

UNCORRECTED PROOF
REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 5

**INQUIRY INTO THE RSPCA RAID ON THE
WATERWAYS WILDLIFE PARK**

At Gunnedah on Tuesday 6 July 2010

The Committee met at 11.00 a.m.

PRESENT

Mr I. Cohen (Chair)

The Hon. R. L. Brown
The Hon. A. Catanzariti
The Hon. R. H. Colless
The Hon. M. Ficarra
The Hon. L. Foley
The Hon. H. M. Westwood

CHAIR: Welcome to the second public hearing of General Purpose Standing Committee No. 5 into the RSPCA raid on the Waterways Wildlife Park. The Committee's terms of reference require it to inquire into and report on matters associated with the RSPCA raid on the Waterways Wildlife Park in Gunnedah on 3 February this year. As such, this inquiry is an opportunity for stakeholders to provide evidence about investigations undertaken by the RSPCA to assess the welfare of animals at the park, the criteria used to determine whether the animals should be moved, and the protocols that the RSPCA adopted in its investigations. The Committee will also examine the role of the television program *Animal Rescue* and the action of the Department of Industry and Investment in licensing the Waterways Wildlife Park.

A public hearing was conducted yesterday in Sydney and the Committee heard evidence from the RSPCA and the Port Macquarie Koala Hospital. Today we will be hearing evidence from Mrs Nancy Small, the operator of the park, her daughter, Ms Jodi Markwick, as well as from David Amos from Gunnedah Veterinary Hospital, Mayor Adam Marshall and Councillor Leon Mills from Gunnedah Shire Council. Before we commence I would like to make some comments about certain aspects of the hearing. I refer, first, to adverse mention. Committee hearings are not intended to provide a forum for people to make adverse reflections about specific individuals. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of individuals unless it is essential to address the terms of reference.

I refer, next, to broadcasting guidelines. The Committee has previously resolved to authorise the broadcasting of sound and video excerpts of its public proceedings. Copies of the guidelines governing the broadcast of the proceedings are available on the table at the door. In accordance with those guidelines a member of the Committee and witnesses may be filmed or recorded. However, people in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, members of the media must take responsibility for what they publish or for what interpretation they place on anything that is said before the Committee. Witnesses, members and their staff are advised that any messages should be given through the attendants or the Committee clerks.

I also advise that, under the standing orders of the Legislative Council, any documents presented to the Committee that have not yet been tabled in the Parliament may not, except with the permission of the Committee, be disclosed or published by any member of the Committee or by any other person. Finally, I ask everybody to turn off their mobile phones for the duration of the hearings as mobile phones, including mobile phones on silent, interfere with Hansard's recording of the proceedings. These proceedings, which are formal proceedings, give witnesses an opportunity to express themselves. Members of the public are not permitted to make any comments and I ask them to be patient with the process. This is not a hearing in which the audience can participate; it is an opportunity for witnesses who have come before the inquiry to make representations. I welcome our first witness, Ms Jodi Markwick.

JODI MARIE MARKWICK, Volunteer, Waterways Wildlife Park, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

Mrs MARKWICK: As a representative of the Waterways Wildlife Park.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Mrs MARKWICK: Yes.

CHAIR: Should you consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request.

Mrs MARKWICK: Thank you.

CHAIR: Before the Committee asks questions, would you like to make a statement or give us your point of view? You are welcome to do so at this point.

Mrs MARKWICK: Thank you, I would like to do that. First, I thank everybody for attending. I know you have come a long way and we really appreciate that. I am here today to describe how the inspection at Waterways Wildlife Park was carried out. I will give a detailed account of how the RSPCA officer, Mrs Kylie Prowse, conducted her inspection. I will be telling the Committee of her aggression and her deceitfulness, which we now know about, which was carried out on the day. Thank you for giving me this time.

The Hon. RICK COLLESS: Thank you, Ms Markwick, for coming along to give evidence today. Yesterday the chief executive officer of the RSPCA gave evidence to us and said that RSPCA inspectors were always polite to people that they were interviewing. What is your response to that?

Mrs MARKWICK: That is definitely not true. On 22 January I received a phone call from one of our volunteers. At the time I was in town collecting vegetables for the animals. She rang me up and she said, "I am not sure what is going on, but the RSPCA officer is here and she is very angry. I am not sure why." I asked her whether she would ring me back to come and see her. I then said, "Why is she angry." The volunteer said, "I do not know." She was yelling and asking, "Who owns this place?" and she was abusing the staff who were there at the time. I came home and Teena Sutcliffe was speaking with officer Prowse at the time over at the eagles' yard. I could not hear what she was saying but she was pointing at her and she was rather close to her. I could tell that something was really not right at that time.

The Hon. RICK COLLESS: How would you describe her demeanour?

Mrs MARKWICK: It was very aggressive. We tried to answer all the questions that she asked but when we answered we were told either to shut up or to shoosh, and she was just going to go and look at the park. I said, "I will take you around the park if you would like." At all times we were compliant with her requests. When I walked towards her she turned around and made a phone call. When she had finished I asked her what the complaint was. She said, "About the emus, ostriches and kangaroos." I said, "Okay. I know that you have a job to do. Come and I will show you."

She said to me, "What? Are you coming with me?" I said, "Yes. I will come and show you the animals in question." She said, "No. I can go and do this by myself." I said, "No, we will go with you and show you." We started to walk around the park. On the way down at the lizards' cage she asked whether she could go over and grab by the tail one of the red kangaroos, which is a large male about 12 or 13 years old, to do a fat test. I thought that was extremely odd, considering his size. I said that she could do it but I advised her not to do so because obviously he was not going to like it and the kangaroos are free to roam as they please.

The Hon. RICK COLLESS: When the inspector told you to shut up—I think the words you used were "to shut up and to shoosh"—were you answering her questions at that stage or were you offering additional information?

Mrs MARKWICK: A bit of both. I was answering her questions—what she was asking of me—but she did not want to hear what I was saying. We tried to answer every question that she asked but she was very much pointing and saying, "You stand", or, "You move over there." At that time she did not want Teena, another volunteer, to come with me. I said, "No, she can come around with me." As we answered she just said, "No" and "Shoosh."

The Hon. RICK COLLESS: Was her voice raised when she said that to you?

Mrs MARKWICK: Very much so. It was very intimidating.

The Hon. RICK COLLESS: A minute ago you also mentioned an incident in which she suggested that she wanted to grab a red kangaroo by the tail to do a fat test?

Mrs MARKWICK: Yes.

The Hon. RICK COLLESS: Obviously you have had some experience with wildlife through the park over a number of years?

Mrs MARKWICK: I have.

The Hon. RICK COLLESS: Have you ever heard before about anybody attempting to grab a red kangaroo by the tail?

Mrs MARKWICK: Not really, no. Where the kangaroos are, the only time that they are handled is if they need veterinary assistance. Therefore, he would not like it; he is not used to that sort of behaviour.

The Hon. RICK COLLESS: In that situation who would be the person that you would contact to do that if he needed veterinary assistance?

Mrs MARKWICK: David Amos would be our veterinarian if they needed medical treatment.

The Hon. RICK COLLESS: Staff at the park would never attempt to manhandle the red kangaroo?

Mrs MARKWICK: No, there is no need to. Unless it is required, no. They are free to feed and to drink as they please.

The Hon. RICK COLLESS: In the RSPCA's records of this incident it is said that the RSPCA received a complaint about dingoes, emus and kangaroos. I think you also mentioned that in your submission?

Mrs MARKWICK: I did, yes.

The Hon. RICK COLLESS: Why did the RSPCA then go and look at the koala enclosure? Was it at your invitation that the RSPCA went and looked at that?

Mrs MARKWICK: At the end of the inspection, on the way out of the park, she said, "What other animals do you have?" I said, we have koalas." As we have come up through the rehabilitation area, which is what you saw this morning, I explained that there were two rehabilitation koalas there. That is our rehabilitation area. We also have our main attraction, which is the koala yard, which we went past as we went through the inspection. That is our main exhibit, but they were not referred to in the complaint.

The Hon. RICK COLLESS: What was her response when she looked at the koalas?

Mrs MARKWICK: When she saw the koalas in the main enclosure she said, "How come your koalas are so healthy and happy?" I replied, "They are clean and disease free. They are fed and watered regularly."

The Hon. RICK COLLESS: Was she impressed by the condition of the koalas?

Mrs MARKWICK: In my overall opinion, yes. She asked me could she take a photo of one koala in particular, which is Blue Jeans—he has a rare blue eye and a brown eye—and could she take a picture on her

phone for her granddaughter and I just said, "Yes, that's fine." She said, "I'll just take the one photo." I just assumed that she was just taking the photo for her granddaughter.

The Hon. RICK COLLESS: So her aggressive demeanour at that stage had changed?

Mrs MARKWICK: It had, yes. From perhaps the dingo issue upwards, her demeanour started to calm down. When we actually got to the koalas, she could not have been nicer at all. She did make the comment, after she actually took the photo of Blue Jeans, she said, "Why do the koalas have to be held here?" I said, "Because they are clean and disease-free". She replied to me, "Not like ours—are dropping dead like flies out of the trees." I replied, "Why? What do they have?" She said, "Oh, they have a disease called chlamydia." I said, "Oh, where are you from?", because I do not know the officer. She said, "I'm from Port Macquarie.", and I went, "Oh, that's terrible, isn't it." She said, "Do you have it here?" I said, "No, we don't have that here."

The Hon. RICK COLLESS: The photo that she took of the koala to send to her relatives, is that the photo that was subsequently sent to the Port Macquarie Koala Hospital and used in evidence against you later?

Mrs MARKWICK: It was one of the photos, apparently—and I did not view her doing this—but apparently at the time she took a picture of what we call actually Old Girl, which is one of the older koalas. During the heat of the day up here—we have very extreme heat—she actually comes down and she loves to—I am not sure whether you saw this today—the water dish. She hugs the water dish and that is her spot. That is what she does every day. I do have photos of her and the other koalas.

The Hon. RICK COLLESS: So the inspector left there in a pleasant demeanour.

Mrs MARKWICK: Oh, as the staff witnessed, yes.

The Hon. RICK COLLESS: What was her demeanour when she returned on 3 February?

Mrs MARKWICK: I was not present, but what I have been told by my mother, Nancy Small, is that she was as aggressive as when she had come on that day with me.

The Hon. MARIE FICARRA: Jodi, would you like to tell us your experience or qualifications in handling wildlife and looking after wildlife animals?

Mrs MARKWICK: At the time, I was 36 years of age. I am now 37. Basically I am born into it. We have always had animals, all the way through. We lived in Bloomfield Street in Gunnedah, and we had animals there. We bought the property where we are at now and we actually built it from the ground up. So everything you have seen today, we built—us, family, and volunteers.

The Hon. MARIE FICARRA: I believe the RSPCA, prior to the February visit, had been to Waterways Park approximately 18 months previously?

Mrs MARKWICK: I am not aware of that, sorry.

The Hon. MARIE FICARRA: To your knowledge, has there been any interest or complaint shown by the RSPCA prior to the February visit, or in January-February?

Mrs MARKWICK: That may be something you have to ask Mum. I am not entirely sure.

The Hon. MARIE FICARRA: But, generally, what would you say about the level of care of the animals in Waterways Park?

Mrs MARKWICK: Oh, you could not ask for better. We do have inspections from other RSPCA officers that come around and do their inspections. They have never acted that way, ever. As we have always been taught, you give respect. They are there to do their job; you show them respect. Then again you expect to receive that, too.

The Hon. ROBERT BROWN: During the evidence that we heard in Sydney, a comment was made by the wildlife biologist from the Port Macquarie Koala Hospital that the koalas, when they saw them and took

them, were brown whereas healthy koalas are grey. Would you like to make any comment on why that would be the case?

Mrs MARKWICK: I am not sure why she would say that. Koalas come in various colours. You can get very dark brown ones and they can go right up to a very pale blue. They do vary in colour, depending where they come from. We do have one that we call the Mama Bear, the mother koala. She is brown. I have photos where you can actually see the two different ones—the lighter koala and the darker koala. I am not sure what she would mean by saying they are brown. They are different colours.

The Hon. ROBERT BROWN: How often would you visit the park? Is it five days a week, seven days a week, three days a week?

Mrs MARKWICK: Sometimes it is on the weekends, sometimes twice a week.

The Hon. ROBERT BROWN: I understand that the Friends of the Park are volunteers and that that organisation has been going for approximately 17 years.

Mrs MARKWICK: Yes.

The Hon. ROBERT BROWN: When do the volunteers visit the park? Is it during the week or only on certain days?

Mrs MARKWICK: We have volunteers there every day.

The Hon. ROBERT BROWN: Every day?

Mrs MARKWICK: Every day there are volunteers there. On Sunday we have what we call a working bee. They come in and make cages and all sorts of voluntary work.

The Hon. ROBERT BROWN: At the park this morning I spoke to probably three or four who told me they were the hard core—the old group that had been there for 17 years.

Mrs MARKWICK: Right.

The Hon. ROBERT BROWN: How would you describe those volunteers' ability to be able to observe anything that was wrong with the animals—in other words, ill-health, or any other problems? Do you think they would be capable of doing that?

Mrs MARKWICK: Oh, they can come, and if they have a query about something, they have every right to come and say whatever they wish to say. If there is something wrong, they will come and tell us.

The Hon. ROBERT BROWN: Okay. So, generally speaking, every day of the week there is a lot of pairs of eyes on the park?

Mrs MARKWICK: Oh, yes. Definitely, yes.

CHAIR: There has been some discussion about weight loss prior to the RSPCA visiting and recently. Could you comment on that in terms of any weight loss of any koalas?

Mrs MARKWICK: We do have extreme heat here. I think it was either 41 or 42 degrees on the day they came. Being in the summer, sometimes they may lose weight because of the heat that we suffer here. But it is not an obvious thing, no. I am not sure what else to say.

CHAIR: Whatever you are comfortable with.

Mrs MARKWICK: But they were in very, very good health. We have had people at the park at the same time. Everyone has photographs to say that can actually show you the health of the koalas. There is no obvious sign that they look sick or anything. They were all in good health.

CHAIR: Were there any issues, given the time of the year, with dehydration at all? Perhaps you can describe the koalas' habits with getting moisture from the leaves and their use of the water bowl that we saw on-site there today?

Mrs MARKWICK: Okay. The leaves are replenished all the time because it is so hot. We also have a sprinkler system. I did not actually tell you. It runs along the top of the koala enclosure. I showed Officer Prowse how it worked. It lowers the temperature in the enclosure and actually puts a mist over the leaves so it actually moistens the leaves up, as well. I actually showed Officer Prowse this on the day and her comment was, "This was the place to be", because it actually lowers the temperature inside the enclosure, even though it is an open-air enclosure. It brings it down quite a bit in temperature.

CHAIR: Is that something that is activated every day in the summer?

Mrs MARKWICK: We go and turn it on.

CHAIR: It is just basically that you turn it on?

Mrs MARKWICK: Basically you turn it on at the tap. You saw the enclosure this morning and how the roof comes out. It actually runs along the top and the misters put the mist out. It moistens the leaves and the environment.

CHAIR: I am interested, from the point of view on dehydration, in some claims that some of the koalas were suffering from dehydration. You mentioned that the mother koala goes down and hugs the water bowl.

Mrs MARKWICK: She is aged. She is a very old bear. That is just what she does, and I suppose it is cooler. Most things in the heat—we do get severe heat—go to the ground. The ground is the coolest place to be and that is where they will go. We have very, very dry heat here.

CHAIR: Is there anything prohibiting those animals from accessing the water? Is the water quality such that they will partake of it?

Mrs MARKWICK: They do drink out of the water bowl. They do drink, yes, especially in extreme heat. That is when they do drink. They have it fresh. It is a water bowl on the ground—a cement water trough.

CHAIR: You mentioned that there was an RSPCA inspection 18 months earlier?

Mrs MARKWICK: I was not aware. I was not there when that happened.

CHAIR: You do not know the history of general inspections over period of years?

Mrs MARKWICK: Not complaint-wise; just as a general inspection. They just come around and check the animals. As far as I know, they were quite good.

CHAIR: At this time there was a complaint that triggered this extraordinary inspection.

Mrs MARKWICK: Apparently, yes.

CHAIR: Do you know the nature of the complaint?

Mrs MARKWICK: Apparently someone was concerned about the dingoes, the emus, the kangaroos and that. The koalas were never mentioned.

CHAIR: Right. There also has been some discussion that just at that time of the year the food material, the leaves, are very brittle and dry. Do you have any opinion on that?

Mrs MARKWICK: They were not. They were fresh leaves. They do dry out over a period of time. On 3 February when the RSPCA team actually came, they were there at about 10.30 a.m. They did not actually take the koalas until—they started actually taking them at about three o'clock that afternoon—so therefore no-one actually had time to refresh the leaves, as we generally do.

CHAIR: How often do you refresh the leaves?

Mrs MARKWICK: Morning and night.

CHAIR: You deliver fresh leaves every morning and night?

Mrs MARKWICK: Fresh leaves, yes.

CHAIR: Where are they stored? Obviously they are collected from around the area.

Mrs MARKWICK: Yes.

CHAIR: If they are collected on one day, how long do they stay in storage until they are actually given to the koalas?

Mrs MARKWICK: A couple of days. They are in large water containers. They are cut off and they stay in a shaded area where the trees are near the rehabilitation area.

CHAIR: So you actually store in the koala park—

Mrs MARKWICK: The fresh leaves.

CHAIR: —when it comes in, on the stem, in water.

Mrs MARKWICK: Yes, straight into water. Yes, they are. Once they are required, they are taken out and put into the enclosures.

CHAIR: Is that always the case?

Mrs MARKWICK: Always. Always, yes.

The Hon. TONY CATANZARITI: Did you know that the RSPCA was going to visit that day?

Mrs MARKWICK: On the 22nd?

The Hon. TONY CATANZARITI: Yes.

Mrs MARKWICK: No.

The Hon. TONY CATANZARITI: Nobody told you that they were going to visit?

Mrs MARKWICK: No. I just received a phone call from one of our volunteers that the officer had come to inspect a complaint.

The Hon. TONY CATANZARITI: Who came in that day?

Mrs MARKWICK: Officer Kylie Prowse.

The Hon. TONY CATANZARITI: On her own?

Mrs MARKWICK: On her own, yes.

The Hon. TONY CATANZARITI: You mentioned earlier that she was very aggressive.

Mrs MARKWICK: Yes.

The Hon. TONY CATANZARITI: Do you know why she was aggressive?

Mrs MARKWICK: I would like to know why. I do not know. I do not know. We answered her questions. She was just yelling and she seemed just very angry.

The Hon. TONY CATANZARITI: When she came, did she inform you of what she was there for?

Mrs MARKWICK: Apparently she yelled out, "Who owns this place?", and, "I'm here to do an inspection." She did not actually say exactly who she was at that time. They could see who she was by her uniform, but not identification, no.

The Hon. TONY CATANZARITI: He did not know her before this?

Mrs MARKWICK: No.

The Hon. TONY CATANZARITI: Nobody knew?

Mrs MARKWICK: No. No-one knew who she was and why she was there, until we actually asked why.

The Hon. TONY CATANZARITI: Can you tell us specifically what she actually did that day, apart from the aggression?

Mrs MARKWICK: Pardon?

The Hon. TONY CATANZARITI: Apart from the aggression that she had, can you tell us what actually happened that day?

Mrs MARKWICK: She wanted to come and inspect the animals that were on the complaint. I said, "Okay, that's fine. Come and I'll show you." She asked me who I was and I said my name and everything, and she said, "And what qualifications do you have?" I said, "Thirty-six years of experience." She said, "You don't have, like, a degree or something?" I said, "No, I don't, but I have been raised here. We built the park." But that did not seem to—she was not pleased by that. She said, "Oh, no—".

The Hon. TONY CATANZARITI: So she did not at any time volunteer why she was there?

Mrs MARKWICK: No. She said, "I'm here for a complaint." I said, "Okay. What is the complaint about?" She said, "Emus, kangaroos, ostriches"—that type of thing. I said, "Okay, come and I'll show you."

The Hon. HELEN WESTWOOD: Thank you for appearing before the Committee, Mrs Markwick. I refer to the issue of training. Yesterday a witness from the Department of Environment, Climate Change and Water spoke about training volunteers who work with animals which have been injured and which are being rehabilitated. Have you undertaken training with regard to the rehabilitation of injured and sick animals?

