put all that together, what you have is an independent investigation that has said, basically, the—

The Hon. WES FANG: No, Mr Fleming. That's not what we have. We are going to take a step back.

ATTICUS FLEMING: I would say that I welcome the outcome.

The Hon. WES FANG: I have no doubt you do, Mr Fleming, but that's not the question I'm asking. Taking a step back, in the second dot point, the Minister states:

Multiple staff are required and are present when trapping occurs, and detailed records are kept of trapping activity ...

I asked the Minister today if she had absolute confidence in the record keeping of the National Parks and Wildlife Service, and we did a little dance in relation to the way that was answered. Ultimately, we've heard evidence from rehoming, and the Chair has certainly spoken to this, that once this issue around rehoming was raised, the National Parks and Wildlife Service suddenly sought responses from rehoming as to the whereabouts and the outcome in relation to brumbies that had been through the rehoming process. It would seem to me that detailed records were not kept. There was actually an absolute vacuum of evidence that the National Parks and Wildlife Service was supposed to keep but did not. Is that a fair assumption?

ATTICUS FLEMING: Sorry, I should just add—I will echo what the Minister said this morning also about the fact that rehoming do a great job.

The Hon. WES FANG: I agree.

ATTICUS FLEMING: This number won't be exact, but I think if you go back right to the beginning of the program, I've been told it's close to 3,000 horses that have been rehomed. There have been very, very few incidents during that period, which I think is testament to the fact that a lot of good work is done by a lot of good people. In relation to your specific question, I will repeat what I said at the beginning, which is that there is an inquiry—an investigation—underway. If that investigation identifies things that can be done better in terms of administration and bookkeeping and so on, then those recommendations to strengthen the program will, I'm sure, be embraced.

The Hon. WES FANG: But you can understand why I've got a bit of a problem here, Mr Fleming. On one hand the Minister, late at night, before an inquiry—let me finish—tables a letter saying that the detailed records, the evidence, has all been looked at and we've cleared the person. And yet when I have asked questions about this, you've said that there's a review underway and things we can do better. I think it's pretty clear from the evidence we have that the record keeping itself has been lax, if not—

ATTICUS FLEMING: What evidence are you talking about?

The Hon. WES FANG: Well, as I've said, the rehoming program. Once this matter in Wagga Wagga was broadcast through the media, there was a sudden swathe of emails from the National Parks and Wildlife Service asking rehoming what happened in relation to horses. I suspect that that was because there is a requirement in the guidelines from the National Parks and Wildlife Service for people to update and provide within four months what the outcomes are for a brumby, and I suspect that hasn't been followed up. The Minister has said that detailed records have been looked at and we've cleared this person, but we know that the process itself has been somewhat flawed. You can't have it both ways. You can't say that there is a review underway and there are flawed processes in relation to record keeping, but the records have been reviewed and the person is cleared. Do you understand the issue there?

ATTICUS FLEMING: No, I don't, because I don't think that—

The Hon. WES FANG: You don't?

ATTICUS FLEMING: The two are not—

The Hon. WES FANG: You're an experienced public servant, Mr Fleming, and you don't see the problem with that?

ATTICUS FLEMING: With respect—and I do mean it—I think there is a logical flaw in your argument. But if you allow me to address it—

The Hon. WES FANG: Sure.

ATTICUS FLEMING: I think, on the latter point, an independent investigator has looked at the allegation against a staff member and essentially said there's nothing that can be substantiated. I'm paraphrasing. So that's one point.

The Hon. WES FANG: Right, but—

ATTICUS FLEMING: The other point you're raising—if you let me finish, please—is you're saying that some rehoming haven't filled in forms to say what happened to their horses after a few months. That's the subject of an inquiry so I'm not going to comment on that, other than to say, as I said at the beginning, that if there are things that can be done to improve the process, then I'm sure they will be embraced.

The Hon. WES FANG: But you would agree that if there are questions around certain aspects of the rehoming program—and there are questions around the record keeping and certain aspects of that rehoming program—there must certainly be questions around the documentation that has already been kept and therefore the documents that the investigator has used to clear this person. There have got to be some questions around that.

ATTICUS FLEMING: No. I don't think you're right.

The Hon. WES FANG: Okay. We've heard in evidence that there are brumbies that are captured that are obviously going through the rehoming process. I've indicated to the Minister that there is also evidence that we have that there are brumbies that are captured that don't seem to be going through the rehoming process. The evidence that we've received has also been provided, by the person that provided it to us, to both the National Parks and Wildlife Service and the RSPCA. In relation to that, have you investigated that? Have you considered that in the findings that have been provided here? If not, why not?

