

Sydney Melbourne Brisbane Perth Canberra Darwin

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11 February 2008

Mr Dominic Brunello
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3236 1223

FACSIMILE TRANSMITTED	
DATE	11/02/08
TIME:	11:42 am
BY:	Lee-Anne

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Our reference: 12352/14145/80070709

Number of pages - 2

Dear Mr Brunello

Re: Geraldine Robertson

We refer to your facsimile of 30 January 2008 and respond to the issues raised as follows.

1. Charges

Our client continues to investigate this matter and has not yet formed a view on any charges that may be laid against your client. You will be notified before any charges are laid against your client (in the event that this occurs). We note your client's offer in relation to arrangements with respect to service of any charges.

2. Evidence

As mentioned this matter remains an investigation at this stage and our client does not intend to give you access to the investigation records (at this stage). However, in the event that charges are issued against your client, the requirements under the *Justices Act 1886* (Qld) relating to disclosure (and otherwise) are noted and will be complied with.

3. Access to Animals

We re-iterate the urgency of the situation that arose in Emerald as a result of the recent flood crisis and which resulted in our client being unable to grant your client access to the animals. Access to the animals for the purposes of inspection and non-invasive examination of the animals will be arranged at your client's convenience. Please nominate who is to attend, their involvement in matters, preferred time of inspection and the reason for attending.

4. Forfeiture

Where this facsimile transmission is a communication between Solicitor and client, it is confidential and privileged. If this facsimile transmission is, for whatever reason, received by other than the named addressee, you are required immediately to notify the sender by telephone or facsimile and return the original message to the sender at the postal address shown on this facsimile message.

The client is entitled to the benefit of the confidential legal professional privilege which attaches to this document, and is entitled to recover all copies of the documents and to prevent its dissemination or use in any form by the appropriate application to the Courts. The confidential legal professional privilege is not waived, lost or destroyed by reason of a mistaken delivery of the document to other than the addressee.

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Mr Dominic Brunello, Robertson O'Gorman Solicitors

We are instructed that our client was advised by the Queensland Department of Primary Industries and Fisheries on 5 February 2008 that the animals had been forfeited to the State and, subsequently, transferred to it.

We note your comments about possible multiple owners and consider that ownership of the animals is not an issue as such in relation to the subject of the decision as to forfeiture but may be relevant to the Department in relation to notices. If your client is aware of other persons claiming ownership of the animals as at 05/02/08, we would suggest that you provide those details to the relevant Departmental Officers.

As a matter of precaution, our client will follow up with the Department in relation to your client's comments concerning ownership.

5. Civil Liability

Our client denies any liability for your client's contractual dealings with third parties. Our client has acted in good faith in this matter to discharge its statutory obligations. Our client does not consent to any of the animals being transferred to your client's Singaporean contact.

6. Procedural Aspects

We note the recitation of alleged facts in your facsimile and we will not deal with these item by item as we see no utility in doing so. This should not be taken as a concession by our client that your assertions are correct.

7. Identification & Vaccinations

Please note that, as the animals have been forfeited to our client, it is beginning to microchip the animals for identification purposes. Our client has provided each of the animals with all necessary vaccinations. We note that our client has already provided the relevant dog ID tag numbers and once microchipping is completed will provide the corresponding microchip IDs, cross reference to previous ID numbers previously provided to you.

Yours faithfully

Clayton Utz

*Issued after 30/5/08 list of dogs
come with microchip numbers.*

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