Mrs MARKWICK: Not formal training. I have just grown up in the park and have hands-on experience.

The Hon. HELEN WESTWOOD: Have any of your other volunteers undertaken that training?

Mrs MARKWICK: I am not sure.

The Hon. HELEN WESTWOOD: It is not something you have at the park? You do not have people coming in and doing training sessions with the volunteers?

Mrs MARKWICK: I am not sure, but I know that a few are doing courses at present.

The Hon. HELEN WESTWOOD: Do you work in the rehabilitation area with the injured animals? This morning we saw the two koalas and a wombat in that area.

Mrs MARKWICK: Mum does.

The Hon. HELEN WESTWOOD: When you are volunteering is it only with the exhibited animals?

Mrs MARKWICK: We do care for them; we feed and water them and so forth.

The Hon. HELEN WESTWOOD: Were you the person who had main responsibility for the park while your mum was in hospital?

Mrs MARKWICK: Yes.

The Hon. HELEN WESTWOOD: What was your routine during that time? How often were you at the park?

Mrs MARKWICK: I was there 24/7 while mum was in hospital.

The Hon. HELEN WESTWOOD: Some submissions we have received and the statement we received from your mother and father referred to the dingoes that were unwell. Was it your understanding when Ms Prowse did the first inspection on 22 January that she was there investigating a complaint about the dingoes or other animals at the park?

Mrs MARKWICK: She said it was about the dingoes, ostriches, kangaroos and so on. The koalas were never mentioned.

The Hon. HELEN WESTWOOD: I understand that those dingoes were later shot.

Mrs MARKWICK: Yes, they were put down.

The Hon. HELEN WESTWOOD: Is that what you normally do at the park? Do you usually use a firearm to euthanase?

Mrs MARKWICK: Dad has a firearms licence. At the time he was not aware that he had to go through a certain protocol before they were put down. They were put down because of the fear of more complaints from the public.

The Hon. HELEN WESTWOOD: Did the local vet referred to in the submission treat the dingoes or assess them before the decision to euthanase was made?

Mrs MARKWICK: No.

The Hon. HELEN WESTWOOD: You talked about fresh leaves going into the cages each day.

Mrs MARKWICK: Yes, they do.

The Hon. HELEN WESTWOOD: How often do you collect leaves and from where?

Mrs MARKWICK: They are from the surrounding areas in the hills. They are very close. It is done every couple of days and sometimes every day. It depends on the temperature. There are always fresh leaves in those containers.

The Hon. HELEN WESTWOOD: Were you present on the day of the subsequent inspection?

Mrs MARKWICK: No, I was not.

The Hon. HELEN WESTWOOD: Were you able to get there during the day?

Mrs MARKWICK: I could not get mum on the telephone. When I did I had children at school.

The Hon. LUKE FOLEY: The Committee has received evidence from Inspector Prowse about her visit on 22 January. She states that you both walked into the koala enclosure and that of eight koalas three were on the ground hugging the water bowls. Do you agree with that?

Mrs MARKWICK: No, that was not the case. Old Girl, the older koala, was hugging the water dish. The others were lower in the branches. She was the only one hugging the water dish. That is what she does.

The Hon. LUKE FOLEY: How many of the eight koalas were on the ground at the time?

Mrs MARKWICK: Only the one and there are only six in that enclosure. There were two in the rehabilitation area.

The Hon. LUKE FOLEY: Would your koalas normally be on the ground at all or often?

Mrs MARKWICK: When it is extremely hot they go to the ground because it is cooler there. Even in the wild you see koalas at the base of trees.

The Hon. LUKE FOLEY: Some of the people who have provided evidence to the Committee have stated that it is not normal for koalas to spread out and lie on the ground; it is not normal wild koala behaviour. What would you say to that?

Mrs MARKWICK: They have obviously not experienced our heat. In the heat most animals go to the ground and to the shade. That happens in the wild as well. You will see koalas at the base of trees.

The Hon. LUKE FOLEY: Ms Prowse in her evidence states that she accompanied you to the dingo enclosure on 22 January. Is that right?

Mrs MARKWICK: Yes, she did.

The Hon. LUKE FOLEY: She states in her evidence that all of the dingoes appeared to be in light body condition and two were in an emaciated condition. What would you say to that?

Mrs MARKWICK: They were not emaciated. They may have been in light condition. Nancy Small, my mother, was talking to David Amos about treatment for the animals before this happened.

The Hon. LUKE FOLEY: Ms Westwood asked you about the two dingoes shot prior to 3 February. Do you know whether post-mortems were performed on them after they were put down?

Mrs MARKWICK: No post-mortems were done. They were euthanased and buried.

The Hon. LUKE FOLEY: Can you tell us anything about a male koala that we have been told died of heat stress in the three weeks before 3 February? Do you know anything about that?

Mrs MARKWICK: I do not know anything about that.

The Hon. LUKE FOLEY: The Committee has received evidence from staff and volunteers of the koala hospital that the eight koalas that were taken away had chlamydia, were dehydrated, suffered from diarrhoea and were underweight, emaciated and malnourished. Would you like to respond to that?

Mrs MARKWICK: I do not believe any of that. I have photographs showing them happy and content. There was no evidence of chlamydia at all.

The Hon. RICK COLLESS: I refer to the suitability of eucalypt leaf as koala fodder. How do you assess whether it is good koala fodder?

Mrs MARKWICK: You can smell it. If you crumple a leaf you can smell how good it is. That is a good indication that it is a healthy tree and good for them.

The Hon. RICK COLLESS: Do koalas prefer the younger shoots on the leaves?

Mrs MARKWICK: They eat various parts of the branch. Some eat the tops, some eat the nuts and some eat the leaves themselves. They pick various parts of the branch.

The Hon. RICK COLLESS: Do you have any opinion on the amount of moisture that should be in a eucalypt leaf to be suitable as koala fodder?

Mrs MARKWICK: I do not know the proper amount. You can tell by the smell. That is the main indication that they are fresh. I do not know the percentage. Our leaves are very dry here and they have a mild smell, whereas the coastal leaves are very potent. They are very strong, probably because of the moisture in their air compared to our dry air.

The Hon. RICK COLLESS: In a very hot summer, which happens in this part of the world, do the wild koalas also suffer?

Mrs MARKWICK: They do. They move around their corridor. That is what koalas do; they go from tree to tree and they can seek out the leaves with the most moisture. But they do spend time on the ground because it is so hot.

The Hon. RICK COLLESS: So they will come down from the trees to seek water?

Mrs MARKWICK: Yes. We have call-outs about koalas that have fallen into swimming pools or have been attacked by dogs because they are drinking from their water bowl. That is quite common in the summer.

The Hon. RICK COLLESS: Do you occasionally get wild koalas in the trees at the Waterways Wildlife Park?

Mrs MARKWICK: Yes, we do.

The Hon. RICK COLLESS: Have you ever seen them come down from the trees and drink from your water receptacles?

Mrs MARKWICK: They do when it is hot. There are very large trees around our property and they walk through and go up whichever tree is suitable.

The Hon. RICK COLLESS: Can you give us an overview of the wild koala population in the Gunnedah region?

Mrs MARKWICK: I do not know how many there are.

The Hon. RICK COLLESS: Are they common, uncommon or rare?

Mrs MARKWICK: They are very common in our area. We have one of the best koala corridors in Australia.

CHAIR: On the issue of the quality of the fodder leaf, there was a suggestion that the leaf available on the day the RSPCA came in was extremely brittle. Do you have a comment?

Mrs MARKWICK: If they thought it was extremely brittle, why did they take every single leaf out of our reservoirs with them? They took every branch with them. If they were not up to their standards, why did they take them?

CHAIR: What about the fodder in the enclosure at the time?

Mrs MARKWICK: It was good. As I said, it had been there all day. It had not been rehydrated because Mum had been with the RSPCA officers the entire time.

The Hon. MARIE FICARRA: While we were visiting this morning you recounted some of the behaviour of the RSPCA inspectors when they wanted to examine the echidnas and some of the other animals. Can you explain what they wanted to do with the echidnas?

Mrs MARKWICK: On 3 February they had sticks. The echidnas go underground when it is hot because it is cooler there. The RSPCA officers tried to poke them out with sticks. You just do not do that; that is not the right thing to do. They are there for a reason—because it is cool—and you do not do that.

The Hon. MARIE FICARRA: Did you think any other behaviour was unusual for professional officers wanting to get into the enclosures and close to the animals?

Mrs MARKWICK: I question their experience. If you knew about animals you would know that there are some things you do and some things you do not do. They were poking echidnas with sticks and grabbing ostriches—which are huge birds—by the leg. If they you knew about them you would not do that.

The Hon. MARIE FICARRA: They wanted to grab the leg of an ostrich?

Mrs MARKWICK: Yes. Officer Kylie Prowse wanted to go in and grab him by the leg and do a fat test. I said she could do it, but I advised her not to. It was his yard and his harem and he did not like people in there with him. I have photographs of the size of his legs and you can see how healthy he is.

The Hon. MARIE FICARRA: We saw that today.

Mrs MARKWICK: He is a big fellow.

The Hon. MARIE FICARRA: What is the normal procedure if there are any reports from volunteers to yourself or your mother that an animal is in distress or in need of medical attention?

Mrs MARKWICK: You call the veterinarian to come in.

The Hon. MARIE FICARRA: Do you have a good relationship with the veterinarian?

Mrs MARKWICK: Yes, he is wonderful. He is very dedicated and he is a very experienced veterinarian. With any animal that required treatment he would be called.

The Hon. ROBERT BROWN: Referring again to the veterinarian, yesterday we heard some evidence, and I cannot recall from which witness, who was of the opinion that country veterinarians just wander around, drop in on farms and wildlife parks and other areas where animals are kept on a daily basis. You said that your veterinarian comes only when he is called?

Mrs MARKWICK: He comes out from time to time as a friend—he is a friend of my mum and dad—but he also comes out at a professional level. He is very professional and he does his job.

The Hon. ROBERT BROWN: But he does not drive around the back blocks of Gunnedah knocking on doors?

Mrs MARKWICK: No. He has too much work to be doing that sort of thing.

The Hon. ROBERT BROWN: Would you tell the Committee what work other than your normal program has been done at the park since the raid on 3 February?

Mrs MARKWICK: As in maintenance?

The Hon. ROBERT BROWN: Have there been any changes?

Mrs MARKWICK: With our volunteers we have had a lot of the gardens replenished, cages painted, and things like that.

The Hon. ROBERT BROWN: Mostly cosmetic changes?

Mrs MARKWICK: Cosmetic changes, yes.

The Hon. ROBERT BROWN: There have been no changes to the way in which you look after your animals?

Mrs MARKWICK: No, just the same excellent standards that we have every day.

The Hon. ROBERT BROWN: Are you aware whether the park has had any offers via the RSPCA, the Department of Industry and Investment, or the Department of the Environment and Climate Change to offer training, seminars, or anything like that to any of the volunteers or to any of the staff?

Mrs MARKWICK: Not that I know of, no. My mother, Nancy Small, another volunteer and I are doing a zookeepers course in the next 18 months, so that we have a zookeeper degree. That is ours to do but not offered by them, no.

The Hon. ROBERT BROWN: When does that course start? Is it a course that you will do in the future or have you already started?

Mrs MARKWICK: Yes. I think it starts towards the end of this month.

The Hon. RICK COLLESS: Jodi, I was reading through the evidence that Inspector Kylie Prowse submitted via the RSPCA. I will read out to you paragraph 8 from that evidence, where she describes what she said to you when you arrived back at the park on I think 22 January. Can you confirm or deny whether this is what she said to you. I quote from paragraph 8, which reads:

Jodi arrived back and I said, "My name is Kylie Prowse and I am an RSPCA inspector. We have received a concern for the welfare of a number of animals here. What I would like to do is have a look around and ask some questions along the way.

Do you recall having that conversation with her?

Mrs MARKWICK: Parts of that conversation yes. First of all she said, "I am here to do an inspection" in a very angry manner. Then I asked her what her name was and why she was there and she told me that there was a complaint and she wanted to inspect emus, ostriches and that type of thing. I replied, "Okay, come and I will show you the animals."

The Hon. RICK COLLESS: On her first meeting with you she did not introduce herself to you?

Mrs MARKWICK: Not immediately, no. When I approached her she turned around and made a phone call, and I am not sure to whom.

The Hon. RICK COLLESS: Who else was at the park at that stage?

Mrs MARKWICK: Teena Sutcliffe—to whom she was speaking when I arrived at the park—Karen Kennedy and Judy Mitchell.

The Hon. HELEN WESTWOOD: Mrs Markwick, I refer to the question that Mr Colless just asked you. We have a submission from the RSPCA and it contains a statement by Ms Prowse. In that statement she claims:

Jodi arrived back and I said, "My name is Kylie Prowse and I am an RSPCA inspector. We have received a concern for the welfare of a number of animals here. What I would like to do is have a look around and ask some questions along the way. Jodi said, "Okay then." I said, "Can you please tell me the size of each enclosure, what species are in there, and what the stocking density is?" Jodi said, "No, I don't know", that sort of thing, but Nancy would.

Are you saying that that is incorrect and that it did not happen?

Mrs MARKWICK: As it is stated, no. That did not happen as she has written it. I said who I was. I announced myself. She said, "I am here because of a complaint." I asked what the complaint was and I said, "Okay, that is fine. Come and I will show you around the park." She asked questions about enclosure, sizes, animals and so forth. I said, "I do not specifically know the sizes, but whatever questions I cannot answer mum can answer them for you because she has her records and so forth." After the kiosk she asked for those details on the way out, and not on the way in. She asked for the sexes of the animals in each enclosure, for the food requirements, and so forth. She asked whether what she had asked for could be ready for her to go through, plus mum's records, when she came back to visit mum in a couple of weeks time. I said, "That is fine." I also said that we would have them available for her to go through then. That was on the way out of the park.

The Hon. HELEN WESTWOOD: This statement refers to the fact that she asked you about the animals' dietary requirements and you could not answer that question.

Mrs MARKWICK: I did at the time. I said that the kangaroos had the hay and grain and they had access to fresh water, which she could see as the animals were eating at the time. The more specific details of what was in the food I had to have mum give the specific ingredients and that sort of thing. I was not quite sure what was put into the food.

The Hon. HELEN WESTWOOD: During the time that you were in charge of the park when your mother was in hospital were there any visits from or to the veterinarian?

Mrs MARKWICK: No.

The Hon. HELEN WESTWOOD: At other times when the veterinarian visits or when animals are taken to the veterinarian are records kept of those visits?

Mrs MARKWICK: Yes.

The Hon. HELEN WESTWOOD: And of the treatment of animals?

Mrs MARKWICK: Yes, it is noted.

The Hon. HELEN WESTWOOD: Are those records available at the park?

Mrs MARKWICK: Mum would have them, yes, and the veterinary surgery has records of animals that come in for treatment and the outcome.

The Hon. ROBERT BROWN: On a point of clarification: when these conversations, which appear to be in dispute, supposedly took place, were you speaking to Ms Prowse on your own, or were the other people that you mentioned with you in a group?

Mrs MARKWICK: Teena Sutcliffe was with me at the time and throughout the whole inspection.

CHAIR: Thank you very much for your assistance today, Ms Markwick. We appreciate the information that you have given to this inquiry.

Mrs MARKWICK: Thank you very much. Thank you all for attending.

CHAIR: Ms Markwick, you said that you had some photographs.

Mrs MARKWICK: I do, yes.

CHAIR: If you hand them over to the staff they will be tabled as evidence for this inquiry.

Mrs MARKWICK: Thank you very much.

(The witness withdrew.)

NANCY PATRICIA SMALL, Park Owner, Waterways Wildlife Park, sworn and examined:

CHAIR: Mrs Small, in what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

Mrs SMALL: Both. I am in part ownership of the park with my husband and I am also responsible for the organisation of the Waterways Wildlife Park.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mrs SMALL: Yes, I am.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Before we ask you questions would you like to make an opening statement?

Mrs SMALL: Thank you very much. I got up on 3 February, it was a brilliant day, and I opened the park, not realising what was going to happen. I would like to ask officers of the RSPCA to account for what they did with the koalas. They inspected them at about 10.30 a.m. or 11 a.m. They left them all day. At the time they told me that were going to take them and then they told me that they were going to leave them overnight. They then decided to take them that day. I would really like to know. They kept saying that they were stressed, dehydrated and starving, yet they asked for the leaves that we had in storage for them to take. They also took them to a time frame.

Why did they leave them all day if they were so sick and dying? They took them nine days after the first visit from Ms Prowse. Why did they leave them nine days if she thought that they were sick and in such dire straits? Why did she not have something done sooner? They also took them to a diseased area. Why did they not take them to Dubbo instead of Port Macquarie, which is a high-risk chlamydia area? In all the years that I have looked after or nursed koalas we have not had chlamydia. Now that the koalas are back have they brought the disease back? I would really like to have that question answered.

CHAIR: You are saying that when the koalas were in your care before the RSPCA came and removed them that day they were disease free, or at least chlamydia free?

Mrs SMALL: So far as I am concerned they were, except for the little Old Lady. She was old and she was just living out her last days there.

CHAIR: She was old but was she disease free?

Mrs SMALL: So far as I was concerned she was. She was old but she was still going to the toilet and she was still eating, drinking and moving around. To me the other koalas were all nice and healthy. The officers from the RSPCA did not take into consideration the habits of koalas in this area. They are totally different to the habits of koalas on the coast. The climate is different. Everything is different. If they had looked into the background of what koalas do here, they would find that it is totally different to their area.

CHAIR: For how long have you operated the Waterways Park?

Mrs SMALL: Nearly 29 years.

CHAIR: In that period of time, could you just describe to the Committee the sorts of inspections that have occurred there by the RSPCA or various government departments? Can you perhaps go through the general history of your interaction with the authorities over that period?

Mrs SMALL: It started off with National Parks. That is who we were first licensed through. Then it changed. I am sorry, it was the Zoological Board first and then National Parks. Then it went to the Department of Agriculture. Then it went to the Department of Primary Industries. There it went to I and I. In that time we had regular inspections about once every two years. We had previous inspections a few years back, just before the RSPCA. They actually came 18 months previous to this kerfuffle. The fellow had a report that there was a

deer with a broken a leg and an eagle was in a small cage. Anyway, I took him down and showed him and he could not find anything wrong. He said, "No further action required." That was that.

CHAIR: That licence for operation or that inspection was with the Department of Primary Industries?

Mrs SMALL: Yes. The Department of Primary Industries came after that. They had an inspection and, yes, I showed him around. I showed him what the problems were and what the complaint was about. We showed him everything and said that whatever was in the complaint we would fix: like, the cat had kittens on the cage, and they were removed; the eagle was definitely in a very big aviary; the deer did not have any broken legs because they go down onto their haunches at times to feed. That is, I would say, how somebody saw them.

Other than that, yes, they did write up a few things: we had to have signage, give extra care in cleaning the water dishes out, and they did say that the RSPCA report was that—not the RSPCA, the I and I said there were two dead carcasses in the enclosure. I said, "Well, what were they?" He said, "A mouse in the water dish", and one of the birds had fallen down behind the brick and had died behind the cage. They were the two dead carcasses.

CHAIR: With these inspections, do they do reports?

Mrs SMALL: Yes, they do.

CHAIR: So you would have those available?

Mrs SMALL: Yes, I think. I am not too sure if Peter Long forwarded them to you, but I have copies of them at home. I can give them to you later.

CHAIR: I will check with the Committee staff. If we do not have them, we will perhaps get copies from you at some stage.

Mrs SMALL: Yes.

CHAIR: In terms of volunteers that have been working in your park, can you indicate to the Committee how many volunteers there are and what kind of training the park provides to those volunteers?

Mrs SMALL: Yes. We normally have about three people plus myself daily through the week. At the weekend we have between 10 and 15 people on a Sunday to do maintenance work and look after the animals.

CHAIR: That is great. The Committee does have that information we were discussing. You have provided that.

The Hon. ROBERT BROWN: Thank you, Chair. Hello, Mrs Small. It is nice to see you again.

Mrs SMALL: Hello.

The Hon. ROBERT BROWN: I am particularly interested in what happened during that raid on 3 February.

Mrs SMALL: Yes.

The Hon. ROBERT BROWN: We were told in evidence that the commercial film crew—*Animal Rescue*, or whatever they call themselves—asked you to sign, and you signed, a permission document or a waiver to allow them into your premises. Is that correct?