ATTICUS FLEMING: I don't know what evidence you're referring to, Mr Fang. I can tell you that the horses that are trapped and then removed, if there is a home for them to go to, they're rehomed. If there is no home for them to go to—and this is the case for many horses, because rehoming often have fairly specific requirements—the horses that are not wanted, if you like, by rehoming will go to the knackery. I don't really understand your question, but in part that might be because you're referring to evidence and not identifying what that evidence is, so I can't comment on it.

The Hon. WES FANG: No, I appreciate that. I'm not saying this in a vacuum; I'm saying this in relation to the evidence that was provided to us has been—

ATTICUS FLEMING: What evidence?

The Hon. WES FANG: Evidence that there are brumbies that are captured out of Kosciuszko National Park that aren't being counted in the rehoming process but are being directly—

ATTICUS FLEMING: With respect, Mr Fang, that's an assertion. That's not evidence. What evidence?

The Hon. WES FANG: Well, it's my understanding that that assertion, with evidence, has been provided to National Parks and Wildlife Service—to you—and has also been provided to the RSPCA, and that no action has been taken.

ATTICUS FLEMING: To the best of my knowledge, I can't recall any evidence to that effect. I think I would. But if you are willing to provide it to me, I'll consider it and obviously give you a response. I'm struggling a little bit to understand what your allegation is—

The Hon. WES FANG: No, and I appreciate that. I guess I am being somewhat opaque because it has been evidence that's been provided to this Committee and there are processes that we undergo as well. I'm just seeking to understand whether you recall it—and you say you don't, and that's fine. I'll move on from there. I just wanted to see if you—

ATTICUS FLEMING: As you're aware, Mr Fang, there has been a range of allegations over the years about the management of horses in Kosciuszko. The best thing to do would be to provide us with the specific evidence that you're referring to and we'll respond to it. Obviously, if there's a serious accusation and evidence to support it, it gets investigated. That's what has just happened, and that's what we would do.

The Hon. STEPHEN LAWRENCE: Chair, is that a convenient time for Government questions? I've only got two.

The CHAIR: I was actually going to throw to the Hon. Susan Carter first.

The Hon. STEPHEN LAWRENCE: Sure.

The CHAIR: Then I was going to throw to you, if that's okay. I might come back to you, Wes, if there's time at the end.

The Hon. WES FANG: I've got two more questions, but yes.

The Hon. SUSAN CARTER: Thank you for joining us this afternoon. I wonder, Mr Fleming: If there was an allegation that brumbies were perhaps being diverted and not officially included in the count, upon receiving that allegation, what would National Parks and Wildlife Service do?

ATTICUS FLEMING: It's a hypothetical, so the best way for me to answer it is just to—

The Hon. SUSAN CARTER: Sorry, just to be clear: When you say "hypothetical", are you saying that nobody has ever come to you or any of your officers—

ATTICUS FLEMING: No, I guess what I was going to say is—

The Hon. SUSAN CARTER: —saying, "We believe that this is happening."

ATTICUS FLEMING: Let me rephrase it. The best way for me to answer that is to point to what happened with the allegation that was made only a few weeks ago. When that was made, the secretary of the department established an independent inquiry. I envisage something similar would happen if there was evidence to support an accusation of that kind.

The Hon. SUSAN CARTER: Sorry, when you say "evidence", are you saying the threshold for an investigation is being provided with evidence, or is the threshold for an investigation an allegation or a concern that is being raised?

ATTICUS FLEMING: I'm not sure I can answer that. I'm struggling at the moment because—

The Hon. SUSAN CARTER: It's a fairly standard process question. If a concerned member of the public rings up and says, "I am tremendously concerned because I have seen this happening," or "I have seen this truck driver doing this," or "I have observed these horses in a place where I wouldn't expect to see them. I'm tremendously concerned that the plan of management for brumbies is not being followed," what do you do?

ATTICUS FLEMING: As I said, I think the best response to that is to point to what happened when it—

The Hon. SUSAN CARTER: Which is?

ATTICUS FLEMING: —occurred a few weeks ago, which is that the secretary of the department established an independent inquiry. That was conducted at arms-length to National Parks and Wildlife Service.

The Hon. SUSAN CARTER: Were all the people who raised issues spoken to as part of that inquiry process?