Mrs SMALL: When everybody first turned up, it was pretty bewildering and I was pretty frightened.

The Hon. ROBERT BROWN: Could you speak slowly, please?

Mrs SMALL: Sorry. First it was pretty bewildering. Everybody was there. As an afterthought, they said, "Oh, you had better sign this." I said, "What for?" All the cameras were going. I could hear them. I said,

"That is not going to stop the cameras?" She said, "No. This is only to get your opinion of what's going on." She said, "This won't stop the cameras. They're here. They're going."

The Hon. ROBERT BROWN: Did you read the document?

Mrs SMALL: I read the heading. Like this paper here, I can read big writing, but I have to have my glasses for small writing, and she did not read it to me, either.

The Hon. ROBERT BROWN: On 3 February, I understand you had been in hospital, had you?

Mrs SMALL: I was a week and a half in the hospital. I had a total hip replacement.

The Hon. ROBERT BROWN: How long had you been out of hospital on 3 February?

Mrs SMALL: I would have had about a week and a half.

The Hon. ROBERT BROWN: Okay. We have heard evidence from a previous witness this morning that conflicts with the RSPCA inspector, Ms Prowse, about the conduct of the inspection on 22 January. Could you perhaps go through for the Committee in chronological order what happened on 23 January? Just take your time and go through it. In particular, could you tell us how you and your volunteers or other staff who were on the premises were treated by the RSPCA, and the other people who came with them?

Mrs SMALL: On 3 February?

The Hon. ROBERT BROWN: On 3 February.

Mrs SMALL: All right. On 3 February the chappie that helps me, he went around to feed up. I opened the park and some overseas visitors came in. They said they had been here two years previously. They had come back to have another look because they missed so much the first time. Then another couple came in and they went and did the same thing—they walked around the park.

The Hon. ROBERT BROWN: What time was that when the first visitors came?

Mrs SMALL: The first visitors came in at about 10 o'clock. Then about 10 minutes later, the second lot came in.

The Hon. ROBERT BROWN: Thank you.

Mrs SMALL: Then the third lot came in—Sue Smart and her family and a couple of people from New Zealand. They particularly wanted to have a look at the koalas. I took them down to the koala enclosure. They took a lot of photographs and there was just general talk about koalas and that. Whilst I was down there, I could hear yelling. I could not make out what it was—just yelling noise. Sue said to me, "What's going on?" I said, "I don't know." I yelled back, "Hey, I'm down here. Come down here." They were still yelling at us, they were coming down, and I looked around. From the description my daughter gave me of Ms Prowse, I said, "My God. That's all I need." She came around the bushes first, and when I went back again, there was a whole crowd and she was still yelling out, "Are you the owner of the park?" I said, "Yes, I am." She said, "Are you Nancy?" I said, "Yes, I am. What's your problem?" Then they sort of surrounded me.

The Hon. ROBERT BROWN: Can I interrupt you there? When you were first approached by Ms Prowse and the entourage, were the cameras rolling at that stage? Was the commercial camera crew there at that stage, or did they come later?

Mrs SMALL: No, they were all there.

The Hon. ROBERT BROWN: They were there?

Mrs SMALL: The whole lot of them—the three RSPCA, the National Parks and Wildlife lady, and the other two ladies. I said to them when I saw them, "I've seen you on TV"—not particularly in the animal show—and I said to the other fellow—I did not know who he was at the time—"I've seen you on TV too." The cameras were there: right there.

The Hon. ROBERT BROWN: It was after that time that you were asked to sign the document to give them access?

Mrs SMALL: Yes. They did not talk about the koalas first-up. They wanted to know about the dingoes. I said, "Well, after the way Ms Prowse came in, my husband went down and shot the dingoes and he buried them." Prowse said to me, "We'll have to dig them up." I said, "Well, I'll get you a shovel." I said, "He buried them with a bulldozer. I don't even know where he buried them." She said, "How long have they been buried?" I said, "Well, that was about two weeks previous, so I'll get you the shovel, if you like." That is when the shovel part came in. Then they said, "Oh, we're going into the koalas." I said, "What for?" She said, "We're doing the koalas." I said, "That was not complained about."

The Hon. ROBERT BROWN: In Mrs Markwick's evidence she said that on the visit on 22 January the RSPCA inspector asked were there any records kept. Ms Markwick told the Committee this morning that, yes, they were and that those could be put together for the next visit, which turned out to be 3 February. Had you put together any documents for the second visit?

Mrs SMALL: They were all in the office. We keep a record of our animals, all the enclosure sizes, what is contained in them. Jodi I think at the time said she was just in an area where she should not have been. To me, even on that day, I thought, "You're asking things that only I know about, not the RSPCA." The whole attitude was totally wrong.

The Hon. MARIE FICARRA: One of the letters dated 5 March sent to this Committee by your solicitor, Mr Peter Long, states that you disagree with the evidence provided by the vets who treated the koalas after their removal from your park. Can you tell us how you disagree with those veterinarians?

Mrs SMALL: I disagree because of the timeframes they have got on the reports. They said that they treated them from when they first walked in the enclosure. They did not give them any treatment at all. As far as I knew they were going to leave the koalas overnight. From what I was told, they were not even going to touch the koalas all that day and would come back the next morning and get them. Whatever treatment they had given to them happened two days or three days later. Whatever reports they made up, I do not believe them. No, I do not, because those koalas, except for the little Old Lady, they were in really good health. No, I do not believe the report.

The Hon. MARIE FICARRA: Yesterday we heard evidence that the RSPCA claimed that the koalas were suffering from stress-related diarrhoea and that their coats were brown instead of a healthy colour. What do you have to say to that?

Mrs SMALL: I would like to say: what treatment did they end up giving them on that day? As far as I knew, they had sedated them. They had hung drips off them. They were in washing baskets and they took them away. But they also asked for our koala leaves, which they packed on top of the koalas. Would you not think that that would be stressful for the koalas, and the treatment they had been receiving in that time when they took them from our place until they actually got to the koalas hospital, which would promote diarrhoea? As far as I knew, and none of our koalas had chlamydia, and chlamydia is caused by stress. They said they were stressed. Those koalas were not stressed in my care. I cannot say what they did after that.

The Hon. MARIE FICARRA: Sure. Ms Flanagan from the Port Macquarie Koala Hospital referred to the leaves that she saw there being dry. However, we have just heard you say that they took most of the supply that you had with them. However, they claim that they were dry. She commented that they could have been rehydrated, say, in a bucket of water or by having access to water. Have you heard of any practices like that in the area?

Mrs SMALL: No. Koalas in this area do drink a lot of water. Some leaves will wither because the leaves do not hold a lot of water content. On that day in which she states in the report that she squashed some leaves in her hand, one of the branches in the enclosure had broken off and had fallen down. I actually saw her as she crushed that dead leaf. Yes, it was dead, but everything else she says is totally wrong. As to her being who she is, I was told she was a fully qualified veterinarian from Taronga Zoo. She had a Taronga Zoo shirt on. I did not even know she was in the koala hospital. I had no idea at all. I thought she was a veterinary: you do not argue with a vet. I do argue with what they have written because I do not believe that what they have written is true.

I said to David Amos at the time that I could not believe what they had written about our koalas. I said they were in that condition when they left here. I do not know what they did to them in the meantime. We could not find out. We did not even know where they were. Right up until the long weekend in June I did not know where they were or anything else. I found that out from the Department of Industry and Investment. They sent the reports through with nothing blacked out. That is how we knew where they were. Before that we had asked for information through the RSPCA and they would not tell us anything. It was just so secretive. Why?

The Hon. MARIE FICARRA: How long after the koalas were taken did the RSPCA make contact with you to let you know how they were?

Mrs SMALL: They gave us a duty of care sheet about diets, but nothing was said about the koalas on that day. There were the feeding programs for kangaroos and emus. It was just dietary issues. I asked Michael Makeham, the RSPCA officer, where the koalas were and he said that he could not tell me but that they were getting the best of care. That is all he would tell me. The day after we found out that they had euthanased Old Girl. I thought so much for their best of care. She died in their care. There was also the issue of the baby in the pouch. It was about the size of my thumb. They acknowledged in the report that one koala had a baby in its pouch. When they bought the last two koalas back I asked Matt French where it was and he said that it had died. I asked him why and he said that I would have to get my legal representative to contact the RSPCA to find out why.

The Hon. MARIE FICARRA: We heard yesterday in evidence that the mother koala could have eaten the baby. Have you ever heard of anything like that?

Mrs SMALL: No, I have not.

The Hon. MARIE FICARRA: It is unlikely?

Mrs SMALL: It is highly unlikely. When they came back with that I got in contact with the Koala Foundation in Queensland and asked Deborah Tabart whether she had ever heard of it. She talked to everyone she could find and one scientist in Queensland said there was a minute chance that it could happen when the baby was first born and got into the pouch and the mum sucked it up when she was doing a spot clean. The baby is about the size of a peanut. After that, no way. They are not carnivores; they are herbivores. They do not eat babies.

The Hon. MARIE FICARRA: On 3 February you were surrounded by officials and cameras. Did anyone at any time tell you that you had a right to say no to being filmed? Did anyone tell you of your rights?

Mrs SMALL: No, nobody told me about my rights.

CHAIR: When they showed you that form, were they on Waterways Wildlife Park?

Mrs SMALL: We were in the koala enclosure.

CHAIR: And that was the first time you saw that permit form?

Mrs SMALL: Yes.

CHAIR: Had they been filming you before showing you the form?

Mrs SMALL: They had the cameras set up and they were filming the koalas.

CHAIR: They entered the park and set up their equipment?

Mrs SMALL: They entered the park unannounced. I had no idea what was happening. I was pretty taken aback when I saw the number of people there. There were officers from the National Parks and Wildlife Service, the RSPCA and a camera crew.

The Hon. RICK COLLESS: You stated in your submission that all nine people stormed into the koala enclosure and set up cameras. So they were filming before they asked your permission and certainly before they asked you to sign the paper. Is that correct?

Mrs SMALL: Yes, that is correct. They had all the cameras set up. I have had other people there filming and even then it did not click that it had anything to do with *Animal Rescue*. It did after a while. I was arguing with the veterinarian and said that she was not listening to me. I was trying to tell her how koalas react to climatic conditions in this area. She basically said that whatever is on the ground is dead meat. She said that they were all sick and dying. I told her that she was not listening to me. I thought I was arguing with a veterinarian. I stood my ground and Prowse came yelling back and said, "Who owns all these animals?" Without thinking, I said, "Australia owns them. I am only a caretaker." Matt French was there. I said to him, "How come you have a camera crew here?" He said, "Where I go, they follow." That was it.

The Hon. ROBERT BROWN: Can you repeat that last statement?

Mrs SMALL: I asked Matt French, "How come you have a camera crew here?" He said, "Where I go, they follow."

The Hon. RICK COLLESS: How many video cameras were there? Was it only one camera or was it more than one?

Mrs SMALL: They had a soundman with a big sound—

The Hon. RICK COLLESS: Similar to the television cameras in this room?

Mrs SMALL: There was a cameraman, a soundman and an interviewing lady.

The Hon. RICK COLLESS: So there was only one camera?

Mrs SMALL: There was only one camera. I read the reports on the net and I think the RSPCA said one officer had a video camera. He could have done, but I do not know.

The Hon. RICK COLLESS: The RSPCA told us yesterday that they filmed the proceedings separately from the film crew.

Mrs SMALL: They were all together. I know the camera crew was there. I read that they did have a video camera.

The Hon. RICK COLLESS: So you did not see a smaller camera being used by the RSPCA officers?

Mrs SMALL: No, I did not see that.

The Hon. RICK COLLESS: What did you say to the lady who pushed the piece of paper in front of you?

Mrs SMALL: I said, "What's this for?" She said, "Sign it. It is to get across your point of view of what is going on." She said nothing would stop the cameras rolling. It was permission for them to air what I was going to say. Everything else did not matter; they were going to do it anyway.

The Hon. RICK COLLESS: She said, "It does not matter whether you sign it or not. We are going to keep filming"?

Mrs SMALL: Yes. It was to get across my point of view and everything else was going to go ahead.

The Hon. RICK COLLESS: So your permission was superfluous; they were going to continue regardless?

Mrs SMALL: Yes.

The Hon. RICK COLLESS: Regardless of whether you gave them permission?

Mrs SMALL: Yes, that is right. They barged in to start with anyway. I am not sure on camera. Most film people ask if they can do something and we have a good working relationship. That did not happen this time.

The Hon. RICK COLLESS: Have you had other television crews in there before for news stories and that sort of thing?

Mrs SMALL: All the time.

The Hon. RICK COLLESS: Do they ask for your permission before they start filming?

Mrs SMALL: Yes, they do. Even if they want to do a story about koalas somewhere else they ask if they can do a few shots. It saves them travelling all over the country.

The Hon. RICK COLLESS: The ABC camera crew did that this morning. I recall them asking you for permission.

Mrs SMALL: That is right.

The Hon. RICK COLLESS: This private film crew that pay the RSPCA \$50,000 per story came in and started filming before they asked for your permission?

Mrs SMALL: Yes, they did.

The Hon. RICK COLLESS: I refer back to the dry leaves that the Port Macquarie Koala Hospital person told us about yesterday. She gave us the impression that all the leaves in the enclosure were in that condition. Did the koalas there have access to better leaves—leaves that were moist and edible?

Mrs SMALL: They did. The day before my daughter was there and we were going to clean out the koala enclosure. She has four children and I had a hip replacement. I had a young chap coming in the next day to help me. I told my daughter that we would top up the leaves. The other leaves were not dry. We topped them up that night and we were going to do a complete clean out the next morning. I told my mate we were going to do that after we finished up. They still had access to good fresh leaves. I noticed one branch hanging down. It was dry and that was the piece I saw Flanagan crush with her fingers. They took the same leaves out of the containers that were in the koala enclosure.

The Hon. RICK COLLESS: Those leaves would have the next day's feed for the koalas?

Mrs SMALL: Yes.

The Hon. RICK COLLESS: I note in your submission that you are a qualified veterinary nurse.

Mrs SMALL: I did a course quite a few years ago and I have kept in contact to with vets who taught me. I am also going to do a zoo keeping course with my daughter and Rachel. We start on 19 July. It will give us a little bit more training. I will pass that on to my volunteers. What I am going to learn, they will learn. We are going to increase our training program. We have improved our cleaning and feeding programs and all that sort of thing.

The Hon. RICK COLLESS: How long did you work professionally as a veterinary nurse in a veterinary hospital here in Gunnedah?

Mrs SMALL: I used to pop in and help David quite a bit. I did the veterinary nurse course to give me a piece of paper to say I had a qualification. My experience has been hands-on. The actual course took two years.

The Hon. RICK COLLESS: With all that training and your years of experience working with koalas you would obviously have a great deal of understanding about how koalas survive and thrive in this western environment as opposed to the Port Macquarie environment?

Mrs SMALL: Yes. The climate over there is totally different. We went there for a couple of days and people said how hot it was. I said, "If you want heat you should come to our place." It is totally different. The koalas here react differently from those on the coast and the foliage is different. Everyone in this district can tell you how the koalas come to the ground. Heat rises and all the native animals, including kangaroos, lie on the ground in the heat. Koalas go to the ground. They turn themselves over like little fat frogs. They lie flat out and their eyes are sunken in. If you touch them they will not move. Once it cools down they go back up into the trees and they survive. Apparently they do not do that on the coast. If a koala goes to the ground they think it is sick. They talked about koalas being brown. They took two brown koalas and six grey ones. They euthanased Old Girl and the other brown one did not come back. Perhaps she had colour change while she was there.

The Hon. RICK COLLESS: Can I also ask you about the disease chlamydia and your experience of it? Have you ever known koalas in your park or under your care to be affected with chlamydia?

Mrs SMALL: No, I have not. The only time I saw chlamydia it was at the koala hospital at Port Macquarie when I was on an excursion and when I was doing the veterinary nurse course. That was the first time I had seen chlamydia and the conditions. All the koalas that we get here are as a result of dog attacks, those that have been hit by cars, old age, and at times ticks, because ticks get on the koalas. The heat really knocks them out whether they are young or old. I have never seen chlamydia in this area. When they took the koalas to Port Macquarie it is well known that it is a chlamydia disease area. What have they done to our koalas? When they brought them back they had chlamydia. I am damn sure that they did not have any, but suddenly we have chlamydia, which is a well-known stress disease.

The Hon. RICK COLLESS: Just going back to the heat stress issue in the wild koala population, does it affect the wild koala population when we have hot and dry conditions?

Mrs SMALL: Yes.

The Hon. RICK COLLESS: Are wild koalas ever brought in to you from the community that have been suffering heat stress as a result of the conditions?

Mrs SMALL: Yes, we have and David has as well. We re-hydrate them and we get them cool. I take them into my lounge room, put on the air-conditioner and the fans and I spray them and offer wet leaves to encourage them to feed. If they have a mouth injury as well I make them a green milkshake and we have to spoon-feed them to re-hydrate them.

The Hon. RICK COLLESS: Yesterday Mr Coleman from the RSPCA gave evidence and said:

Attempts to communicate directly with Mrs Small have, unfortunately, in the last few days been met with silence.

Have you been contacted by the RSPCA in the past week or so?

Mrs SMALL: No.

The Hon. RICK COLLESS: No messages have been left on any telephone?

Mrs SMALL: No messages have been left on any phone. No, I have not.

CHAIR: I take it that your business phone at the koala park has an adequate message bank?

Mrs SMALL: Yes.

CHAIR: Could you explain what, if anything, happened to the male koala? Is it true that it died of heat stress?

Mrs SMALL: Just before I went into hospital it was really hot. One morning, the day before I went into hospital, I went over and the big male was dead on the ground. I picked him up and put him in the freezer and I thought that I would get David to check him out after I got out of hospital. But during that time we had a blackout and I lost two freezers and a refrigerator. Everything that was contained in them we burned.

CHAIR: So he was not assessed at all?

Mrs SMALL: No, he was not. As I said, the heat really affects the male koalas. But other than that I just put it down to heat stress. That is another point. RSPCA officers must carry tape recorders around in their pockets because they have written this down word for word. However, they left out a lot of detail. They must have a really good memory because I cannot see how they could remember all the little bits and things. I cannot even remember the little bits and things.

The Hon. LUKE FOLEY: Mrs Small, were two of the parks dingoes shot prior to 3 February?

Mrs SMALL: Yes. After my daughter told me about the lady from the RSPCA being there my husband came home and he thought he would fix the situation and that he would go down and shoot them. We had discussed putting them down before I went to hospital. He said, "I will just go down, shoot them and bury them."

Mrs SMALL: When I was in hospital and my daughter said that the RSPCA lady had been there, my husband came home from work and he went down and shot the two dingoes. He thought that that would end the situation. My daughter was not given any notification so he thought if he left the dingoes there they would be back for further confrontation.

The Hon. LUKE FOLEY: Had those two dingoes received veterinary treatment prior to them being shot?

Mrs SMALL: They were being treated with flea powder and some internal worming measures. There was also some consultation with David about what we could do in the future. My husband thought that in order to save arguing over it and because they were old animals he would put them down. We were going to put them down anyway. He thought he would solve the problem by going down, shooting them and burying them and that would be that. He did not realise that they had to undergo a post-mortem and that sort of thing.

The Hon. LUKE FOLEY: Had the park veterinarian, Dr David Amos, examined, treated and overseen the health and welfare of those two dingoes prior to them being shot?

Mrs SMALL: No, he did not. I would also like to say that David does this on a voluntary basis. He comes out when we need them and I take animals in to him. He does it on a voluntary basis.

The Hon. LUKE FOLEY: I refer to the male koala that died of heat stress. Did that koala receive veterinary treatment from the park's veterinarian, Dr Amos?

Mrs SMALL: No, he did not. Up to that point there was nothing physically wrong with that koala. It was one of the nights that it was so hot. As I have stated, male koalas really feel the heat. I was surprised when I found him dead that morning. I put him in a bag and into the freezer to take to David to do a post-mortem. But, as I said, all the freezers went off while I was in hospital.

CHAIR: You said that the male koala had died after an extremely hot day. On the day had you turned on the sprinkler system?

Mrs SMALL: Yes, we did.

CHAIR: That was operating and the animal still died of heat stress, despite the fact that it was operating?

Mrs SMALL: Yes, that is right. We turned on the spray mist to drop down the temperature but, as I said, that night it was extremely hot.

The Hon. LUKE FOLEY: Mrs Small it has been put to us in evidence by the supervisor of the koala hospital at Port Macquarie that no animal in a captive zoo environment should die of heat stress. What do you say to that?

Mrs SMALL: To start with, I did not know that she was from the koala hospital. I was told that she was a fully qualified veterinarian from Taronga zoo. I did not know what her qualifications were. Can they explain everything that happens at the koala hospital? It happened. The koala must have had heat stress and it

died overnight. I cannot really answer that question. Things do happen. They said that the mother koala ate her baby.

The Hon. LUKE FOLEY: Where was the veterinary attention for the male koala that died of heat stress?

Mrs SMALL: He died overnight and I put him in the freezer so that I could take him to David. When I got out of hospital I had to replace my freezer.

The Hon. LUKE FOLEY: Did Dr David Amos regularly screen, examine, treat and oversee the health and welfare of all the koalas in your park?

Mrs SMALL: David came out when I requested him to do so if I thought we had a problem. He also looked after the park animals or the rehabilitation animals when I took them in to him. All the other veterinarians in town did the same thing; it was not only David.

The Hon. LUKE FOLEY: Mrs Small, this Committee has heard evidence from a number of people who examined the koalas in your park. It is only fair for me to put some of that evidence to you so that you can respond. Ms Flanagan, the supervisor of the koala hospital, said in evidence that the photographs taken by the RSPCA inspector on 22 January showed a close-up of a koala slumped over a water bowl. She said:

This is the classic organ shutdown stance that koalas exhibit when they are in a moribund state.

How would you respond to that?

Mrs SMALL: I respond to that by saying that that was her favourite spot when she got hot. She used to go down there. Have you ever seen a koala drink? They take so long, with one lap at a time. She used to lie over the bowl and drink. When she had finished she would climb back up into the branches and rest. To me that was not unusual.

The Hon. LUKE FOLEY: Ms Flanagan stated in evidence to the Committee that when she arrived at the park on 3 February there was a quantity of eucalypt leaves in the enclosure that she estimated to be at least two to three days old. What do you say to that?

Mrs SMALL: I would not say that they were two days old, but there were also fresh boughs in there. When she crushed the bunch of leaves in her hand, part of the branch had broken off and the leaves on that piece were dry.

The Hon. LUKE FOLEY: Ms Flanagan said in her evidence that she observed, "the level of water in the containers in the koala enclosure was not only low but black in colour, full of faecal pellets, and odoriferous and had obviously not been changed for a number of days". What do you say to that?

Mrs SMALL: Koalas pee in the water. We changed the way in which we feed the koalas and there are still droppings and pee in the containers. How am I going to explain that they were changed?

The Hon. LUKE FOLEY: Ms Flanagan stated in her evidence to us:

The stems would have been unable to utilise this putrid water and hence leaves had died on the branches rendering the moisture level below an acceptable hydration point for the koalas' daily needs.

What do you say to that?

Mrs SMALL: I do not believe what she has written. As I said before, the leaves in this area are a lot different to the leaves that they have on the coast. They are a lot drier. What she considers to be dry is good leaf here. What they have over there is full of moisture. Ours is a lot drier and coarser. I dispute that.

The Hon. LUKE FOLEY: Mrs Small, we received evidence also from Dr Michelle Campbell from the Taronga Western Plains Zoo who was present on 3 February. She has a recognised special status in zoo and wildlife medicine. She told the Committee in evidence:

There was little suitable foliage available. Most leaves remaining on the boughs provided were dry and brittle and the water in which the food was placed was putrid and soiled with faeces.

Would you like to respond to that?

Mrs SMALL: As I said before, the koalas do droppings and they pee in the water and the water had not been changed two days previous. With the foliage, they still had leaves from a couple of days before but they also had the same leaves in the yard that the RSPCA officers took with them when they took the koalas away. We put the fresh branches in the night before. They took the same leaves with them.

The Hon. LUKE FOLEY: Dr Campbell also said in her evidence:

All of the six koalas were dehydrated to varying degrees on 3 February.

How do you respond to that?

Mrs SMALL: They were not. I do not care what she said. They were not dehydrated, they were not starving and they were not stressed. There was no time that they were in that condition. They were not dehydrated.

The Hon. LUKE FOLEY: She said:

One koala was emaciated, was dehydrated, was passing mucoid faeces and had urine soaked fur, raising the suspicion of chlamydial infection.

How do you respond to that?

Mrs SMALL: I respond to that by stating that sometimes, when it is so hot, I have seen the koalas with their arms hanging out to get away from the heat. When they go to the ground they could get dirt on their fur then. Little Old Lady was just a little old lady who was living out her life. I do not care what they say; it is just not right.

The Hon. LUKE FOLEY: Dr Campbell estimates in her evidence that that koala had been in that state for many months. How do you respond to that?

Mrs SMALL: She was getting old and we were just letting her live her life out. She was still drinking, feeding and grooming herself and climbing back up into the branches. It was not as if she was lying flat out on the ground. She was, after they got to her, yes.

The Hon. LUKE FOLEY: Dr Campbell states that the other koalas she examined on 6 February were dehydrated and in poor body condition. Based on her experience and the examination she performed, she estimates that these animals had been in suboptimal condition for a period of at least a few weeks, but possibly up to a few months. How do you respond to that?

Mrs SMALL: How do I respond? I do not believe what she has written. She does not know the koalas in this area. They were not dehydrated. They were beautiful healthy koalas when they took them. I do not know what they did to them in those three days, from 3 to 6 February. I do not know what conditions or what treatment they gave them, but they were not dehydrated, much less starving when they left here.

The Hon. LUKE FOLEY: Mrs Small, we also have evidence from a doctor at the Port Macquarie Veterinary Hospital, Dr Chris Livingston, who examined eight koalas on the afternoon of 4 February, which is the day after the visit to your park. Dr Livingstone reports to our Committee that he found that all of the eight koalas were in a dehydrated state in varying degrees of poor body condition, some were exhibiting diarrhoea, and that the classic chlamydiosis smell also was evident. How do you respond to that?

Mrs SMALL: As I said before, I do not know what treatment they received. They sedated them. They put drips on them. They carted them off in washing baskets. At that time I did not know where they went and how they went or anything. To me, what they did would have actually brought some of those conditions on.

The Hon. LUKE FOLEY: Dr Livingstone also reports that one koala was found to be emaciated, markedly dehydrated, covered in what appeared to be ringworm lesions, had cold extremities, had a matted, lustreless faecal-encrusted pelt and was very listless. How do you respond to that?

Mrs SMALL: I respond to what they did to her earlier in the day. That was little Old Lady. She used to hang over the water dish and, yes, she lost a bit of fur around her paws just from being around the water dish. As I said before, she was living her life out. What they did to her brought on the conditions that they actually said that the koalas had.

The Hon. LUKE FOLEY: Dr Livingstone also reports that in his opinion there was a failure to provide much-needed veterinary attention to these koalas, in particular in relation to the one koala that we have spoken about, which clearly had required veterinary attention for some time. Is that true?

Mrs SMALL: No, I do not think it is true. As I told you before, she was a little Old Lady. She deserved to live her life out. She could move around, everybody knew her, and we checked her all the time. Those koalas did not deserve to be treated the way they were that day. I stand by that.

The Hon. LUKE FOLEY: When Dr Livingstone examined that koala, weighed the koala at 4.5 kilograms, and states that the expected weight for a koala of this size is in the order of 6 to 8 kilograms. What do you say to that?

Mrs SMALL: I say to that that there was a koala team came from Biodiversity New South Wales and they did some research here around December. I rang and asked them could they supply me with details of weight of koalas at the time, and the range was between 5 and 8 kilograms for female koalas. To me, the old girl, our little Old Lady, was slightly underweight, but they do lose some weight around this area during the summer months. That did not really worry her. She was just a little old lady.

The Hon. LUKE FOLEY: Did the little old lady receive any ongoing or regular veterinary inspection or treatment from the park's veterinarian?

Mrs SMALL: No, I did not think she required it because I just wanted her to live her life out. There was no indication that she was sick or dying. She was just getting old.

The Hon. LUKE FOLEY: Dr Livingstone concludes that, in his estimation, that state of emaciation of that koala led him to conclude that she may have been unwell for a period in the order of six months. How do you respond to that?

Mrs SMALL: We have photographs of that koala pretty recently. Even on that day when they took them, you could see the condition she was in, and it was nowhere near what you can see in the photos that they supplied to you of that koala. To me she did not require any veterinary treatment. We just watched her carefully, made sure she was feeding and eating her leaves. Up to the point where she was showing any signs of distress or anything like that, I would have taken her to David then.

The Hon. LUKE FOLEY: Another report before the Committee that I would like to put before you, because it is only fair, is a necropsy report on the little Old Lady after she died from Dr Mark Krockenberger of the Faculty of Veterinary Science at the University of Sydney. To cut a long story short, I will go to his summary. I will read the summary to you and ask you to respond. He states:

The koala was in emaciated body condition with a poorly groomed pelage and evidence of recent diarrhoea and dehydration. The extremely worn teeth would have been a major contributor factor. Diarrhoea was a significant feature of this case, supported by the findings of a chronic enteritis.

Causation of this was unable to be established.

The diarrhoea is likely to be of importance for the dehydration and would have contributed to the poor body condition of the animal.

Would you like to respond to that conclusion?

Mrs SMALL: As I said, when they came and took the koalas, they were in good condition. What they did to them, or what treatment they had given them, was after they left here. I do not know what they did, but I think what they did—you mentioned diarrhoea—and all the treatments and stuff that they were giving them, would that not have had an effect on their internal organs? And everything they said, that all happened after they

left my place. As I said, they would not let us have any contact, or see how they were going, or anything. Whatever happened after they left my place, I cannot contradict.

The Hon. LUKE FOLEY: Our Committee has received evidence from Ms Flanagan, the supervisor of the koala hospital, from Dr Michelle Campbell of the Taronga Zoo, from various volunteers and staff of the koala hospital, from Dr Livingstone from the Port Macquarie veterinary hospital and from Dr Krockenberger of the University of Sydney who examined the dead koala. All of them have provided evidence to our Committee that your koalas had chlamydia, were dehydrated, suffered from diarrhoea, were underweight, were emaciated, were malnourished, and clearly had been neglected. In the face of all that evidence, do you continue to maintain that all of your koalas were adequately cared for by you, your staff and volunteers at the park?

Mrs SMALL: I do. We really looked after them. We have photographs that we can provide that were taken on the day before the RSPCA got there. You will see that even a couple of days before that—I think you have been provided with another photo—all the koalas were taken then. The condition that those koalas were in and what the RSPCA is saying about the koalas is totally wrong. Whatever happened after they took them from my place, I do not know what happened, I cannot dispute them of course because they took the koalas and would not let an independent vet from outside anywhere go and see them, and they would not let anybody else go and see them. They were locked away. We were not told anywhere or anyhow what was happening to them.

I cannot dispute the reports. As I said, everything that happened to them happened to them in their care, not my care. We gave them the best. We provided them with leaves and after-care as best we could. Even in one of the reports they wrote that we had them in a poorly ventilated enclosure. You saw the enclosure this morning. Would you call that poor ventilation? What they have written in their reports—and I actually went on the Internet and read the reports—omits a lot of the details of what they actually did on that day, and they have lied.

The Hon. RICK COLLESS: Mrs Small, I understand that your legal representative, Mr Long, wrote to the RSPCA's legal team requesting an independent vet to assess the koalas while they were at the Port Macquarie Hospital. Do you know if that occurred?

Mrs SMALL: No, it did not, because they actually wrote back and said, "We'd like David to come, but we'll have to blindfold him and take him off to a secret destination." I think David said, basically, "Stuff you. Go and read it on the net in the *Port Macquarie News*. They're in the koala hospital. We know where they are, plus the time frame—you have gone for the February inspection because of the time frame. We have evidence of what the koalas were like on the day", and so on. That was a bit of a joke, you know—wanting to blindfold him and take him off to a secret destination.

The Hon. RICK COLLESS: They suggested that he needed to be blindfolded so that he did not know where he was going?

Mrs SMALL: Yes.

The Hon. RICK COLLESS: Is it not correct that reports of the Gunnedah koalas had appeared in the *Port Macquarie News* only a few days after they arrived there?

Mrs SMALL: I do not know that. I do not know that they were in the *Port Macquarie News*.

The Hon. RICK COLLESS: I think we had evidence along those lines—that it was reported in the *Port Macquarie News* that the Gunnedah koalas were there, so there was no secret about it. That just seems to be a little extraordinary.

Mrs SMALL: I actually rang the koala park at Port Macquarie and I said, "Do you know anything about the koalas?" He said, "I didn't even know where they are." He had been over to the koala hospital to ask them and they would not tell him anything. They would not give him any information—absolutely nothing. He thought that, being another koala person, they would actually give him some information, but it could not find out anything. If it had turned up in the *Port Macquarie News*, I was not aware of that, no. But I was aware of when it actually came out when they asked David to be blindfolded and taken over because the *Port Macquarie News* rang me to see if I knew where the koalas were. I said, "No. I have heard they are over in Port Macquarie, but I do not know where they are." That was the end of the conversation.

The Hon. RICK COLLESS: In relation to the television crew, after they came and started filming and forced you to sign the piece of paper, did you ever request that they stop filming and ask them to leave your premises?

Mrs SMALL: I did not know I could. No, they never told me I could do that, no.

The Hon. RICK COLLESS: I understand it is in their protocols that they will do that, if you ask them to. They did not let you know that that was part of their protocols?

Mrs SMALL: No. The only time they asked me anything was to sign the paper to get across my point of view, and it was not going to stop the filming.

The Hon. RICK COLLESS: I want to ask you about the joey koala that was lost. You obviously knew that that joey was there and you obviously kept a fairly close check on it while it was under your care.

Mrs SMALL: That is right.

The Hon. RICK COLLESS: How regularly did you check to see what the condition of the joey was?

Mrs SMALL: Every morning I go around and check all the animals in the park. I always check the koalas. I did not physically examine, but I used to have a look to see, yes, bub is moving; there was some movement in the pouch. I estimated the baby was about the size of my thumb at that time. On the day, I did not say anything to them. I think I was just so mixed up, bewildered, or whatever you would like to call it. Then in their reports yesterday they noted that the mother had the baby, but they also said that she had chlamydia. They started treating her with all the koalas. They treated the mother with a baby for chlamydia with endoperioxide.

When they brought the last two koalas back I said, "Where is the baby?" He said, "Oh, it died?" I said, "How? Why?" He said, "You will have to get your solicitor to ask us", which Peter Long did. He requested a statement and they said yes. On 5 February when they got to the koala hospital they noted that one had a baby in the pouch but that she had chlamydia. But they also said that they withheld treatment from the mother koala because of the baby in the pouch. They previously stated they started treatment straightaway. They said on 5 March that they checked the mother koala and the baby was still in the pouch and still moving. They still withheld treatment for chlamydia.

But on 11 March the baby had disappeared. The mother had stopped lactating and the footnote said that mother koalas who have been stressed, dehydrated and so on sometimes dropped their baby and sometimes they eat them. However, during that time that koala apparently put on weight. How can they say that a mother koala dropped her baby at that size. It would have been a good handful. It suddenly disappeared. One report said that a bush rat might have taken it. I thought that was poor management in a koala hospital. Surely they would check that koala daily instead of weekly to see where the baby was and what condition it was in. They then came back and said the mother ate it. No!

CHAIR: Thank you for your evidence today and for appearing before the inquiry.

(Luncheon adjournment)

DAVID CAMPBELL AMOS, Principal and Partner, Gunnedah Veterinary Hospital, affirmed and examined:

CHAIR: Thank you very much for appearing today. In what capacity are you appearing before the Committee—as an individual or a representative of an organisation?

Dr AMOS: Probably both, but primarily as an individual.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Dr AMOS: I believe so.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you wish to tender should be heard and seen only by the Committee, please indicate that fact and the Committee will consider your request. Would you like to make an opening statement?

Dr AMOS: I want to make clear my role with the Waterways Wildlife Park. I treat a wide variety of animals and birds presented to me. Sometimes they come from members of the public and sometimes from the wildlife park. Obviously there are some animals that come to the wildlife park and are then referred on to me by Nancy Small or her staff. I do not have a formal role with the park. We have no contractual arrangement and I do not visit the park very often. In fact, it is quite rare for me to go to the park. I only deal with things if I am requested to go there. I have not been to the park for some considerable time.

Having seen a news report yesterday and having read some of the submissions, in view of the fact that my role is as I have explained it and that over quite a number of years I have performed tasks on behalf of the RSPCA in cases of alleged cruelty and neglect, I do have some experience with the protocols involved in investigating these sorts of things. With that knowledge, I was quite surprised to see some of the stuff put forward, in particular the evidence from Cheyne Flanagan from the Port Macquarie Koala Hospital. I wonder what is her motivation in attacking me personally and the whole organisation. It appears that she is quite ill-informed. It is almost a case of what she does not know she makes up. I will give a couple of examples of that.

I refer to the old lady koala that everybody is so interested in. According to Ms Flanagan, that koala was showing classic signs of organ shutdown. She diagnosed that from photographs sent to her by Kylie Prowse. Organ shutdown means that death is imminent. The renal system, the hepatic system and so forth are shutting down and the animal or person is going to die. This person with her incredible knowledge has diagnosed that the koala identified as K206 was showing classic signs of organ shutdown. She was showing the same symptoms nine days after the raid on 3 February. One wonders about that. Ms Flanagan is obviously unaware that in this part of the country in hot weather koalas often go to the ground. You will find plenty of people, including farmers and so forth, who will tell you that koalas go to the ground when it is hot. They often drink and in quite large amounts. However, that has been disputed by Ms Flanagan.

Another example involves a red kangaroo with a sore eye on the day of the raid. That kangaroo was about two years old and it had been blind since birth. It obviously grew up unable to see and it was coping quite well and was getting around. Ms Flanagan failed to realise that the animal was blind. It certainly had a sore eye but it was also blind. She described it as swaying in pain. The animal moves the top part of its body and its head to hear better. It is using its enhanced hearing to compensate for the in fact it does not have any eyesight and it never has. It has been blind since it came out of the pouch. I mention these things because I think Ms Flanagan is firing from the hip and making statements about things she does not know. She has no idea what she is talking about. I am not saying she knows nothing about koalas, she evidently does. However, she has fired from the hip on these things.

The crux of the matter is that irrespective of how ill or otherwise any of these animals may have been—and I reiterate that I had not been to the park, I did not see them and I cannot make a comment from personal experience—no opportunity was given by the seizing officers for me or any other practitioner in town to see them. I may or may not have agreed. However, the fact remains that there was no opportunity for anyone else to see them. Ms Prowse decided that there was a problem and she started marshalling the troops for the raid.

Had there been any issue of ill health or neglect on 22 January, why did she say that everything was sweet and that she would be back to do some paperwork later? She evidently immediately began to organise to do the raid that subsequently occurred. She kept that a secret and nothing happened for nine days. Surely if those

animals were ill, neglected, starved, dehydrated or whatever else they said about them, she should have done something about it. She should have told the park to get some veterinary attention rather than tell them that everything was sweet and then come back and execute them later. As a result, the RSPCA is complicit in any suffering experienced by those animals. I cannot make that point strongly enough.

I have been involved with the RSPCA before and if there is a problem we deal with it in conjunction with the owner or carer of the animal. Sometimes that means an animal is euthanased or a number are euthanased. Sometimes they are fed and treated. However, the principle is to deal with the problem. The fact that Kylie Prowse to start with, and then the rest of the people involved, waited nine days says one thing: If the animals were in a shocking state—to use Ms Flanagan's words—and they did nothing about it, all the people involved in that operation could not care less about animal welfare. They do could not give a damn about animal welfare. This is much more to do with kudos and power.

We all know that power corrupts and, by God, this is a bloody good example of it. They are about milking donations from the unsuspecting public for the RSPCA and the Port Macquarie Koala Hospital. No doubt Channel 7 would get nice ratings from a warm and fuzzy story about rescuing these koalas from these terrible people. The fact that this has blown up somewhat and people are attacking a relatively defenceless little old lady, which Nancy Small is seen as, is pretty good evidence that they like a soft target. The fact that it has blown up in their faces explains why the subsequent reports from Ms Flanagan contain a lot more venom than the original ones.