ATTICUS FLEMING: I can't answer that in relation to that because that's getting into a report that hasn't yet been released. But can I assure you—

The Hon. SUSAN CARTER: I wonder if you could take on notice—

ATTICUS FLEMING: Can I provide some assurance that if there's an allegation—and it's hard for me to answer in the abstract. But if someone comes forward and says, "I have witnessed horses being taken from national parks in a particular"—to me, again, this is an abstract sort of hypothetical. But if someone has come in with enough evidence to say—

The Hon. SUSAN CARTER: Sorry, can I just clarify? You keep saying it's hypothetical. Does that suggest that you haven't received these reports from people?

ATTICUS FLEMING: As I said to Mr Fang, there are lots of allegations that have been made, and I said I can't—

The Hon. SUSAN CARTER: Therefore, it's not a hypothetical situation. This must occur, and I'm inquiring as to the standard process that you would have in place. That's surely part of the training: If we get a report, what do we do with it?

ATTICUS FLEMING: Yes, and there's a multi-stage process, but I'll take on notice the question and give you a proper answer.

The Hon. SUSAN CARTER: Could you take it on notice and could you provide the Committee with details of what the procedure is?

ATTICUS FLEMING: Sure.

The Hon. SUSAN CARTER: Also, could you provide the Committee with details of the process that was followed in relation to the inquiry that you're speaking about? Specifically—

ATTICUS FLEMING: I will, but that response will come from the secretary, I think, not from National Parks and Wildlife Service.

The Hon. SUSAN CARTER: We're happy with wherever it comes from, and specifically whether anybody who raised concerns was spoken to as part of the inquiry process.

ATTICUS FLEMING: I'm happy to take that on notice and the secretary will respond, yes.

The Hon. SUSAN CARTER: Thank you very much. I just have a couple of questions, very briefly, in relation to the culling process itself. Is that done by National Parks staff, or do you have contractors who come in?

ATTICUS FLEMING: National Parks staff.

The Hon. SUSAN CARTER: And you provide all the equipment that they need for this process?

ATTICUS FLEMING: Correct.

The Hon. SUSAN CARTER: Were guns purchased specifically for this, or was there an existing stock of guns that you had on hand?

ATTICUS FLEMING: I'd have to take that on notice.

The Hon. SUSAN CARTER: If you could. For the guns that were used, what was the decision-making process for deciding that these particular guns were appropriate?

ATTICUS FLEMING: Happy to take that on notice.

The Hon. SUSAN CARTER: Could you also take on notice the same question with respect to the selection of ammunition?

ATTICUS FLEMING: I can but, again, I'd refer you—there's a two- or three-page response that deals with that issue from a previous—

The Hon. SUSAN CARTER: If you would be kind enough to just provide that again so it's in one place.

ATTICUS FLEMING: Sure.

The Hon. SUSAN CARTER: What's the review process for ensuring that the initial gun selection and the ammunition selection is, in fact, fit for purpose?

ATTICUS FLEMING: I'll cover that in the response. As I said, some of that has been addressed in the response and the information that we've already provided to the Committee.

The Hon. STEPHEN LAWRENCE: Just a couple of questions for you, Mr Fleming. A suggestion was made in the evidence earlier today from a particular individual that there should be an end to all aerial culling of animals in New South Wales, effectively. Can you give the Committee an idea of what that would mean for National Parks, what it would mean for endangered animals and so forth?

ATTICUS FLEMING: I can, but I think the impact would be even greater on agriculture than it is for the environment. I won't get the numbers precisely right, but the Local Land Services, for example, have removed somewhere—I think it's in excess of 70,000 pigs in the last nine to 12 months. As I said, I won't have the precise time frame. That's an extraordinary number of animals causing extraordinary damage to agriculture. That was almost all done by aerial shooting, or the vast majority of it.

If aerial shooting was to stop, you could expect an impact on agriculture that I'm guessing would be in the tens of millions, at a minimum, of dollars every year. It would severely impact the livelihood of many people on the land. In terms of the environment, we already have the worst mammal extinction rate in the world. You could expect extreme impacts on our national parks, on the environment outside of our national parks and on the many threatened species that are impacted by either feral predators or feral herbivores, particularly feral herbivores. The impacts to the community are loss of natural heritage but, as I said, I think the immediate and severe economic impacts on people, on communities, on families and on their livelihoods, would be very severe.

The Hon. STEPHEN LAWRENCE: In recent times, have there been any adverse incidents in the park involving horses that the Committee should be aware of?

ATTICUS FLEMING: That's a good question. We have had at least two car accidents, I think in the last month, where people were hitting horses. That is another risk that's often not discussed, but there are roads that go through Kosciuszko National Park and the risk of collision obviously increases as populations of feral animals grow. In some parts of the State I think people are noticing that with the increase in deer populations, but it's also an issue when you have a large feral horse population, and the impact of hitting a horse is obviously significant.

The CHAIR: What's the speed limit on the roads inside national parks? I imagine there are a lot of animals that could be hit by these cars.

ATTICUS FLEMING: I assume that there are different speed limits in different parts of the park.

The CHAIR: I assume those speed limits would potentially be based on the risk to animal and human life—or not?

ATTICUS FLEMING: Some of the roads are not managed by National Parks so we wouldn't be making those decisions.

The Hon. WES FANG: Are any of those horses running away from helicopter operations?

ATTICUS FLEMING: No.

The Hon. WES FANG: Are you sure?

ATTICUS FLEMING: Not to my knowledge, and I'd be very surprised if that was the case.

The Hon. WES FANG: Have you checked?

ATTICUS FLEMING: There wasn't a helicopter in operation when it happened, so I can be pretty confident.

The CHAIR: Could I ask you on notice, then, to please find out what the speed limit was on those roads that you're referring to?

ATTICUS FLEMING: Yes.

The CHAIR: And whether there's been any consideration on those speed limits of the fact that there are probably a large number of animals in that same space, which would obviously be at risk.

ATTICUS FLEMING: Happy to take that on notice, again, just noting that some of the roads aren't managed by the National Parks service.

The CHAIR: But you mentioned here as evidence that there have been two horses hit and I think that's relevant information, if that's going to be put on record, to find out what the actual speed limit is.

ATTICUS FLEMING: I'm happy to take that on notice.

The CHAIR: The rules for rehoming have been removed from the National Parks website. When was that removed?

ATTICUS FLEMING: I don't know the answer to that off the top of my head so, again, I'll take that on notice.

The CHAIR: Do you know why it was removed?

ATTICUS FLEMING: Off the top of my head, no. I'm not involved in every decision, so I'm happy to take it on notice.

The CHAIR: I understand that prior to these rules being removed, one of the rules that was on the website was that it required rehomingers to give an update to National Parks about the fate of brumbies that are being rehomed after four months. Is it your understanding that this practice was taking place?

ATTICUS FLEMING: As I said in response to one of Mr Fang's questions, that will be one of the issues that the inquiry looks at. So I won't comment on the specifics, other than to note the two general points I made earlier, one of which is that I think one of the challenges for government—and I mean across agencies—is that National Parks doesn't have any responsibility or powers for things off-park. So the risks related to rehoming that are off-park—how do we address those? Secondly, I think I mentioned that, if there are improvements in how we administer the scheme that are identified in that review, I think we would embrace those.

The CHAIR: As part of that review, will that consider the fact that there have been complaints to a variety of agencies—including Parks—that date back to 2017, in regard to this particular individual in Wagga?

ATTICUS FLEMING: I think the terms of reference are on our website, so to the extent those complaints fit within the terms of reference, yes. To the extent you're raising a broader point, which is, if you like, the need for improved communication between government agencies, I think that's something that, on any issue, is always important and probably will, I would have thought, be addressed by the inquiry.

The CHAIR: Was Parks doing any audits or inspections beyond just these forms? I'm not talking about the individual case; I'm talking generally. Was the rehoming process that after four months there would be a form sent and that was just taken as fact, if that form was part of that process, or was there any way of ensuring that those forms were accurate?

ATTICUS FLEMING: I don't think I can add to my previous response, which is that's a matter that will be subject to the inquiry.

The CHAIR: Sorry, I'm not asking about the inquiry into this individual case. I'm asking generally about the process that National Parks has been using for X number of years in regard to the rehoming process.

ATTICUS FLEMING: The inquiry looks both at the general application of the guidelines and the specific application of them to the Wagga Wagga case. That's why I say that the issue—

The CHAIR: Sure, but I'm not asking about the Wagga Wagga case. I'm just asking what's National Parks' process.

ATTICUS FLEMING: No, you're asking about the general application of the guidelines, and that's a matter that's subject to the review.

The CHAIR: You don't know if there were any audits or inspections or any other process? I just don't understand. I can understand why you can't talk about an active investigation that's being done by the department, but I don't understand why you can't talk about what the process of Parks has been previously for X number of years, which has been public.

ATTICUS FLEMING: There is an active investigation or review into the application of the—

The CHAIR: Yes, I understand that, and I'm not asking you to talk about that. I'm asking you to talk about the process that Parks uses.

ATTICUS FLEMING: I guess what I'm trying to explain is that that is precisely the subject of the review. The review is not just looking at how the guidelines were applied in the Wagga case. The review is looking at how the guidelines were applied or used generally. You're asking—

The CHAIR: And you can't discuss what processes Parks has ever taken in the past because of this review? Can you explain that to me?