Nancy Small suspects that one of the returned koalas was not one of the ones that was seized. In other words, there has been a substitution. That is her suspicion. She knows the koala much better than I do. I do not know. However, to that end, I am investigating having genetic material from the suspected substituted koala tested for parentage DNA against DNA from an offspring from the one she believes has not been returned. That is a preliminary investigation to determine whether that can be done. That is what we are intending to do.

In closing, I strongly urge members to investigate thoroughly the financial connections amongst the RSPCA and its current or past board members, Channel 7 and the Port Macquarie Koala Hospital. I also have a document that I wish to table. This is to do with the post-mortem report from a post mortem that I did on the aforementioned blind red kangaroo that was subsequently destroyed. I was informed just before these proceedings commenced today that the RSPCA denied that a report had been done and that the kangaroo was shot and disposed of to hide the evidence, which is not true. I wish to table this document.

Document tabled.

CHAIR: Thank you, Dr Amos. The primary objective of this inquiry is to get down to some of the basic issues. However, as I said in my opening statement, we are concerned about the naming of people. I advise caution as we move along.

Dr AMOS: Yes, I appreciate that. However, having seen what came over the news and what was said yesterday at the hearings in Sydney, I felt it was only fair that I give some form of reply.

CHAIR: You can proceed judiciously.

Dr AMOS: Yes.

CHAIR: I appreciate that you said you did not closely observe the animals in the park. In your opinion was there a likelihood of chlamydia in the koala park? What is the situation in this general region? How frequently do you treat koalas? There has been some discussion about when the koalas were infected. Were they previously infected and so forth?

Dr AMOS: Yes. For those who do not know, chlamydia is a complex disease that can frequently be carried by animals or, indeed, by people for that matter. Many of the individuals who are tested might come up with a positive test. You can isolate the organism but there is no clinical disease. In this part of the world we do not seem to see clinical chlamydia disease, which manifests itself in a number of different ways. You can get eye discharges, infertility, urinary tract infections and various other problems. We just do not seem to see those conditions, although the bug has been isolated from koalas in this area. The organism appears to be here but I do not know whether there are slightly different strains of it.

It has been isolated by research people from the University of Sydney and from the Department of the Environment and Climate Change, or whatever it is called this week. So, yes, the organism exists here but we do not seem to see the clinical disease here. The outbreak of clinical disease is largely related to other stresses. If you have an animal that has the organisms on board, it is fit and healthy and it is showing no signs of the disease whatsoever, and if that animal is subjected to undue stress—I hate the word because it is so airy-fairy—and it is under duress, handled, starved, knocked around or whatever, it is likely that you can get signs of the disease emerging.

CHAIR: Are you in a position to comment on the euthanasing of the two dingoes that were discussed in evidence earlier? Does anything strike you as irregular in that process? Were you aware of the dogs, or had you viewed them at any time in the recent past?

Dr AMOS: No, I was unaware of that until well after the event.

CHAIR: You have no opinion on the process or what would have been a reasonable way to go? Should there have been any further inspection or investigation before the dogs were euthanased?

Dr AMOS: That is a bit of a moot point. Apparently the original complaint was about the state of one or two dingoes. This morning I heard Nancy Small saying that the two dingoes in question were very old. They had been considering euthanasing them anyway. When this happened Colin Small made a decision and said, "We were talking about euthanasing them. They are complaining about the condition that they are in. They are very old. We will euthanase them." I became aware of some of that only this morning. Some weeks ago I knew that they had, in fact, been shot.

CHAIR: This morning we inspected the wildlife park and the dingo enclosure. Not all of them but quite a number of them were severely impacted by skin disease and the loss of fur. Were you aware of that? Had you looked at them? Can you give us any assessment, firstly, about what we are dealing with and, secondly, how severe the condition is? Is it because of the environment in which they are living or existing, or is it something else?

Dr AMOS: I inspected the dingoes—I do not have the date with me at the moment—some time in April. We had a problem there, or Nancy reported a problem with their skin, possibly some flea problem and possibly some sarcoptic mange. We have been treating them. Currently those dingoes cannot be handled. They are not pet or quiet dingoes; they are caged wild animals. Whilst they are not as wild as those in the bush, they are still very shy and cautious.

CHAIR: Before you go on, you referred to a skin disease called sarcoptic mange.

Dr AMOS: I referred to it as possibly sarcoptic mange. That is not confirmed but we instituted treatment, which is oral treatment, which is reasonably effective against those sorts of things. However, you have to keep on treating them. When you are doing it orally and you are putting the tablets into a piece of chicken, which Nancy finds that they like the best, sometimes it is difficult to ensure that every dingo gets its bit and one dingo does not eat three doses. We have discussed and talked about building some extra subdivisions in the yard, an area in which we can put those dogs into what we call a crush pen. In other words, you chase them into a smaller area and you can then slide up the cage and hold them firmly so that we can do skin scrapings and so forth. But that is still in the pipeline.

The Hon. RICK COLLESS: Dr Amos, how would you assess the condition of a koala? What physical test do you do when you examine a koala?

Dr AMOS: By feeling its skin. Obviously they refer to tenting. You pick up the skin, which is a bit hard to do on koalas because they do not have much spare skin. However, you pick it up and you let it go. The elasticity of the skin and the speed with which the skin goes back to where it came from gives you an indication of hydration. You can also get quite a good indication of the body score, the amount of fat or otherwise, by feel. You can feel how bony or otherwise they are.

I will say that most of these native animals never get very fat. They do not store much fat, not like domestic animals, and people for that matter. They are quite lean animals. But it is by the feel of the skin. Obviously an assessment is made of the mucous membranes, which is the covering of the gums. An assessment can be made visually and by expressing the blood out of those things by digital pressure. You see how quickly

the blood flows back in and it gives you quite a good assessment of circulation. Those would be the basic and easy things to do to make an assessment.

The Hon. RICK COLLESS: Earlier today we heard that one of the inspectors who went to the park wanted to go into the kangaroo enclosure to test the fat content of a kangaroo by grabbing its tail. Is that a method that you would use to assess the health and wellbeing of a kangaroo?

Dr AMOS: Not really. They do store a certain amount of condition in the tail. With a kangaroo as opposed to a koala, which is what we are talking about, you would get some additional information out of doing that. With a large red kangaroo it would be a rather risky thing to do. It is fine if you get hold of its tail and you hang on tight as you can control him to a degree. Quite frankly, I would have thought that it would have been a rather silly thing to be doing.

The Hon. RICK COLLESS: I understand that you have been in this district since 1979?

Dr AMOS: Since 1977.

The Hon. RICK COLLESS: And you have been practising as a veterinary surgeon for that period. Over the past 20 years how many koalas have you examined? I am sure you would have to guess at that figure, as you would not have it with you.

Dr AMOS: It is a big guess but it would be many hundreds. Let me elaborate a little on that. In the very hot weather that we experienced around Christmas and, in particular, just before Christmas when it was very hot and dry, the aforementioned team from the University of Sydney and the Department of the Environment and Climate Change was here. It has been doing a tracking and research program on the koalas here for some time. Because that team and members of the public were out tracking these things, it was very hot and a lot of koalas were very sick. There was very little moisture around and the koalas did not have an opportunity to drink at the creeks because the creeks were dry and so forth. Many koalas were brought into the hospital. I think we had up to eight at a time on drips and so forth that we were treating. Most of those koalas recovered, we got them up and running again and they were taken back to where they came from.

The Hon. RICK COLLESS: In the period prior to 3 February, which from memory was hot and dry, the population of wild koalas was suffering from heat stress and dehydration. Is that correct?

Dr AMOS: Indeed, they were.

The Hon. RICK COLLESS: How many koalas suffering those symptoms would have been brought into your surgery at that stage?

Dr AMOS: About 30 or more.

The Hon. RICK COLLESS: And most of them survived?

Dr AMOS: Most of them survived, yes. The figure quoted by Dr Dan Lunney, who is with the Department of Environment and Climate Change, and to whom I subsequently spoke, estimates from his work that about 25 per cent of the wild population died in that heatwave.

The Hon. RICK COLLESS: Have you seen any figures, or any estimated figures, on the number of koalas that live in Gunnedah shire?

Dr AMOS: No, I have not.

The Hon. RICK COLLESS: Have you ever seen chlamydia manifest itself, as you were describing earlier, in the wild population in this region?

Dr AMOS: No.

The Hon. RICK COLLESS: I think you said a moment ago that the organism is here but that the disease is not.

Dr AMOS: Yes. A number of years ago I saw one animal that had an eye condition, and one eye as opposed to two, that I suspect may have been due to chlamydia. We did not have the wherewithal to do the laboratory work on that. But apart from that I have not seen clinical cases of the disease. Quite honestly, I had not known for sure whether or not the bug existed here until Dan Lunney told me that they had isolated it. That was relatively recently. It does exist but it does not seem to cause clinical disease here or, if it does, it is quite uncommon.

The Hon. RICK COLLESS: In the work that you have done with koalas in this area, have you made any assessment of their food sources and the type of fodder that is optimal for them?

Dr AMOS: Not really, but it is reasonably logical that they do better if the trees are doing better. If it is a tough season and there is less moisture in the trees, they are restricted in how much moisture they can get and the leaves will not be as fresh and so forth. We do know also that, contrary to what was always the conventional wisdom—that koala only ate leaves from one or two different sorts of trees—that is not actually true. They will feed on a large range of different eucalypts. We see them up all sorts of trees, quite frankly, and see them feeding on all sorts of trees. But when you get good rain from that terrible heat wave that was occurring—we did get some reasonable rain—although it did stay fairly hot, and probably a little more oppressive because it was then more humid, the incidence of animals being brought in dropped down a lot simply because they were getting more fluid either directly by drinking, or indirectly through the leaves.

The Hon. RICK COLLESS: The fact that the shutdown symptoms that you spoke about a few minutes ago that were described by Ms Flanagan were there nine days later, would that indicate to you that the shutdown was not imminent, as Ms Flanagan might have suggested? Once those symptoms appear, how long would it be before you would expect a koala to die?

Dr AMOS: First question: yes, look, they die fairly quickly. Anything that gets organ shutdown dies. The most common organ to shutdown is the kidneys. That is what is called renal shutdown. If you are a human and you get renal shutdown, you are on dialysis and fluids, and you are looking for a kidney. You are looking for a helicopter pilot.

The Hon. ROBERT BROWN: Dr Amos, in your opening statement you mentioned that you and the other vets in the Gunnedah region have worked before with the RSPCA on various jobs, mainly involving livestock and other things. Can I ask you a couple of questions? How many vets are there practising in the area?

Dr AMOS: There are three separate practices in Gunnedah. Two of the practices have not a floating population but they have people who work part time. The full-time equivalent would be about five vets in three practices in town.

The Hon. ROBERT BROWN: How big is the region that those vets service?

Dr AMOS: Not very big. You know, if you take the geographical sort of thing, we go halfway to Narrabri, to Barraba, to Tamworth, to Quirindi—that sort of area.

The Hon. ROBERT BROWN: Approximately a 40-50 kilometres radius, or something like that?

Dr AMOS: Yes, perhaps a little bit more than that, but most of it would be in that 40 to 50 kilometres radius.

The Hon. ROBERT BROWN: In the past when you have dealt with the RSPCA, from which offices did those people come? Do they have an office here in Gunnedah?

Dr AMOS: No. Sometimes from Dubbo; there has been one from up on the tablelands, Walcha or somewhere I think, but we do not sort of really deal with the office. You know, we get a phone call from an inspector who sort of says, "We've got this. Are you in a position to come and examine this animal or these animals, whatever", and we would make an arrangement to do so.

The Hon. ROBERT BROWN: How many times a year would you work with the RSPCA?

Dr AMOS: Less than one.

The Hon. ROBERT BROWN: Okay.

Dr AMOS: Probably it is a now-and-again thing. It might go from couple of years, or two or three years, without doing anything. It just depends on what cases come up.

The Hon. ROBERT BROWN: Given that the RSPCA officers will call one or more of the local vets to a situation, wherever that situation may occur, am I correct in reading into your opening statement that you thought, given the circumstances out at the wildlife park, you or one of the other vets would have been called?

Dr AMOS: Absolutely. I would have expected that Kylie Prowse would have instructed—not Nancy, because she was not there at the time—but, with Jodi there in charge, she would have said, "These animals are stressed", for want of a better word. "There's a problem. Do something about it. Get some veterinary attention."—you know, given the instruction, saying, "This is what I want you to do and I'm going to come back tomorrow or the next day or whatever, and I'm going to make sure that things are improving."

The Hon. MARIE FICARRA: In the time that you had a constant and regular professional relationship with the park and on the occasions that you did visit, was there anything that alarmed you in terms of neglect of any animals at any stage?

Dr AMOS: Not at all.

The Hon. MARIE FICARRA: In the autopsy report, which you tendered here today, on an autopsy that you carried out on 25 February on the blind kangaroo, what were your findings as to the condition of that kangaroo?

Dr AMOS: The kangaroo was very healthy. I could find no signs of any disease in any of the organs. There was no indication of internal parasites. The kangaroo was in good, strong condition. It had very little body fat, but most of them do not. I considered it to be good. It was lean and strong, with no indication of disease whatsoever, other than it did have a healing ulcer in one of its eyes. Both those eyes were sightless, of course. As I previously mentioned, it was blind from birth but, yes, that animal was in good condition.

The Hon. MARIE FICARRA: From previous occasions when you may have had dealings with RSPCA inspectors, perhaps some had a better relationship in terms of following up cases of concern than others? Generally, how have you found relationships with RSPCA inspectors?

Dr AMOS: I have always had a good relationship with them. You know, I have found them to be to the point, pretty fair, and I have not had a trouble at all. This particular episode is just atypical, I think.

The Hon. MARIE FICARRA: This whole episode is very much out of character. From January-February, their visits and their subsequent actions, that is out of character, you would say?

Dr AMOS: I am not sure that "out of character" is the right term. The people I have dealt with, which did not include that particular inspector, have always been fine—no problems—and I think they have done things in a straightforward, open and fairly fair sort of a way. But obviously that is not the case in this example.

The Hon. MARIE FICARRA: Do you believe that it would be useful to do any wildlife or animal husbandry training for volunteers for the wildlife park and the owners and so forth? Do you think that would be of use?

Dr AMOS: I am sure it would be of use. This sort of training is not that readily available. People have to make their own decisions as to whether they go to the trouble and expense, remembering that they are volunteers. It is not easy. If a volunteer comes along and says, "Right, I'd like to help. What do you want me to do? Will I clean out the koala cages or will I sweep the path, or will I water something?" As far as going and having some formal training is concerned, I am not really sure how easily accessible it is and what sort of costs are involved. People have got to be pretty well hanging in there for the long term and pretty dedicated to go that extra quite-big step, I believe.

The Hon. MARIE FICARRA: Do you think that it is a service that government departments and State agencies like the RSPCA could provide in a genuine attempt to help well-meaning wildlife park owners, volunteers and people with goodwill? Is this something that may be of use, in your view?

Dr AMOS: I think it would be, yes, definitely. There is no substitute for more knowledge, is there? So, yes, that would be good.

CHAIR: Were you aware of previous complaints about the park in 2007 or 2009?

Dr AMOS: I was aware about the one 18 months ago, so that is somewhere in between, is it not?

CHAIR: Yes.

Dr AMOS: I was aware that there had been a complaint and that there had been an inspection, and that inspection did not find any problems, as Nancy mentioned this morning. Yes, I was aware of that.

CHAIR: Had you been in any way involved in an inspection or inspecting the animals before that?

Dr AMOS: No.

The Hon. HELEN WESTWOOD: Dr Amos, how was it that you were aware of the complaint 18 months ago? Did the RSPCA contact you and involve you?

Dr AMOS: No, I was not involved in any way. Nancy told me subsequently.

The Hon. HELEN WESTWOOD: You spoke a little earlier about Ms Flanagan's evidence to us yesterday, and you seemed to be expressing some concern. I am wondering whether you are aware that on that day there was also a veterinary surgeon from the Taronga Conservation Society and the Taronga Western Plains Zoo, Dubbo, that was present at that inspection?

Dr AMOS: Yes.

The Hon. HELEN WESTWOOD: Have you had the opportunity of reading the statement of that vet, Dr Michelle Campbell?

Dr AMOS: I have, yes.

The Hon. HELEN WESTWOOD: She talks about that kangaroo that has been referred to. In her statement she said that one male red kangaroo was noted to have a discoloured eye; that this animal had a slight head tilt to the right and it was intermittently scratching; and that, when asked by an RSPCA inspector if she was aware that this kangaroo had an eye problem, Mrs Small replied, "No, I was not aware." Is that likely to be the same animal that was blind?

Dr AMOS: Yes.

The Hon. HELEN WESTWOOD: And Mrs Small was not aware that it had an eye problem?

Dr AMOS: She was well aware that the animal was blind. She was not aware, evidently, that that particular animal had actually a sore eye. Being blind and having a sore eye are two different things. The animal did have an ulcerated cornea, but evidently Mrs Small was not aware that the ulceration was there. But she was definitely aware that the kangaroo was blind, and had always been.

The Hon. HELEN WESTWOOD: Also in the statement from the RSPCA we have evidence from Dr Livingstone, whose statement really concurs with that of Dr Campbell and Ms Flanagan, and he describes the state of dehydration that the koalas were in. He treated those animals and assessed them at the Port Macquarie Koala Hospital.

Dr AMOS: Yes. That is some days later, is it not?

The Hon. HELEN WESTWOOD: Actually I think it was the next day—no, two days later he assessed those animals. He also found a tapeworm infection and the presence of chlamydia. He says that from swabs that it was present in both the eyes and the urogenital tract. Do you doubt their statements? Do you think

that they are false or unlikely to be accurate, or that these things occurred in the two days from the time that they were collected until the time when they were assessed by Dr Livingstone?

Dr AMOS: Look, obviously, I cannot make any comment on that because I have no contact with those animals whatsoever. I am not in any way saying that they are not telling the truth, but the point I made before was that there was no opportunity for anybody else, other than people working on behalf of the RSPCA, to do the examinations. That is one of the things that has really upset people. If there was a problem with these animals, they have waited nine days, when they are in a terrible state, rather than actually getting something done about them.

If there was a problem, we would have liked to have known about it and done something about it. Okay? These experts come along and say, "Okay, there's a problem." Let us deal with it. Because I have not been given any opportunity, I cannot argue against what people have written in a report. Okay? I mean, that is just logical; I cannot argue against that. What I am going crook about is the way they have gone about things. We want to deal with a problem that is there. We should investigate and then execute. Okay? What the RSPCA has done on this occasion is they have executed and then investigated.

All the time subsequent to that seizure, when Nancy and later on the legal representatives have been trying to get information about where are they and what is happening and other bits and pieces, there was no information forthcoming for many weeks: none whatsoever. What did they have to hide? We are interested in animal welfare. They are purportedly interested in animal welfare, but there was no information whatsoever. Okay? Where are they coming from?

The Hon. HELEN WESTWOOD: What do you think they have to hide?

Dr AMOS: In my summing up in my statement before, I said I think that Waterways Wildlife Park and Nancy Small were seen as a soft target for a way for the RSPCA to make quite a lot of money out of Channel 7 and to make quite a lot of money out of high ratings, and whilst there may or may not have been a problem with the animals, I think the primary concern, sadly—really, really sadly—the primary concern was not to do with animal welfare. That is what is so wrong about this. It is not about animal welfare; it is about other things. As you know, when people get into positions of power they tend to abuse it.

The Hon. HELEN WESTWOOD: Have you had no concerns at all about the care and the state of the animals at the park over the years you have been associated with it?

Dr AMOS: No.

The Hon. HELEN WESTWOOD: There has been no need for any intervention? You have had no concerns about the accuracy of training, knowledge and animal husbandry skills?

Dr AMOS: There are two different issues. Concerns are one thing, and I did not have any concerns. I reiterate: I rarely went to the park. Training and qualifications are great. If everybody could be professional zookeepers that would be great. But they cannot be. There is a big difference between someone who has a piece of paper that says, "I know how to look after lizards because my piece of paper says so", and someone else without a piece of paper who has experience. People get terribly hung up on having the piece of paper. It is great if we can get them trained and they know a bit more. But it is really a matter of knowing what you doing, not having a piece of paper.

The Hon. HELEN WESTWOOD: You talked about conducting a DNA test. Is that because you suspect that animals returned to the park are not the same ones that were taken away?