ATTICUS FLEMING: What I'm saying is that that review is on foot, so I think it's appropriate for me not to try to answer that question while the review is being undertaken. The Minister has indicated, I think this morning or earlier this afternoon, that she would likely publish or she expected that review would be published. So I'm sure that there'll be an opportunity for us to talk at that point.

The CHAIR: The Minister's comments were really about the investigation and the investigation that was taking place. She wasn't saying that we can't ask general questions about the work of Parks over the last 50 years. I think that that's taking it maybe a little bit too far. I'm just asking some general questions about the processes that Parks used previously.

ATTICUS FLEMING: Yes, and I guess I'm doing my best to respond by saying I think the appropriate thing for me at this point in time is to indicate that there's a review into the questions that you're asking, or the precise questions that you're asking, and I think I should not try to pre-empt that review but allow the review to—

The Hon. WES FANG: Where's the prejudice?

The CHAIR: Yes, I just don't understand.

The Hon. WES FANG: Mr Fleming, where's the prejudice in relation to you providing a response to Ms Hurst? The review can happen. That's fine. The review can publish its position, but there is no prejudice on that investigation for you to provide Ms Hurst—

ATTICUS FLEMING: You're asking—

The Hon. WES FANG: That seems like obfuscation, to me.

ATTICUS FLEMING: It's not.

The Hon. WES FANG: It is.

ATTICUS FLEMING: Basically, Ms Hurst is asking a question that we will address as part of that inquiry, and I think it's more appropriate to address it as part of that inquiry. I'm sure the outcome of that inquiry will then be subject to further discussion.

The Hon. WES FANG: Mr Fleming, in this Parliament, in the job of holding governments to account, there are any number of reviews that occur at any number of times. That doesn't mean that members of this Parliament and members of this upper House can't ask questions in relation to that. What you're seeking to do is to say, "Because there is a review happening, I can't be asked any questions or will I provide a response." That is not, I think, standard for any public servant, nor is it the case. Ms Hurst has asked you a question. I think for you to hide behind "There is a review happening" is not appropriate. I'd ask you to provide an answer to Ms Hurst.

The Hon. STEPHEN LAWRENCE: Point of order: It's entirely for the witness how he answers. If he wants to assert some form of executive privilege or confidentiality or take something on notice, he is categorically entitled to do that.

The Hon. WES FANG: Where is the executive privilege, though?

The Hon. STEPHEN LAWRENCE: I'm not suggesting any particular thing, but for Mr Fang to pontificate—

The Hon. SUSAN CARTER: To the point of order—

The CHAIR: Order! The Hon. Susan Carter to the point of order—

The Hon. STEPHEN LAWRENCE: I'm not finished.

The CHAIR: Okay. Please continue.

The Hon. STEPHEN LAWRENCE: For Mr Fang to try to, in effect, bully him into giving an answer— he's not entitled to do that. If he's got a point of order in relation to what the witness has or hasn't done, he should take a point of order, not lecture the witness, who, of course, is more than entitled to stand up for himself and is doing it capably. But he shouldn't do it, nonetheless.

The Hon. SUSAN CARTER: The witness is entitled to answer the question how he chooses, but the witness is required to provide an answer. This is a process of inquiry and we are inquiring. It's difficult to inquire if the answer is, "Sorry, I can't tell you till something else is finished." It is entirely appropriate that an answer, in whatever form, is actually provided. If the witness needs to take it on notice, then the witness is free to do that as well.

The Hon. STEPHEN LAWRENCE: Further to the point of order: The thing that I was taking issue with was the suggestion Mr Fang was putting that somehow the witness could be compelled to provide a particular answer. He is responding to the question, and doing so as he sees fit.

The CHAIR: I do uphold part of the point of order, particularly in regard to the fact that the Hon. Wes Fang should have taken a point of order, probably through me rather than directly to the witness. However, I will

also uphold the part of the point of order raised by the Hon. Susan Carter that you are compelled, to a degree, to provide an answer. As I said earlier, I understand the sensitivities around the investigation. What I don't understand is that you're not able to discuss anything to do with the work of Parks in any sense around rehoming because of a review, and it has nothing, really, specifically to do with the investigation. My question was quite specific. It was asking whether National Parks has a process, beyond the forms, to ensure whether there are inspections or audits. I'm happy for you to take it on notice if you need to. However, I would encourage you to answer it, given, I believe, it is truly outside of any kind of investigation into this incident at Wagga.

ATTICUS FLEMING: Ms Hurst, I'm basically just trying to do the right thing. The question you've asked I believe to be a question that is central to the inquiry that is underway. That is the basis upon which I thought it was inappropriate for me to give you an answer when it is squarely within the remit of the inquiry that is underway. However, maybe the best way forward is for me to take that on notice and I'll get some advice about the extent to which I can respond in a way that doesn't compromise or isn't seen to be inappropriate in terms of that inquiry.

The CHAIR: I know I'm touching a bit on the inquiry here, so I'm happy to nut through it in regard to what we can talk about. One thing that has come up quite a bit today is the significant number of brumbies that were rehomed to one individual. I'm wondering if that's common—where there were quite a few rehomers, potentially, that have taken a large number of animals as part of a rehoming organisation.

ATTICUS FLEMING: I can answer that at a very high level, I think, which is just to say that the purpose of the scheme is for NPWS to provide horses to rehomers, not for NPWS to rehome directly. There has always been a minimum number of horses; you couldn't go to Parks and get a single horse, for example. In that sense, without going into the detail that I think is within the province of the inquiry, my answer would be that it's not uncommon for—in fact, everyone has to take more than five horses at a time. There have been rehomers that have been around for a long period of time and accepting a significant number of horses.

The CHAIR: I'm sure you can understand the frustration from the community, and particularly from genuine rehoming organisations, that they have now been suspended for what seems to be a failure to properly regulate and oversee a rogue operator, essentially, and, at the same time, there's this mass aerial killing continuing. We've discussed that a significant part of the population is very distressed by that, and it becomes more distressing when they can't even step in to save a few. What is your department doing to ensure that rehoming can recommence ASAP?

ATTICUS FLEMING: We'll be cooperating with the inquiry so that the inquiry can complete its process in the scheduled time frame.

The CHAIR: Surely there's at least some rehomers that are considered trustworthy, they've been verified, who have submitted all the correct paperwork. Obviously Parks would have worked directly with some of these rehomers and can very clearly advocate on behalf of them. Are you taking that information to the Minister to try to make sure that some rehoming can start up again?

ATTICUS FLEMING: I might just clarify, I think the Minister might have indicated this earlier but the inquiry process both for the allegation against a specific staff member and this review into the administration of rehoming, they're both being conducted at arm's length to NPWS. And, likewise, the decision to pause rehoming, that's not a decision of—

The CHAIR: I understand that's not your decision.

ATTICUS FLEMING: That's right.

The CHAIR: That wasn't my question.

ATTICUS FLEMING: I echo what I said earlier and what the Minister said in that we recognise that there is so much good work done by a large number of people and has been over the years in terms of rehoming. There is a process underway. It's really important that process is carried out and is carried out with integrity to the extent that it generates recommendations about how that rehoming process can be improved, and then those recommendations are rapidly implemented. We'll be working as productively as we can with the inquiry to ensure that that is completed on schedule and we'll be ready to implement a decision of the Government in terms of rehoming when that process is complete.

The CHAIR: So I guess my question really was is your department doing anything to help speed up the process to try and get rehoming started up again?

ATTICUS FLEMING: We're not running the inquiry so I can't speed up the process of the inquiry.

The CHAIR: I'm not asking about the process of the inquiry being sped up. I'm asking if the department is doing anything for the rehoming that you've just said are wonderful and that they're doing great work. Is the department doing anything to advocate for them while this process is underway?

ATTICUS FLEMING: I don't think it's appropriate for us to advocate. The best thing for us to do is to provide objective information to that inquiry so that the inquiry can be completed thoroughly and quickly.

The Hon. WES FANG: Mr Fleming, in your opening statement you talked about the fact that in the retention areas you said you were going to remove a certain number in a certain period of time and that you've reached that number now. Can I take it from that that you will be ceasing aerial culling operations in the retention areas at this stage?

ATTICUS FLEMING: Correct.

The Hon. WES FANG: Does that mean you can then reopen those retention areas now early so that people can actually access the park?

ATTICUS FLEMING: I'm happy to check that answer but my answer today will be no because the retention area and the removal areas are tightly sort of integrated and we'll be continuing operations in removal areas. But obviously throughout this process we've aimed to keep the closures to a minimum and when we have had to close, we've given as much notice as we can. For that northern closure, I don't know if you're aware, we made arrangements for some of the operators who were overlapping by short periods to ensure that there were alternative arrangements or some flexibility. Our aim is always to minimise the impact of any closures. I'm happy to take your question on notice and see.

The Hon. WES FANG: I appreciate that. There are business operators and there are tourist operators—even small cafes, for example—that rely on that tourist trade coming through that are all impacted by the closure.