Dr AMOS: I do not know myself, but Nancy is of the opinion that the one with the joey in the pouch has not been returned and another has been returned in its place. I do not know. However, I have certainly begun to chase up to see whether we can have parentage testing done. We have some DNA available from an offspring of the one that left here. If we can get parentage verification from the one that came back and it proves that it is the mother of this one, that will be great. However, Nancy is of the opinion that that koala has not been returned. I am currently trying to find out whether I can get DNA parent verification done.

You may not be aware that parentage verification is easy in humans, dogs, horses and cattle. It is commonly done and it costs about \$50 a go. It is not so easy with koalas because the mechanics of the koala

genome has not been dealt with as well. That is why we have not done it already. We are trying to see whether we can get it done. If a substitution has been done, that will put the cat amongst the pigeons.

The Hon. LUKE FOLEY: How regularly did you screen, examine, treat and oversee the health and welfare of the park's koalas?

Dr AMOS: You know that I did not because I have already said that I do not go there. I rarely go there. I certainly do not go there to screen, regulate or treat. My work with Nancy and Colin Small and the animals there is on an as-needed basis as determined by them. On almost all occasions—and they are quite uncommon—the animals are brought to me. Most of the animals have been brought to them by someone who has picked them up off the highway. They may be koalas but there are all sorts of animals. There is no regular screening or those other things you mentioned.

The Hon. LUKE FOLEY: When did you last examine any of the park's koalas prior to 3 February this year?

Dr AMOS: It would be several years.

The Hon. LUKE FOLEY: When did you become aware that a male koala died of heat stress approximately three weeks before 3 February?

Dr AMOS: Probably in April. That was an incidental mention to me. Nancy said that the power had gone off and all the freezers had gone and so forth. There is no formal arrangement. Whether any animal that dies is supposed to go through a post-mortem and so on I do not know. I do not know whether there is some sort of requirement. If there is I would like to know who funds it. I do everything for nothing, but I sure as hell cannot get the pathology done for nothing. Many of the animals that come in have been run over or chewed by dogs and so forth. A fair few are beyond redemption. We treat them if we can and we do surgery on those we think have a reasonable chance of surviving. But if an animal dies or we euthanase it because it is too badly injured no post-mortem is done and we do not do all the pathology. It is too expensive and we cannot do it.

The Hon. LUKE FOLEY: Are you telling the Committee that if the department that licenses the park to operate is going to impose onerous conditions such as a requirement to carry out post-mortems on euthanased animals then you as a qualified veterinarian would expect that department to provide sufficient funding to make it practicable?

Dr AMOS: It would be sensible. If they want the information they should cough up the dollars. As you may have gathered, places like Waterways Wildlife Park are not making a fortune. Colin Small drives a truck around carrying bricks to keep the place going. Huge numbers of animals are brought in, nurtured and returned to the wild because of the expertise of Nancy Small. If you are going to put it under too much pressure and make it too difficult, it will disappear. I cannot see where anyone is coming from who wants to stomp on that sort of thing. There might be an injured koala and people will hit it on the head because there is nowhere to take it. We have to be a little bit human about this.

The Hon. LUKE FOLEY: It has been put to the Committee in evidence that no animal in a zoo environment should ever die of heat stress. What do you say in response to that?

Dr AMOS: Standing alone, that is probably a reasonable sort of comment. I know that you are alluding to the male koala that may or may not have died of heat stress. I understand that it died suddenly without any prior signs. Making the assumption—and it is an assumption—that that animal died of heat stress, you could say that that should not have happened. Until you can say it died of heat stress, it is an irrelevant question. It is almost like saying that in a controlled environment nothing will die suddenly. They do. People die suddenly. They say, "There he was sitting there reading a comic and the next thing he fell off his chair dead." It happens.

The Hon. LUKE FOLEY: In your opinion can serious or chronic dehydration occur in a matter of days?

Dr AMOS: Serious dehydration can happen quite quickly. It depends on the circumstances.

The Hon. LUKE FOLEY: How can you say today on the one hand that the RSPCA and others were at fault for seizing the koalas on 3 February and also put to the Committee that the RSPCA was complicit in the suffering of those animals?

Dr AMOS: I think you missed my point. They evidently decided on 22 January that there was a problem. Let us forget about whether there was or was not. They decided that there was. Having decided that, they waited nine days before seizing the animals or providing any treatment. That is why I am saying they are complicit in the suffering. If those animals were as crook as they say they were—they were diabolically crook and it was terrible—why did they wait nine days? They should have said that the animals were unwell and neglected and ordered that something be done about it now. They should not have waited nine days.

That is why I am saying they were complicit. If the animals were crook, they needed treatment then. The fact is that they were not treated and there was no indication whatsoever that there was a problem. Ms Prowse said that she would return in due course to complete the paperwork after Nancy Small came out of hospital. You cannot have it both ways: They were either sick and the RSPCA failed to direct that anything be done about it or they were not sick. That is my point.

The Hon. LUKE FOLEY: It was put to us yesterday in evidence that following the inspector's visit on 22 January two government departments responsible for the park had to be consulted before any seizure took place—that is, the Department of Industry and Investment, which oversees the relevant Act dealing with animal exhibits, and the Department of Environment, Climate Change and Water. Surely in your experience as a veterinarian who has dealt with various government departments and agencies over the decades that sort of bureaucracy would not be uncommon?

Dr AMOS: That is right. But we are still talking about two different things. You are talking about seizure. I do not know whether they all had to be notified by the RSPCA that it wanted to seize animals. If that is a given—and obviously they began talking to them in that intervening period—that is fine. However, I keep coming back to the point that if the animals were in need of urgent attention because they were so sick then all Kylie Prowse had to do on 22 January was say so. She had to say, "These animals are sick. Do something about it." She did not do anything about it, but she immediately began organising the troops, and she said so. She was organising the troops to raid the park and seize the koalas but she had not done anything about the situation. Animal welfare does not come into that. She was not interested in the animals; she was interested in the seizure. That is the point I am trying to make.

The Hon. LUKE FOLEY: This Committee has received evidence from Ms Flanagan, the supervisor at the Port Macquarie Koala Hospital, Dr Michelle Campbell, who has specialist status in zoo and wildlife medicine from the Taronga Zoo, volunteers and staff at the koala hospital, Dr Livingston of the Port Macquarie Veterinary Hospital and Dr Krockenberger from Sydney University, who performed the necropsy report. All of the above have provided evidence to this Committee that the eight koalas had chlamydia, were dehydrated, suffered from diarrhoea, were underweight, emaciated and malnourished and had been neglected. Given that by your own admission you did not visit the park regularly and you did not inspect these koalas, you are not in a position to refute the evidence from those people, are you?

Dr AMOS: That is correct. We are going over the same question. I cannot refute it. You have asked me that before and I said, "No, I cannot. I did not see the animals before, during or after." The point I have to keep coming back to is that, if they were in that sort of state, why did the RSPCA leave them?

The Hon. LUKE FOLEY: I have one final question, Dr Amos. In your opening statement you introduced a theory that I think is new to the Committee. Correct me if I am wrong because I have not read this in any of the evidence, but you introduced a theory about financial links between RSPCA board members, Channel 7 and the Port Macquarie Koala Hospital. What evidence, if any, do you have to support that theory?

Dr AMOS: I ask the question: What is the link? What links are there? Obviously we know from previous evidence that the RSPCA received a considerable fee from Channel 7.

The Hon. LUKE FOLEY: Of \$50,000 a year?

Dr AMOS: It received \$50,000 a year, which is not bad.

The Hon. MARIE FICARRA: A series.

Dr AMOS: A series. Whether it is \$1 or whether it is \$1 million, there is a financial transaction. I am curious to know what other money or influence has been passed as a result of this sort of thing. For the life of me I cannot see how the whole thing has developed, unless there is an ulterior motive.

The Hon. LUKE FOLEY: Forgive me, but I am an outsider and all the members of this Committee are outsiders. It seems to me that some well-meaning people are operating a park and that they have operated this park for decades. We also have a bunch of other people concerned about the welfare of koalas. We are where we are. The theory about alleged financial links or ulterior motives was dropped on us only today through your opening statement. Do you have any evidence to support that claim?

Dr AMOS: I have evidence about the \$50,000 and I have not made a claim. I have asked for that issue to be investigated. It is part of the brief, is it not, to see what was the motivation and so forth for the raid generally?

The Hon. ROBERT BROWN: Dr Amos, you have been practising in this area since 1977. You stated in evidence that you had worked with the RSPCA on a number of occasions. Have you ever known the RSPCA in any investigation to require you or other veterinarians to wait nine days after making a critical assessment of an animal problem?

Dr AMOS: No.

The Hon. MARIE FICARRA: On 10 February the RSPCA agreed to allow an independent veterinarian to examine the koalas. Given that you had a professional relationship with the Waterways Wildlife Park, were you ever approached to be that independent veterinarian?

Dr AMOS: It was mentioned. I do recall an offer being made to have one, but I did say right at the start that if they wanted an independent person they needed to go somewhere else because I am not independent. Obviously I am not independent. I like to think that I am truthful and fair-minded about this, but I am not independent. I am certainly not independent at this stage of the game.

The Hon. MARIE FICARRA: Do you know whether that examination was ever carried out? Did an independent veterinarian come in to examine the koalas and to prepare a report?

Dr AMOS: No, I do not think so. If there was I have no knowledge of it.

CHAIR: Thank you, Dr Amos, for your attendance and for appearing before the Committee today. It will be most helpful to the Committee in its deliberations.

Dr AMOS: Thank you, Mr Chairman.

(The witness withdrew.)

ADAM JOHN MARSHALL, Mayor, Gunnedah Shire Council, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative?

Mr MARSHALL: I am appearing as a representative of Gunnedah Shire Council.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr MARSHALL: Yes, I am.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Mayor Marshall, before the Committee commences with questions would you like to make an opening statement?

Mr MARSHALL: Thank you, Mr Chairman, I would. Firstly, I would like to thank you for the opportunity to present to you and the Committee today on behalf of council and the wider community. I also thank you for taking the opportunity to have one of your hearing days here in Gunnedah. We are appreciative of the fact that the inquiry has been established and that you have all been prepared to travel here to visit the park, to talk to Nancy and Colin, to walk around, and to hear evidence from some people from this community. It is very much appreciated. I acknowledge that first and foremost.

As you would probably all be aware from the submissions that have been received and the evidence that you have heard today, this is an important issue for our community. It has certainly touched a nerve with a great many people in our community. Following the events of 3 February we have had two public meetings and over 4,000 signatures on a petition calling for this inquiry to be established. In my view all that is a true reflection of the esteem with which this community holds Nancy and Colin Small and the work that they have done over many decades, not only in running the Waterways Wildlife Park, but also in nurturing back to health many animals. I do not have any idea how many animals they have nursed back to health, but all sorts of animals that have been injured have been taken to them and they have been nursed and returned to health. Council and the community acknowledge their efforts and very much appreciate what they do in our community.

I think that the community response and the outpouring of support speak volumes for how they are viewed. Everything that is discussed in this inquiry has to be viewed against the backdrop of a few simple facts. Those facts are that the animals were seized, they were then returned, no charges were laid and the park still operates under its licence, which was issued by the Department of Industry and Investment. Those are the facts. In my view and in the view of council those are the facts against which everything else must be measured. Members will see from our submission that it is not Council's intent to discuss the condition of the koalas. There are a great many more educated and experienced people in the community who can talk about that.

Council and the community acknowledge that the RSPCA is an organisation that has done a great deal of good in the community, in this State and across our country. However, in this situation in Gunnedah to do with the Waterways Wildlife Park, we believe that it has erred. Sound policies and procedures have not been followed. In essence, in our opinion the operators of the park have been denied natural justice. There is an existing and strong perception in our community of some sort of predetermination of the outcomes before the animals were taken. If you look at it from an objective point of view you can understand why people would feel that way. As we have heard, we had an inspection on 22 January in response to a complaint that did not relate to koalas. Evidence has been tendered at the inquiry that the inspector who was there on the day remarked how excellent the enclosure was and how great the park was—hence after the 22 January visit, so far as the operators were concerned, there were no issues relating to the koalas.

When we fast-forward to 3 February, without notice the raid occurs, the officers enter, the camera crew enters and they start filming prior to receiving any permission. However, as we have already heard, some of the procedures were not explained and the introductions were not made in accordance with the Act; hence some procedures fell by the wayside, which I think is unfortunate. But there is an overall perception here. Today you have already heard in submissions about the conduct of the raid on 3 February. As you would have noticed in

council's submission to the inquiry, we first heard about the raid from a Dutch couple who was at the park during the raid.

Obviously, as the couple are living in the Netherlands it is hard for them to be present here today but they have given permission for council to include their email to Mr O'Shannessy of the RSPCA, which details what happened on the day from their point of view. With the indulgence of the Committee, it is included in our submission, but I wish to read a section of the email from that couple. As I said earlier, this email is from Frank van Kraaij and Hanna Bruk, the married Dutch couple who were at the park on the day. This is what they said in their email:

As we were ready to leave the Koala's and start our visit to the rest of the Park, a lady from the RSPCA walked toward us.

She said to us: "What you are doing is illegal!!! Have you been petting the Koala's? What are doing in the Koala shelter? You have to get out of there, The Koala's are stressed out and dehydrated!"

Then she started to shout to the elderly Lady, as if she was her 12 year old daughter. Rude, arrogant and respect less behaviour. She was shouting: "From now on the' Koala's are the property of the RSPCA".

The email goes on to state:

We felt like criminals not understanding this out rage. What did we do wrong? What did the Park owners do wrong? Is it a crime to help the sick and injured animals? We quietly walked away from the RSPCA lady. Despite all, the elderly Lady tried to comfort us and told us to visit the rest of the Park.

The email goes on, but I will not read the rest of it as it is contained in council's submission to the inquiry. As we have also heard in evidence, unfortunately, following the events of 3 February, it became very difficult for the operators of the park, let alone the community, to obtain any information about what had occurred, what was going to occur, and what were the procedures. Indeed, Nancy and Colin had to engage their own legal counsel to try to extract any information that they could. I note also that the Committee's terms of reference ask for comment on the role of the Department of Industry and Investment in licensing the park. To that end, council has a few comments to make.

Firstly, everyone would be aware that the park is licensed on a 12-monthly basis and that the last licence was issued on 1 July 2009. Presumably—and I am sure that this applies to all government departments because I am sure that they are all very diligent; and I know for sure that the division of local government is—the Department of Industry and Investment would be doing regular inspections of the park and, therefore, would not reissue licences without requiring all the appropriate measures to be met. Following the raid and the seizure of the animals, a meeting took place on or about 24 February in the Gunnedah Shire Council chambers. Nancy was present, as was her legal counsel, and three representatives from the Department of Industry and Investment, the licensing authority, as well as representatives from Gunnedah Shire Council.

At that meeting, we were advised by the department officials that they had inspected the park as a result of the raid and identified some issues of concern that they had in relation to licensing of the park. They advised that they were preparing an issues paper to be provided to Nancy and Colin as the operators to identify the issues that had to be addressed before 30 June—the time when the current licence expired. They needed to address those issues before a new licence would be issued.

There was a commitment made that that report was almost finished and would be furnished to Nancy and Colin within seven days. That report finally arrived on 23 April, nearly two months later, and the rest is history. The operators are working through the measures. But from our perspective, the involvement of Industry and Investment—and this is where I probably agree with Ms Flanagan in her submission—it is certainly council's submission that Industry and Investment has been quite tardy in this matter.

Council wishes to express also its unease about the commercial relationship that exists between the RSPCA and the Channel 7 television show, *Animal Rescue*. We are concerned, obviously, that there is a contractual arrangement between the RSPCA and a commercial television station. The RSPCA is a body that has, let us face it, enormous powers under various Acts to not only search premises, to seize animals, to issue fines and ultimately to prosecute but is a body that has all of those powers granted to them by legislation. Yet I ask how comfortable everyone is with allowing that same organisation with all those powers to have contractual arrangements whereby money changes hands in exchange for exclusive images of searches. I am not sure how much money changes hands. I have heard a number announced today, but we have some concerns and

we feel uneasy about that relationship. Hence we would ask the Committee to investigate that a little further and make its own determination.

Council also believes, given the evidence that has been presented to the inquiry about the events of 3 February—and in no way are we criticising the great work of the RSPCA, nor their commitment to animal welfare because that issue ultimately has to be paramount—that clearly there needs to be a very strong code of conduct for any of those officers who exercise powers under the Act to ensure that all of those procedures, which are supposed to occur, to actually in fact occur and no-one is denied natural justice. I again thank the Committee for being here today, and I thank you for the opportunity to present. I wish you all very well with your deliberations, and I look forward to reading your report.

CHAIR: In general terms, before this situation, are you aware of any complaints made about the park?

Mr MARSHALL: No. Personally, I am not, no.

CHAIR: Has there been anything stated about conditions of animals that has come to your attention?

Mr MARSHALL: No.

CHAIR: Not by way of complaints, but just in terms of the condition of those animals or various animals in the park?

Mr MARSHALL: No, not in a negative sense—only positive news.

CHAIR: I understand there are a number of businesses around town that participate and support the park in various ways. It is the council in any way involved in meeting as a body corporate, if you like, or active in the running or any decision making on that particular business?

Mr MARSHALL: Mr Chairman, there are a couple of questions there. The first one: yes, it is my understanding that a number of businesses support the operations of the park, both in kind and financially. However, I am not privy to those details. The second part your question: no, council has no role in decisions that are made at the park or in administering the park. It is a privately owned and operated park. However, it has been past practice and the continuing practice of council—and this extends back before my time with the Gunnedah Shire Council—that the council makes a financial contribution in the order of \$5,000 to the Friends of the Waterways an organisation which supports the park, to spend on insurance costs, or any work that needs doing at the park. Council does this with a lot of other community organisations throughout the shire.

CHAIR: Compared to other private businesses in this town or in the area, how does the Waterways Wildlife Park compare? How important is it as a tourist attraction? Is it a major feature?

Mr MARSHALL: It is a major feature, Mr Chairman. It is outlined in our submission, but council has had a long association with the park and Nancy and Colin Small, in particular. As everyone would be aware, we certainly badge ourselves as the Koala Capital of the World, and have done for quite some time. So koalas are an important part of our civic image and pride and hence Waterways and Nancy and Colin are as well. So, yes, it is a critical part of our tourism in our community, and it is a very treasured part as well.

CHAIR: We have heard quite a bit of information generally, first of all, about the RSPCA and the expenses of running the organisation, the relationship with the Channel 7 program and the limited funding coming from supporting businesses and council, as with the State, to be Waterways Wildlife Park. Do you think that funding is sufficient for them to physically be capable of covering all bases—looking after the animals and maintaining the facilities on the establishment?

Mr MARSHALL: I am not in any position to comment on whether that funding is adequate or not. As I said, personally I am not, and council is not, involved in the day-to-day operational running of the park. I could not comment on what the expenditure is of the park annually, what the income is annually, or how much is required or isn't required annually.

CHAIR: The Committee understands that the Government has provided \$5,000 to prepare a business recovery plan in conjunction with the Gunnedah Shire Council. Has this business plan been produced? What is the council's role in the plan?

Mr MARSHALL: I understand that that plan is being developed at the moment, but in terms of the role council had, it is interesting, Mr Chairman, to go back a little bit. I have a copy of that media release issued by the Minister—not with me, but it is in my satchel. Council actually found out about that via the media. No-one contacted council to advise that we were going to be party to the development of a business plan or the sponsoring of money from the Government. It was a very unfortunate way to find out such a positive thing. We all want to see a business plan developed. It would have been nice to work together instead of finding out about it through the media. Nevertheless, council is very committed to supporting the development of a business plan in any way we can. If we can help, we will.

The Hon. LUKE FOLEY: When we landed this morning, we saw that Gunnedah boasts it is the Koala Capital of the World. It is the wildlife park Gunnedah's number one tourist attraction?

Mr MARSHALL: It depends who you ask. No. We have a lot of attractions in our community, but it is certainly a very important part—definitely.

The Hon. LUKE FOLEY: It is a principal tourist attraction? Would that be fair?

Mr MARSHALL: As I have just said, I think it is a very important part of a number of the features that we have in our community for people to look at and enjoy.

The Hon. LUKE FOLEY: You, as the mayor, and the council are very proud of the waratah wildlife park, are you not?

Mr MARSHALL: Waterways.