ATTICUS FLEMING: I should add that every year there is a closure from, I think, July through to about the beginning of September, at least for the roads and large parts of the north given winter.

The Hon. WES FANG: I appreciate that. I meant to ask that first up but obviously I got—

ATTICUS FLEMING: I'll happily go back and provide more information for you.

The Hon. WES FANG: You indicated that you believe there was no single adverse animal welfare incident related to aerial culling. I spoke earlier to the RSPCA. They had responded to a complaint from Mr Shannon Byrne who had identified a horse that had potentially been shot through aerial culling, perhaps not quite as per the SOP. I believe there was an autopsy done.

ATTICUS FLEMING: I don't think that's—sorry, Shannon Byrne might have made that allegation, but I think the RSPCA answered that in one of the previous hearings where they said they brought in an independent vet.

The Hon. WES FANG: They did.

ATTICUS FLEMING: The independent vet said, "This has been done appropriately".

The Hon. WES FANG: The vet said that the shots were within the target area. However, ultimately, the autopsy found that the horse's lungs were full of blood. It would seem that whilst the targeted area might have been shot appropriately, with I believe three rounds, ultimately, that horse passed away with adverse animal welfare outcomes.

ATTICUS FLEMING: I don't think that was the outcome.

The Hon. WES FANG: Okay. I guess that's my next question. Where a horse has effectively drowned in its own blood, that's not an adverse animal welfare outcome to you?

ATTICUS FLEMING: No, all I'm commenting on is that specific example that you've raised, and the advice to me and the advice that the RSPCA gave you at a recent hearing was that that horse was shot appropriately in accordance with the SOP.

The Hon. WES FANG: Ms Sukhla, my last question is for you, because I don't want you to feel left out. Mr Smith, I'm so sorry but you're just going to have to sit there and smile, as you always do. I have asked this question of the Minister as well. Ms Sukhla, a member of this Committee indicated that there were ongoing police investigations and that we shouldn't issue summonses because it might prejudice the investigation. Obviously, that evidence came out of the Premier's Department, because further evidence was given that we would be receiving a letter from the secretary. Ultimately, that wasn't the case. How was it that a member of the Government on this Committee was provided incorrect information?

The Hon. STEPHEN LAWRENCE: Point of order: This has been asked earlier and explained as, essentially, a miscommunication. I just don't see how on earth a public servant could answer that question in the circumstances that we all have in common and understand. It's just ridiculous.

The Hon. WES FANG: To the point of order: As much as Mr Lawrence would like to dismiss it as "just a process matter", ultimately, it is of great concern that a Government member provided incorrect information to this Committee and I'm just seeking to understand how that process occurred. I think it's entirely relevant. We have a representative from the Premier's Department here to answer questions. It's a valid question to ask.

The Hon. STEPHEN LAWRENCE: Further to the point of order: It's also, as I understand it, confidential. I suppose the cat's out of the bag, but it is something that took place in a deliberative hearing of this Committee. No resolution was passed to publicise it, yet it's sought to be used in a pretty transparently political way. It's just absurd.

The Hon. WES FANG: Well, it was pretty transparently political when it was given to us, and it was incorrect.

The CHAIR: The question has been put before.

The Hon. WES FANG: The Minister didn't answer it, though.

The CHAIR: If the witness has a particular answer she would like to give, I welcome her to give it. However, the witness is also more than welcome to give no response if she doesn't feel that she's in a position to be able to answer such a question.

MELINDA SUKHLA: I have no specific information that I can share relevant to that question.

The CHAIR: Ms Sukhla, the Minister indicated earlier today that she believes that the Premier's report that will come out on the 14th should be public. Can you confirm that?

MELINDA SUKHLA: Sorry, I think it's probably a clarification. The report that's coming out on the 14th, I think, is the DCCEEW-led report into both the general rehoming and the specific events in Wagga Wagga, so I can't speak to that. I do think the Minister may have committed, but I certainly can't make that commitment about whether or not that report would be published, in her transcript. I guess what might be helpful is the Premier's Department—as I think the Minister spoke to earlier today—as the central government agency clearly has a role in supporting and helping to coordinate and drive priorities of government. Our role in Wagga Wagga specifically has been on that individual event. We were really asked to come in and help coordinate the many agencies who you've had a chance to speak to today. We're not involved in a broader review or inquiry. We are very focused on supporting the agencies that are currently investigating the events in Wagga Wagga.

The CHAIR: So the Premier's Department itself won't actually report on any of these matters?

MELINDA SUKHLA: That's correct.

The CHAIR: Are you able to give us any update in regard to what work has been done by the Premier's Department in this space?

MELINDA SUKHLA: Yes. Again, I think the Minister shared this. I think it was 18 April that we were asked by the Premier's office and the Minister's office to step in and support this. We convened on the 19th a meeting. Again, I can give you, if you wish, all the agencies that we thought would be involved.

The CHAIR: That's fine. We do have a list of those.

MELINDA SUKHLA: I think there are a couple that are missing, so I'm happy to add those if that's helpful. Since that time, we have been in conversation with any and all agencies that, through that original roundtable meeting, identified that they had information and particular legislative responsibilities that were potentially activated through the Wagga Wagga incident. We are really just playing a role of coordinating, getting updates from those agencies, joining the dots between agencies where that's appropriate, and continuing to brief the Premier and relevant Ministers on that work.

The Hon. WES FANG: Did you think to invite the Animal Welfare League?

MELINDA SUKHLA: The Animal Welfare League? I do not think they were—

The Hon. WES FANG: Because, I'll be honest, I don't think you can have much faith in the RSPCA to do any good here.

The CHAIR: Order!

The Hon. WES FANG: Maybe you need to invite them to come and have a look.

The Hon. STEPHEN LAWRENCE: I note the time.

The CHAIR: That's not a question.

The Hon. WES FANG: It was very much a statement, don't worry.

The Hon. SUSAN CARTER: Madam Chair, if there's time, I have one last question. Mr Fleming, thank you for your evidence in relation to the fact that you had received a report from the RSPCA about the horse with the blood in its lungs, shot in accordance with all the protocols. Under what circumstances would you review your protocols to ensure that they were adequate?

ATTICUS FLEMING: Can I clarify? I was not referring to a report that the RSPCA gave us but the evidence that the RSPCA gave to, I think, the POCTAA committee, or the POCTAA inquiry.

The Hon. SUSAN CARTER: I suppose the question stands.

ATTICUS FLEMING: The important thing to note is that we have independent vets who are in the helicopter observing operations. They did that at the beginning of the program. They've since come back and done that a second time. So they're observing and measuring some of the key parameters around the program. That's, for example, the report that indicates median time to insensibility of five seconds, and so on. The RSPCA come along at a time of their choosing—and I think they've now done this on three occasions—and will observe operations. They have tended to autopsy a number of horses when they are observing operations.

Obviously, we've got our own internal processes, so we have staff who are asking questions of the shooters and making sure that everything is being done in accordance with the standard operating procedures. If there was an adverse welfare incident, we would review that incident and determine what the appropriate response to that is. I think I said in my opening that there's always risk. There's risk whether you're doing trapping and rehoming, ground shooting or aerial shooting. Any form of control carries risk. So we can't guarantee that there will never be an adverse outcome. We're fortunate that there hasn't been to date with the aerial shooting, and if there is then we will respond to it.

The Hon. SUSAN CARTER: Would you regard a horse with blood in its lungs as an adverse outcome?

ATTICUS FLEMING: I'd be guided by the advice that the RSPCA gave to POCTAA. They've confirmed that to me in an email, saying, "Yes, this is the advice we gave to the inquiry." I'd only read the transcript. So the advice that they've given—

The Hon. SUSAN CARTER: So you take no independent responsibility for these matters?

The Hon. STEPHEN LAWRENCE: I note the time, Chair. Are we going to keep these public servants here all night?

The CHAIR: I'll allow the member to finish one last question.

ATTICUS FLEMING: What I'm trying to say is the advice that has come from the RSPCA—and they had an independent vet with them, I understand—was that there was no issue that needed follow-up.

The Hon. SUSAN CARTER: In what circumstances would you independently consider the protocols, rather than always simply relying on reports from third parties?

ATTICUS FLEMING: If there was an adverse welfare incident. I can't give you a precise definition of that because that could be one of a number of things.

The Hon. SUSAN CARTER: Is a horse that dies with blood in its lungs an adverse outcome?

The Hon. STEPHEN LAWRENCE: Point of order: This was all covered in the first hearing.

ATTICUS FLEMING: I'm advised not in that instance.

The CHAIR: I did give one more question.

The Hon. SUSAN CARTER: I apologise, Chair.

The CHAIR: That's okay. Thank you to our final witnesses for giving time to give evidence today. I believe there were some questions taken on notice. The Committee may have further questions—I know that not everybody had the chance to exhaust all their questions—in which case, the secretariat will be in contact about those questions. Thank you again for your time today.

(The witnesses withdrew.)

The Committee adjourned at 17:10.