The Hon. LUKE FOLEY: Sorry, the Waterways Wildlife Park. I apologise.

Mr MARSHALL: Yes, we are.

The Hon. LUKE FOLEY: It flows from that that you, as the mayor, and the shire council are concerned to protect the reputation and standing of the Waterways Wildlife Park, does it not?

Mr MARSHALL: It does. We are also equally concerned about animal welfare and a whole host of other issues as well. But, definitely we hold Nancy and Colin in the highest regard, as does the community: so, yes.

The Hon. LUKE FOLEY: Can I put to you that I detect a written submission that there is somewhat of a lashing out towards the RSPCA in that baby based on the very well-motivated desire to protect the reputation of the wildlife park? Can put that year?

Mr MARSHALL: You can put that to me but, as you heard in my opening statement, we are not at all, as a council nor a community, looking to castigate the RSPCA. The point that has been made today numerous times and in many submissions to the inquiry is that in this particular instance at Waterways Wildlife Park we feel that the RSPCA erred. As I said, it is not an attack on the organisation. It is looking at a particular instance at a particular location.

The Hon. LUKE FOLEY: Given what you have heard today, do you want to revise the statement in your letter to the Committee that the actions of the RSPCA officers were an attack on Gunnedah's integrity and reputation as a proud, progressive community?

Mr MARSHALL: No, I do not, Mr Chairman, because that is the prevailing view not only of council, but of the community as well. No, I do not wish to revise that.

The Hon. LUKE FOLEY: Can I put it to you, councillor, that given the very understandable and well-founded desire of you and your council to protect the reputation of the wildlife park and its operators—the very well-founded desire to do that—the council ought to welcome actions by animal welfare authorities that ensure that, in the future, the highest standards of animal care and welfare will be maintained by the wildlife park?

Mr MARSHALL: I think I know what you are trying to say, and I do not want to verbal you, but, no, council is not putting parochialism over animal welfare issues. We, as well as everyone else in this community, believe very strongly in animal welfare. What we are saying is that we support actions to improve animal welfare, but we cannot support some of the actions that took place on 22 January and 3 February and actions following those dates.

The Hon. HELEN WESTWOOD: Does the council have an animal welfare officer?

Mr MARSHALL: Yes.

The Hon. HELEN WESTWOOD: Does that officer inspected various premises and properties around the shire to ensure that animals are being treated appropriately?

Mr MARSHALL: We exercise our functions, which we have under the various Acts, in the way in which we are required to exercise those functions.

The Hon. HELEN WESTWOOD: And they do not extend to facilities such as the Waterways Wildlife Park?

Mr MARSHALL: Mr Chairman, I have to take that on notice but, as far as I am aware, no, it does not. But, if you like, I can seek confirmation of that. I understand that you are correct in saying that.

The Hon. HELEN WESTWOOD: I am assuming that the Waterways Wildlife Park was approved as part of a development application?

CHAIR: Councillor, we will provide questions on notice for you in writing.

The Hon. HELEN WESTWOOD: Yes. Do not worry too much.

Mr MARSHALL: I was just trying to be diligent, Mr Chairman.

The Hon. HELEN WESTWOOD: I am assuming that the Waterways Wildlife Park was approved as part of council's normal planning framework and that there was a development application with certain conditions.

Mr MARSHALL: Once again, I would have to take that on notice. One would assume so. The park was constructed many years ago. It probably precedes my birth. I can take that question on notice and provide an answer.

The Hon. HELEN WESTWOOD: It would be useful if you could provide details such as the number of exhibits that the development approved, the number of animals and so on. That would be useful for our purposes. I too have a background in local government. I also wore the mayoral chains for a few years, so I understand the issues you face. I was interested to hear your comment that you felt that in these circumstances the RSPCA had erred. As mayor, have you had complaints about your own organisation? Have there been situations where some of your own staff or officers have erred? If so, what has your response been? Do you think a parliamentary inquiry is an appropriate response?

Mr MARSHALL: There have been many examples in the past where complaints have been made about council officers across the State. However, probably unlike the RSPCA, which is in a unique position, all 152 councils across the State and their staff and councillors are extremely heavily regulated, not only by the Local Government Act, the Department of Local Government, the Minister and the Parliament but also through public scrutiny. As you would be aware, we have to do an enormous amount of paperwork each year. I cannot say if that would be the same for the RSPCA.

The Hon. HELEN WESTWOOD: Are you saying that you do not think it has the same level of accountability as, for example, a council ranger or parking officer?

Mr MARSHALL: Council's submission refers to using this as an example of a need for greater accountability measures. You have made a local government comparison, which I wanted to steer away from because I do not see how that advances the Committee's deliberations. For the purposes of the discussion, as

members are aware, local government operates in a very structured framework. We have very stringent reporting mechanisms. We are accountable for absolutely everything that we do, not only to our community—and rightly so—but also to various government departments, the Ombudsman, the Pecuniary Interests and Disciplinary Tribunal, the Independent Commission Against Corruption and a number of other agencies. As a council we do not feel that those same measures apply to the RSPCA, which has enormous powers, some of which councils do not have. We do not have the power to prosecute someone in criminal court. However, we do have other powers and we are accountable for our use of them. If you want to use that as a comparison, that is my response.

The Hon. HELEN WESTWOOD: You talked earlier about the meeting that you had with Mr and Mrs Small, the department and Mr and Mrs Small's legal representatives and said that you were working through measures. What measures were they?

Mr MARSHALL: They were not measures that we were working through. I do not have the notes in front of me, so I am going off my best recollection. We were advised at that meeting by the department that an inspection had been done and that some licence compliance issues had been identified. The officers chose not to divulge them at the meeting. They said that that would be in a document that would be forwarded to the Smalls within seven days. As I said, it was not supplied to Mr and Mrs Small's legal counsel until 23 April. It was a lot longer than seven days after 24 February.

The Hon. HELEN WESTWOOD: Why was council at that meeting?

Mr MARSHALL: I understand that it was at the department's request.

The Hon. HELEN WESTWOOD: Did the officers spell out what they saw as your role?

Mr MARSHALL: No, they did not. It was just the fact that they felt we were an important stakeholder and should be involved.

The Hon. HELEN WESTWOOD: Do you believe that you are an important stakeholder?

Mr MARSHALL: I think we are. Indeed, the Minister's press release says that we are because apparently we are helping to develop a business plan.

The Hon. HELEN WESTWOOD: Have you had no involvement in that? Has there been any correspondence or communication with the council?

Mr MARSHALL: There has been no written correspondence aside from the press release.

The Hon. HELEN WESTWOOD: Was it raised at that meeting?

Mr MARSHALL: It was, but the department officials did not know anything about it.

The Hon. HELEN WESTWOOD: So the press release was issued before that?

Mr MARSHALL: The press release was issued before the meeting. The departmental officials had heard in the media but were not aware of any of the detail.

The Hon. TONY CATANZARITI: Given the hype about this issue, has the council made a complaint or written to the RSPCA voicing its concerns about what happened?

Mr MARSHALL: Yes, I have had a number of discussions with the chief executive officer of the RSPCA, Mr Coleman. We also wrote to the Minister for Primary Industries at the time, Steve Whan, regarding our concerns. We have received a response. I cannot recall when we wrote the letter. It was very soon after the events of 3 February. We received a letter last week in response to that letter advising that the inquiry had been established and it should be allowed to take its course.

The Hon. TONY CATANZARITI: Was the response from Minister Whan?

Mr MARSHALL: I think it was from his Parliamentary Secretary, Mike Veitch.

The Hon. TONY CATANZARITI: Did you get any response from the RSPCA?

Mr MARSHALL: I am wondering how much of these conversations I should divulge. Yes and no. I think that at the time Mr Coleman was in a bit of a predicament and felt he had a responsibility to defend his organisation and what its officers had done, and he was doing that.

The Hon. ROBERT BROWN: This is obviously a big deal for the shire. Otherwise the council would not be involved and you would not have had large public meetings and so on. If you could point to a single contributing factor, why has this incident blown out to this inquiry?

Mr MARSHALL: Without doubt it was the presence of the television crew filming for *Animal Rescue* and the fact that they went in and were filming before approaching Mrs Small to ask for permission. I think it is fair to say that her options and rights were not properly explained. It is our submission that proper procedure was not followed. There is a number of issues, but the one that most annoys people is the cameras.

The Hon. ROBERT BROWN: Given that the incident has created so much publicity—not least of all the television program; I do not know whether they have national affiliations or whether the show is broadcast outside Australia—do you believe that it has damaged or has the potential to damage tourism in the shire?

Mr MARSHALL: It is a hard thing to measure. I personally do not think it has, but I am not the sort of person we are targeting in our tourism marketing. We are targeting our external clients. We certainly have not done any surveys or research into what impact it has had. I would like to think it would not, but I cannot say. Committee members are probably in a better position to answer that question.

The Hon. ROBERT BROWN: Having made that statement, has the council given any consideration to what it might do to address any potential problems that arise with regard to tourism, or do you believe it will not affect you?

Mr MARSHALL: I would like to think that it would not. I do not get the impression from our tourism staff that they get the feeling that it has had an impact. Any feedback they have had has been positive in the sense of rallying to support Gunnedah and the Waterways Wildlife Park rather than the opposite of focusing on any negatives. From that point of view, I do not think it has been negative.

The Hon. ROBERT BROWN: Does most of the feedback that you as a council get about any tourist facilities generally in the town come from the information centre or do you have other formal mechanisms?

Mr MARSHALL: We get feedback from the visitors centre, our website, emails and direct contact with people visiting the community. There is a variety of mechanisms, but the most formal is through the visitor information centre. The staff there are in contact with their colleagues throughout the industry across the State, both in local government and State agencies as well.

The Hon. MARIE FICARRA: How many councillors are there on the council?

Mr MARSHALL: There are nine councillors.

The Hon. MARIE FICARRA: Each councillor is very connected with the community. If there had been a problem with the condition of the animals at the Waterways Wildlife Park would you expect to hear something through the councillor networks, the chamber of commerce, the tourist information centre and the community groups with which you liaise? Would you expect that if there were a problem someone would have heard something?

Mr MARSHALL: Definitely. Gunnedah is a very close-knit community. Word of mouth is very strong, but councillors also have strong networks in the community. If there were a perception of a problem or a problem I would expect us to have found out. As Dr Amos said, if there were an issue we should have been told about it and we could have worked together to solve it. I feel and the council feels that a lot of what occurred, and even the establishment of this inquiry, could have been avoided if there had been a willingness to work together to solve the issues at the park. I am not saying that there are or that there were problems; that is for the experts to say. However, assuming there were, I think they would have found a willing partner in our

organisation and in the community to do whatever needed to be done to solve the issues. Unfortunately that did not occur and what has occurred has occurred and here we are today. We did not need to be here.

The Hon. ROBERT BROWN: In amongst those social networks in the shire are there other wildlife care networks such a WIRES?

Mr MARSHALL: There are. There is actually a local branch of the RSPCA in Gunnedah. I understand that before this incident it had good membership numbers and that it was doing a lot of great work in the community. One of the greatest disappointments about what has occurred is that that group—which had no part in this and as far as I know was not even aware of the issues or the impending raid on 3 February or the original inspection on 22 January—has suffered a lot because the brand name RSPCA has been tarnished by what has occurred in this community.

The Hon. MARIE FICARRA: Like many other members, the Hon. Helen Westwood comes from a local government background. I have had 16 years in local government. We have standards of conduct that we expect from not only councillors and mayors but also council officers. Has the community and the council been disappointed by the behaviour that has been perpetrated by the RSPCA and government departments and officials? One would have thought they were all working for a common cause; that is, animal welfare. Has there been a large amount of disgust and disappointment about the way this has unfolded?

Mr MARSHALL: As is said in my opening statement and in council's submission, there is a strong feeling in the community that that is the case. As I said at the outset, I was not there and council was not there on 22 January or 3 February, and we are not experts in treating animals or koalas. However, we feel that the procedures and protocols could have been stronger. As we have said, we are advocating for a very strong code of conduct and for stronger transparency and accountability.

The Hon. RICK COLLESS: Councillor Marshall, what sort of communication do you have on a regular basis with the Department of Industry and Investment?

Mr MARSHALL: In relation to this matter we had a meeting on or about 24 February. We also had a recent meeting and I apologise as I do not have my diary with me and I cannot recall the exact date. However, I will also take that question on notice. We had a meeting quite recently, again in council chambers, with the Department of Industry and Investment.

The Hon. RICK COLLESS: And that was over this issue?

Mr MARSHALL: It was over this issue.

The Hon. RICK COLLESS: But do you normally meet on a regular basis with the department—annually, or something like that—to discuss those issues?

Mr MARSHALL: No, it does not come near us, simply because we do not have a role to play under the various Acts under which the park is licensed. Given that it is a privately held facility, the council does not play a role.

The Hon. RICK COLLESS: If you have the numbers in your head can you tell me approximately how many visitors would visit the park every year?

Mr MARSHALL: That question would be better put to Mrs Small. I am not sure of the exact numbers. I do not have the numbers. I would hate to give to the Committee a number that was misleading or inaccurate.

The Hon. RICK COLLESS: Referring to international visitors and, given that we have a submission from Frank and Hanna, do quite a number of international visitors come through Gunnedah to go to that park? What sort of feedback does council get from them?

Mr MARSHALL: We get quite a number of international visitors. As I said earlier, we badge ourselves as the Koala Capital of the World, which is important in our tourism strategy. Many people who visit Gunnedah want to see a koala. One of the first questions that they ask when they visit the Visitor Information Centre is, "Where can I see a koala? Can I hold one? What can I do with koalas? Can I see one in a tree?" All

those sorts of questions are asked and we get a lot of our international visitors. Feedback about the park is overwhelmingly positive.

The Hon. RICK COLLESS: Are you familiar with the biological needs and behavioural habits of koalas?

Mr MARSHALL: No. As I said, I am not an expert and I will not pretend to be or make any statements to that effect. However, I will take that question as an opportunity to make one brief comment to what I thought was a Dorothy Dix question. We are not experts in Gunnedah or in council, but I make the comment that we have two eyes and we are able to see. During lunch I went to the offices of our local newspaper and I obtained some newspaper clippings that contain photographs of koalas from the past 12 or 18 months—not photographs of koalas from the Waterways Wildlife Park, but photographs of koalas drinking out of swimming pools, bowls and dams.

The Hon. RICK COLLESS: These are wild koalas?

Mr MARSHALL: These are wild koalas. I would not mind tabling these documents.

The Hon. RICK COLLESS: Thank you.

Documents tabled.

Mr MARSHALL: I did that only to illustrate a point that was made today and yesterday in evidence that that is possibly odd behaviour. As I have said, I am not an expert and council is not an expert, but there are plenty of examples in our local press of how native koalas do that on a regular basis during the heat of the summer.

The Hon. RICK COLLESS: I have asked this question today of a few other people: Do you have any idea of the number of koalas in Gunnedah shire?

Mr MARSHALL: We do not know exactly. The Australian Koala Foundation estimates that there are approximately 1,200 koalas in the Gunnedah local government area. However, the Gunnedah shire has not been accurately mapped. To that end, this financial year council has made an allocation in its budget to develop a koala management plan for the shire, which will include mapping of all the vegetation and all the koalas so that we can obtain an accurate number. We have also petitioned the Federal Government to list the koala as a threatened species under the Environment Protection and Biodiversity Conservation Act.

CHAIR: Thank you very much, Councillor Marshall. We will provide you with those questions on notice and we would like to receive answers to them by 20 July.

Mr MARSHALL: We will turn them around as quickly as we possibly can. Thank you very much.

(The witness withdrew.)

(Short adjournment)

LEON ANDREW MILLS, Councillor, Gunnedah Shire Council, sworn and examined:

CHAIR: In what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

Mr MILLS: I am appearing as a councillor of Gunnedah Shire Council. I am a self-funded retiree and I have a small grazing property.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr MILLS: Yes, thank you, Mr Chairman.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents that you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request.

Mr MILLS: Thank you, Mr Chairman.

CHAIR: Before we proceed to questions would you like to make an introductory statement?

Mr MILLS: Yes, thank you, Mr Chairman. Thank you for the opportunity to be able to speak here today. In relation to this matter, apart from Mrs Small, her close relatives and her solicitor, I have probably been the closest person outside those persons to this whole saga. I have never seen a coastal koala. However, I have seen at least 100 koalas from this district. Most of those koalas I have seen at my place, at other farms and also at the golf course. I have also seen the koalas at Waterways Wildlife Park. About 18 months ago, when we had some overseas guests, we went out there for an afternoon.

I have also seen photographs of the subject koalas that were taken a short time before the raid, and I understand that your Committee has access to those photographs. Over a period those koalas have been used for Gunnedah Shire Council promotional pamphlets and booklets that are put out periodically. I was present when Officer French returned two koalas on 20 May this year. The koala that I took particular notice of was the mother of the joey. As I said, I have not seen coastal koalas but, as a layperson, to me that koala appeared to be fat. I am not suggesting that it was obese but, compared to koalas from this area, that koala appeared to be fat.

I was present at the hearing in Sydney yesterday and I know that some points were made in relation to weight gain and weight loss. It did not surprise me when I heard that the weight of two of the koalas had diminished on their return to Gunnedah. I can imagine that for koalas on the coast it would be like a smorgasbord. In relation to Mrs Flanagan's evidence, I can understand it when she says that they rarely come to the ground. I believe she has a perception that all koalas behave like coastal koalas, which simply is not true. As Mrs Small said earlier today, it is common, and I have seen it myself at my home. At the golf course numerous water dishes are provided at the bases of trees for koalas to drink from. In very dry conditions it goes without saying that they come down for a drink more often.

I have not heard anybody tell the Committee what the koalas were fed whilst they were at Port Macquarie. Of course, their diet would have changed completely from the diet that they would have been fed in this enclosure for a number of years. What were they fed once they got to Port Macquarie? Was it formula or was it a mixture of formula? Were they given any type of drugs? We are unaware of these things. For some reason they put on weight. As I have said, I have seen the photographs that were taken just before the raid and those koalas appeared to be the good, healthy and happy koalas that we are used to seeing in this area.

I was present when Ms Flanagan appeared before you yesterday. I have also read her submission and the statement that she made on 23 February this year. I say this with all due respect to Ms Flanagan: even under her own hand, it can be seen that she is embellishing the facts in relation to this matter. In her statement of 23 February at paragraphs six to 12, she indicates that only one koala was initially treated. She speaks of giving fluid to that koala after her initial observation. I should say that that statement was quite a detailed statement. She went into a great deal of detail in relation to what occurred on that day. I ask: why would there have only been the one? Obviously they had some concerns with the koala that has been described as the old koala, and that is apparently the koala that they treated.

There was mention that she observed another koala in rehabilitation. However, she does not give any evidence nor indicate in her statement that any rehydration at that point in time was given to that koala. The only rehydration that she goes on to mention in relation to all the koalas took place the following day at Port Macquarie. She refers to that in paragraph 13 on page 74. She made a submission to the Committee, and that submission is dated 8 June. In my humble opinion, she embellishes the facts. What she says on the second-last line of that submission is this:

As soon as I saw the koalas in the enclosure and the shocking state they were in, ...

In relation to those two documents, the detailed statement of 23 February and that statement in which she refers to all the koalas being in a shocking state, I have a great deal of difficulty in reconciling them.

CHAIR: Had you viewed the koalas around that time?

Mr MILLS: No. It was about 18 months ago that I went there with visitors from overseas, but I have viewed photographs that were taken a short time before the raid on a number of occasions since this happened.

CHAIR: I appreciate what you are saying, Mr Mills, but I would ask you to keep your representations to direct experience. I think that would be preferable.

Mr MILLS: Thanks, Mr Chairman. When Ms Flanagan gave her evidence yesterday, to me she described the enclosure almost as a torture chamber in relation to the heat. She was there on the day and it is clear from all the evidence that there was this spray system in place that is turned on when it is hot day. Why did she not mention that to the Committee yesterday?

Apart from the oral evidence that is before the Committee, I ask why is there no other evidence? I have read the submissions, and please correct me if I am wrong, but there is evidence available to the Committee that one of the inspectors was videotaping the koalas in the enclosure on the day of the raid. I read the submission from Infinity Television and, under the protocol, they have to supply a copy of the film to the RSPCA. It would appear that the RSPCA has not furnished those films to this Committee. One has to ask why.

In relation to the allegations relating to koalas in the enclosure, one has to keep in mind that they are alleging that serious allegations against these animals of dehydration and malnutrition. Why was there not a sample of the leaves taken for analysis as to their food value? They have given a description of the water. Why did they not take a sample of the water for analysis to show that it was not suitable for drinking? They have said that some of these koalas had diarrhoea whilst in that enclosure. Why have no photos been taken of the diarrhoea?

As you would have noted from my submission, I was critical of the investigation techniques. But it would be my submission to the Committee that those sort of things are basic. If you are alleging dehydration and there is dirty water there, you would take a sample of it. The statements have been prepared from Ms Campbell and also Ms Flanagan in a form that has been prepared for court proceedings. Here, when they are making these serious allegations, they do not take any physical evidence to which this Committee could refer to assist the Committee to determine where the truth lies in relation to what has been said.

I have not seen in any of the submissions the photographs that Officer Prowse took on 22 January. That is also not before the Committee. In relation to the photos that are before the Committee, I would make this submission that Mrs Small has hidden nothing from anybody in relation to this whole episode. She has gone to the trouble of obtaining those photos that were taken immediately before the raid and they have been presented as part of the Waterways submission.

Yesterday Ms Flanagan also referred to the koalas suffering from long-term chronic dehydration. I ask this question: Why, when Officer Prowse went there on 22 January having in mind what Ms Flanagan said, did an officer of her experience not take some sort of action or at least speak to Mrs Small about her opinion of the condition of the koala? As I said, I have had a close association with this matter. I attended with Mrs Small on her initial visit to a solicitor. That was on 5 February. I am aware that that solicitor on that day made requests of the RSPCA—I have the document here—for an independent vet to have access to the koalas for an examination.

I rang that solicitor on a number of occasions. No response was received from the RSPCA until 10 February, some six days later. In addition to the tardy response, the conditions that the RSPCA's solicitor put

on any examination of these koalas were quite onerous; but, here it was, a period of six days—seven days, actually—that elapsed from the time the koalas were taken. Of course, the Committee has before it quite a deal of evidence in relation to the state of koalas when they were in the custody of the RSPCA. I do not know if any of the Committee members here have driven along the road between Walcha and Port Macquarie. I do not get car sick, but that is one road in Australia that certainly makes me feel squeamish. Ms Flanagan described the trip in the back of the car in those baskets as koalas swaying in the breeze. To travel that road, I would describe it that those koalas having thought that they were in Cyclone Tracy. It is a very winding road and it is a road that you cannot get over soon enough.

I have difficulty in accepting what the RSPCA and Ms Flanagan said in relation to this television show being in company with the officers from the RSPCA. As I said in my submission, I am a former police prosecutor and I did not go on very many raids. I cannot recall the legislation, but it had something to do with search warrants. When that legislation came in—I think it was on two or three occasions—because of staff numbers I had to attend with officers on search warrants as an independent officer. I can say this: even on those small number of occasions that I did that, and these search warrants were executed on criminals, you could see that the criminals were at a complete disadvantage. There are a large number of police there. They are in their own home, and the search is going on, and I have no doubt that it is quite intimidating, even for a criminal to undergo a form of a raid.

In relation to this matter, here it is: Mrs Small, somebody who has been law abiding all her life, is faced with three RSPCA officers dressed like police, and also there were people in uniform from the Taronga Zoo, and a film crew. If one can look at it in their mind's eye, how intimidating would that be when a piece of paper is put in front of you asking you to sign a document to allow you to be filmed? I think it is naive of the RSPCA and Ms Flanagan to say that they find that it is appropriate in those circumstances. I do not think it is appropriate to have this sort of thing happen, but I say with all due respect to the Committee that if the Committee, in its deliberations, is of the opinion that this show should be allowed to do this, I would respectfully ask that, if it is to be done in the future, at least two weeks notice be given to the person so that they can seek appropriate advice and find out exactly what their position is beforehand, rather than have it happen all on the one day when you have people in uniform and pieces of paper stuck in your face. Clearly Mrs Small was intimidated on this day.

When one looks at everything that happened on that day objectively, I have no doubt that this raid was for the benefit of a television show. Everything points to it. The Committee has heard evidence that the complaint was in relation to dingoes, but where did the TV crew and the officers go immediately upon entering the park? They went directly to the koala enclosure. They went into the koala enclosure to set up.

CHAIR: Thank you. I think we need a little time to ask questions. I think we understand the points you have made.

The Hon. ROBERT BROWN: How long have you been a councillor?

Mr MILLS: Two years next September.

The Hon. ROBERT BROWN: In the two years that you have been on the council have you ever been made aware of any concerns by people involved in wildlife care in relation to the Waterways Wildlife Park?

Mr MILLS: No, I have not.

The Hon. ROBERT BROWN: Are you aware that the deputy mayor is member of the local RSPCA branch?

Mr MILLS: I do not know if she still is. I am aware that prior to this—

The Hon. ROBERT BROWN: Before someone takes a point of order, I am simply trying to establish that the council has the capacity to tap into some of the local groups in the district.

Mr MILLS: Prior to this incident, the deputy mayor was a member of the local branch of the RSPCA.

The Hon. ROBERT BROWN: Are you aware that there are other wildlife carer groups in the district?

Mr MILLS: I am aware of WIRES at Tamworth. I have had cause to call them myself.

The Hon. ROBERT BROWN: Are you aware of any others?

Mr MILLS: No, but I am aware of the local branch of the RSPCA.

The Hon. ROBERT BROWN: Are you aware of or have you had any direct representations from WIRES or the RSPCA about conditions at Waterways Wildlife Park?

Mr MILLS: No, at no time.

The Hon. ROBERT BROWN: What is your relationship with the proprietors of Waterways Wildlife Park—Mr and Mrs Small?

Mr MILLS: Before this incident took place I knew who Mrs Small was. I did not know Mr Small, but I met him when he delivered some pavers to my home. That was prior to this incident.

The Hon. MARIE FICARRA: We have heard quite a bit about the community's desire to have this inquiry. It seems that a lot of people are surprised that this issue has gone to a parliamentary inquiry. Being an elected community representative, why do you think the community is so anxious that we have a public inquiry and that we visit Gunnedah and hear all the facts?

Mr MILLS: The community was outraged as a result of what took place. Mrs Small made it clear from the start, as have a number of other people, that there is no animosity whatever towards the local branch of the RSPCA or any local branch. The community has as much respect for the hardworking local RSPCA members—the volunteers—as they do for Mrs Small. This was just seen as an absolute violation of Mrs Small's rights. As I stated in my submission, there is no oversight of the actions of these officers. It is all done internally.

Mr Coleman attended the local branch by chance a short time after the raid and Mrs Dodd asked him who we could complain to. The person you complain to about any inappropriate actions of an RSPCA officer is the chief inspector of the RSPCA. I heard Mr Coleman give similar evidence yesterday. From there it can go to him and from him to the board. There was one large public meeting and there was another one at Wolseley Park and there were calls for an inquiry into the actions of the RSPCA.

The Hon. MARIE FICARRA: If there had been neglect, I would imagine that the local RSPCA representatives or the WIRES people would have had some knowledge. Do you know whether either group has expressed any concern?

Mr MILLS: To my knowledge there have been no concerns whatsoever. Many people in this community have a love for animals. I have no doubt that had there been problems members of our community would have drawn attention to them.

CHAIR: A complaint was made against the wildlife park. Are you aware of that?

Mr MILLS: Prior to this matter?

CHAIR: Yes. A complaint triggered an investigation.

Mr MILLS: In relation to this matter or prior to this matter?

The Hon. HELEN WESTWOOD: There was an inspection on 22 January.

CHAIR: There was a previous complaint. Do you acknowledge that?

Mr MILLS: Yes, I do.

The Hon. RICK COLLESS: It was subsequently found that there was no case to answer. I do not see how that is relevant to this inquiry. Are you familiar with section 24C of the Prevention of Cruelty to Animals Act?

Mr MILLS: I have the Act here.

The Hon. RICK COLLESS: It refers to the requirement that officers provide details to clients when exercising a power conferred on them by part 2 of the Act. Do you believe that that section of the Act was abided by on the day that the RSPCA officers attended the park?

Mr MILLS: I was not there, but the information that I have received indicates that the RSPCA officers did not comply with that section.

The Hon. RICK COLLESS: As a police prosecutor you would have been in the habit of ensuring that all those sections of the relevant Acts were abided by. Is that correct?

Mr MILLS: Yes.

The Hon. RICK COLLESS: From the evidence it would appear that that did not happen.

Mr MILLS: They were not complied with. One can understand that because Mr Coleman yesterday gave evidence on the background of the officers. He said that they come from agriculture and wildlife backgrounds. Once again, I think some sort of protocol should be put in place that officers who have these types of powers should have at least some basic understanding of the Act under which they are exercising those powers.

The Hon. RICK COLLESS: Given that those provisions of section 24C were not complied with, does that render the evidence that the officers collected unlawful and perhaps invalid?

Mr MILLS: That is an interesting question. It may do, but a court always has an overriding discretion if it is of the view that the officer is acting in good faith to allow the evidence to be presented. However, it would be very hard to do that.

The Hon. RICK COLLESS: An offence under the Prevention of Cruelty to Animals Act is a criminal offence.

Mr MILLS: It is.

The Hon. RICK COLLESS: If you were prosecuting this case, would you insist on all those provisions of section 24C being met before you presented a case to the court?

CHAIR: I think we are going beyond the realm of this inquiry. It is not a judicial inquiry. You are welcome to ask the witness his opinion on the veracity of the action.

The Hon. RICK COLLESS: Which is exactly what I am doing.

CHAIR: But I would not go the legal implications of it.

The Hon. RICK COLLESS: The point I am getting to is that the terms of reference speak about the protocols adopted by the RSPCA, the criteria used by the RSPCA, and the actions of and the investigations undertaken by the RSPCA. When we look at the actions the officers took, if they were outside the law then surely the Waterways Wildlife Park has no case to answer legally?

Mr MILLS: That would be my expectation. I have no doubt that when the person prosecuting the matter reviewed it they would advise—

The Hon. RICK COLLESS: Against issuing a prosecution?

Mr MILLS: Yes.

The Hon. RICK COLLESS: Despite the fact that Mr Coleman said at the public meeting here in Gunnedah that no proceedings would be taken as a result of community outrage?

Mr MILLS: I do not accept what he said.

The Hon. RICK COLLESS: In your time as a police prosecutor have you ever heard of proceedings not going forward in a criminal matter because of community outrage?

Mr MILLS: No, I have not.

The Hon. HELEN WESTWOOD: In what capacity did you accompany Mrs Small to her solicitor.

Mr MILLS: As a councillor.

The Hon. HELEN WESTWOOD: Is she a constituent of yours?

Mr MILLS: Yes, she is.

The Hon. HELEN WESTWOOD: You question the role of the *Animal Rescue* program and you seem to be suggesting that its relationship with the RSPCA is quite improper.

Mr MILLS: In relation to this matter, yes.

The Hon. HELEN WESTWOOD: I assume that as a former police officer you still have relationships with current serving police officers?

Mr MILLS: Most of the officers I served with are no longer here. There is a couple and I see a chap at golf from time to time. I am also on the crime prevention committee.

The Hon. HELEN WESTWOOD: There are many other reality television shows being broadcast that involve law enforcement organisations such as the Australian Customs Service and police officers. In fact a program was broadcast in Sydney last night involving New South Wales and Western Australian police. In those circumstances do you think the professionalism of those officers is compromised? Do you think there is a conflict of interest if they are involved in these sorts of programs?

Mr MILLS: I am not saying there would be, but there could be.

The Hon. HELEN WESTWOOD: You mentioned that you were not aware that there was evidence put to the Committee about the filming of the proceedings by the RSPCA. The submission by the RSPCA, which you can download from our website, contains statements from all of the officers involved, including Officer French. He clearly says in his statement that Officer Makeham was filming with a digital video camera. Were you not aware of that?

Mr MILLS: I was unaware that the Committee had that film available to it. I knew that the RSPCA was making a video.

The Hon. HELEN WESTWOOD: I misunderstood what you had said.

Mr MILLS: However, I did not know that you had seen the film.

The Hon. HELEN WESTWOOD: No, I am not saying that. I misinterpreted what you had said. I thought you said that you were not aware that the Committee had received advice via submissions that the RSPCA was filming proceedings, as well as the film before it. But you are aware of it and you have read the submissions.

Mr MILLS: I have, Ms Westwood. I am sorry, what I was trying to say was that this evidence is available. The fact that you have not been furnished with it is to me a cause for concern.

The Hon. HELEN WESTWOOD: The other thing you mentioned was that you thought it was odd that the film crew went straight to the koala enclosure rather than to the dingoes. I put this to you as someone who has read the submissions and who has heard the evidence to date. It seems to me that the scenario, which I do not think is unreasonable, is that the original complaint was about dingoes.

Mr MILLS: Yes.

The Hon. HELEN WESTWOOD: The RSPCA went there and made some observations, left, had some concerns about the condition of other animals, including koalas, sought some advice from the experts in those areas, and then returned.

Mr MILLS: Yes.

The Hon. HELEN WESTWOOD: Hence the next step was to have people with the skills and the qualifications to further examine, inspect and assess.

Mr MILLS: Yes.

The Hon. HELEN WESTWOOD: Do you not think that is a reasonable course of action for an officer to take in those circumstances?

Mr MILLS: From everything that I have heard, at the stage that they entered the park Ms Prowse was not aware that the dingoes had been euthanased. I am saying that the complaint was about the dingoes. I think Committee members visited the park today. Why did RSPCA officers go directly to the koala enclosure and why did members of the film crew set up their cameras in that enclosure? Why did they not go directly to the dingo shelter? That is what I am saying. The complaint was about dingoes. They were unaware that the dingoes had been put down, yet they went straight to the koala enclosure. It was for a television show.

The Hon. HELEN WESTWOOD: You do not believe that the RSPCA was there because it was concerned about animal welfare. You are saying that it was there to film a television program?

Mr MILLS: I have no doubt that the RSPCA was there as a result of a complaint about the dingoes. I think that is what the Act refers to. If the RSPCA received a complaint and it had reasonable cause it would act on that complaint. But the film crew went straight to the koala enclosure.

The Hon. HELEN WESTWOOD: In your previous role as a police prosecutor I am assuming that you would have seen similar statements from various professionals and expert witnesses?

Mr MILLS: Yes, I have.

The Hon. HELEN WESTWOOD: Have you read the statements from Dr Livingston and Dr Campbell as to who was present on the day and what animals were treated later?

Mr MILLS: Yes.

The Hon. HELEN WESTWOOD: Do you disagree with those statements? If you had read those statements in your previous role would you have had doubts about the capacity of those people to make such statements?

Mr MILLS: In relation to the doctor who performed the post mortem, as I recall, on reading his statement I thought it was an objective statement. Because the koala the Old Lady was in the care of the RSPCA for approximately one month before she was euthanased, Dr Livingston said in his statement that the condition of that koala deteriorated from his first examination of it to the time that he put it down. Whilst the koala was in the care of the RSPCA that animal's condition deteriorated.

The Hon. HELEN WESTWOOD: He talked also about inner ear infestation, tapeworm infestation and dehydration.

Mr MILLS: Yes, he did.

The Hon. HELEN WESTWOOD: Do you think that those were false statements?

Mr MILLS: I am not suggesting that anyone has made a false statement. I have my own view, which I will not express here today. However, I will not suggest that anybody has made a false statement. In relation to the veterinarian and the professor who did the post mortem, I could not imagine that they would make a false statement.

The Hon. LUKE FOLEY: Councillor Mills, I read with interest your written submission and today I followed your verbal submission. Are you aware that the chief executive officer of the RSPCA informed the Committee yesterday in evidence that only 1 per cent of the cases to which his inspectors respond are followed up with a prosecution?

Mr MILLS: Yes I heard him say that, Mr Foley. I was there in Sydney yesterday.

The Hon. LUKE FOLEY: Your submission urges us to remove prosecutions from RSPCA inspectors and to give them to police prosecutors under the Prevention of Cruelty to Animals Act. Whilst that is a matter of some interest to the Committee, it is not directly applicable to the circumstances that this Committee is examining, which is the Waterways Wildlife Park. There has never been a suggestion of a prosecution of the operators of the Waterways Wildlife Park.

Mr MILLS: Paragraph 1 (b) of the Committee's terms of reference states:

- (b) protocols adopted by the RSPCA with respect to investigations and prosecutions and whether those protocols were adhered to.

I was guided by the Committee's terms of reference. I agree that there is nothing to suggest a prosecution in this matter, but I thought that was seeking a—

The Hon. LUKE FOLEY: That is fine. I think your submission is interesting. I just want to establish that there is no suggestion of a prosecution of the operators of this wildlife park.

Mr MILLS: As of recent times no, but it is my understanding that for some time there was that possibility. To support that are the statements to which Ms Westwood referred. As I said earlier, they have been prepared in a format for court proceedings.

The Hon. LUKE FOLEY: The statements before this Committee?

Mr MILLS: Yes.

The Hon. LUKE FOLEY: I suggest that they have been prepared for submission to this Committee rather than for a prosecution. There has never been a suggestion that any of us are aware of that the operators of the park be prosecuted over this matter.

Mr MILLS: I respectfully disagree. If you look at Ms Flanagan's statement of 23 February you will find that that statement is a prepared court statement. The statement of Ms Campbell is a prepared court statement. I have seen thousands of them.

CHAIR: Councillor Mills, it might have been prepared in that format but I do not think that that in itself necessarily means we can draw the conclusion that the RSPCA was going to court. The statement might be made in that way but I do not think it means that that is the direction it was going to take. It has not been acknowledged by and it is not an issue before this Committee.

Mr MILLS: I am not suggesting that. All I am saying is that those statements are prepared in a court format.

CHAIR: That might be the case. I do not know whether that is their policy, but it is not the business of this Committee.

The Hon. TONY CATANZARITI: Councillor Mills, you stated earlier that you were a member of the local branch of the RSPCA in Gunnedah?

Mr MILLS: No, I am not.

The Hon. TONY CATANZARITI: I thought you mentioned that earlier?

Mr MILLS: No, I am sorry. I have never been a member of the RSPCA.

The Hon. TONY CATANZARITI: Councillor Mills, when was council first made aware of the situation that arose at the park?

Mr MILLS: I was at a council meeting and that is when I first became aware of it. The meeting had just ceased. Could I refer to my diary?

The Hon. TONY CATANZARITI: Yes.

Mr MILLS: I made this note in my diary on 4 February:

At about 6.30 p.m., after the meeting concluded, Chris Frend mentioned that the RSPCA and a film crew had raided the wildlife park and taken the koalas.

That is when I first became aware of it.

The Hon. TONY CATANZARITI: Is that when all the other councillors knew?

Mr MILLS: I cannot speak for other councillors, but I am sure that that was when the majority of them became aware of it.

The Hon. TONY CATANZARITI: Earlier today I asked the mayor whether there was any animosity between council and the RSPCA. You said that you did not want to go too far into that issue, which I appreciate. However, I did not establish whether a letter was written to the RSPCA, or whether a verbal statement was made? Do you have any idea?

Mr MILLS: I am sorry but I cannot answer that question.

The Hon. RICK COLLESS: Mr Mills, have you read Mrs Small's submission to the inquiry?

Mr MILLS: Yes, I have read most of it.

The Hon. RICK COLLESS: Can I remind you of what she said in paragraph 138? I will ask you to give me your interpretation of that paragraph after I have read it. Mrs Small's submission states:

Mr French and Inspector Prowse then came up to me and handed me a piece of paper and asked that I sign it. I said:

"I am not going to talk to you" (referring to Inspector Prowse).

She replied:

"You have to."

I said:

"No, I will talk to Matt but not to you.

My daughter-in-law Tina signed the form and Mr French proceeded to say:

"If we seize the animals you will be up for the costs and you could be charged and have to go to Court, go to jail or be fined. If you surrender the animals, you won't have to pay any of these costs but you could still be charged and go to court and go to jail or be fined."

Would you interpret at that as a threat of legal action and court proceedings?

Mr MILLS: I certainly would. That is terrible behaviour by an enforcement officer.

CHAIR: Councillor Mills, thank you for your attendance here today and for your robust submission. We will certainly take into account what you have said.

Mr MILLS: Thank you very much, Mr Chairman. I appreciated being able to assist.

(The witness withdrew.)

(The Committee adjourned at 4.58 p.m.)

