

because I have been there many times before and it has always been cluttered. But the video it does appear to be worse than I've ever seen it before. And I have been into her house.

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You saw - the video depicts multiple dogs within small cages inside the house?-- Oh yes. Yes I - no that wasn't normal. No.

And you'd agree from your experience that's not the way to treat dogs; agreed?-- I agree. I - there has to have been extreme circumstances to have had them like that, yes.

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And you - the state of the facilities in general you would agree, as depicted in the video, were not satisfactory for the keeping of animals; you would agree?-- They weren't. No. And it has - like I said, it has to have been an extreme set up to have been so bad. I just can't even imagine it - yeah.

You say that this extreme - the extreme circumstances was the rain over the Christmas period?-- Constant rain, yes.

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Which, you understand, may have caused some flooding to the kennel?-- Well, yes. I believe at the time and it was on the news as well there was flash flooding in the area. I actually experienced flash flooding at my place and threw my cattery and kennels I had that much rain come through - that much water sitting there for a few hours, on my concrete. So I've seen it, mud and everything just coming in and the mess it leaves behind.

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Not seeking to say, Mrs Barrell, that the rain and the flood caused -----?-- No, no.

-----the conditions that you saw in the video-----?-- But it contributed. But it-----

Let me finish, let me finish please. You're not saying that rain and the flood caused the conditions in the video, which you agreed with me were not satisfactory, are you?-- No.

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Mrs Barrell, do you remember getting a visit yourself-----?-- Yes.

-----by the RSPCA on the 14th of April 2008?-- I've had many.

Can you remember April of this year? So, sometime after Easter, just try to cast your mind back to that time?-- Yeah. Yep.

That 2 inspectors, Daniel Young and Tracey Jackson-----?-- Yes.

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-----this woman behind me-----?-- Yeah.

-----attended at your property on that day?-- Yes.

And they located at your property 36 small dogs-----?-- Dogs and - poodles and puppies, yes.

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4 Maremma-----?-- Maremma, sheep dogs. Yes.

Thank you. Sheep dogs. Several cats-----?-- yes.

A cow?-- Yes.

And a number of chicken and birds?-- Yes.

Okay. And you were instructed by the inspectors to improve the living conditions for your animals on that day; you agree with that?-- Yes. They found fault with a few things which I took them up on.

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Yes. So the fault that they found was that the maremma's-----?-- Maremma, yeah.

Thank you. Were living in small overgrown enclosure, that was one of the problems wasn't it?-- Oh yes, it had pumpkin vines growing through it, yeah.

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One of them had hair loss around one eye and was thin, agreed?-- She had hair loss around her tail.

Okay. That's your recollection is it?-- Um, thin, yeah she could have been thin at the time. She certainly isn't now. And she's got all her hair back now. She has a flea allergy that she has to have flea treatment twice a month not once a month.

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Birds were living on open wire and large build up - with a large build up of faeces and no fresh water?-- No fresh water? No, that wasn't mentioned. And do not remember that, no.

Well do you agree with the part that the birds were living on open wire with a large build up of faeces?-- Chooks, yes.

Yes?-- Yeah, I had chooks up in cages above the ground.

And you were asked to address the concerns of the-----?-- And I did.

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Sorry-----?-- Yes.

-----let me finish. Asked to address the concerns the inspectors raised with you-----?-- Yes.

-----or they'd have to consider giving you a written direction or to seize the animals. Do you remember?-- No, that was not mentioned. Nothing was said like that.

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I better just break that into 2 things. Did they - do you recall - sorry, did the inspectors say to you that if you didn't address the concerns they would have to consider giving you a written-----?-- Absolutely not.

They - let me finish. They would have to consider giving you a written direction?-- No. They didn't - no. Nothing was

even said like that. They were very friendly, very courteous and very polite. I do not remember any warnings. It was more or less, "You understand that that's not right?" and I assured them that I did understand and that I would correct it. I do not remember any warnings like that at all.

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All right. Now, Mrs Barrell, during your conversation with the inspectors-----?-- Yes.

-----you were comparing your kennels with Mrs Robertson's; is that correct?-- I'm sorry I don't know what - I don't remember that at all.

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Well, I'll expand on it. You were seeking to explain to the inspectors that your kennels, your property, was in a better condition as compared to Mrs Robertson's; do you agree with me?-- I'm sorry, I really don't know what you're talking about.

All right. Did you tell the inspectors that you used to help out Mrs Robertson?-- Yes.

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Did you tell them that you used to work for her because - was it your kennels were overcrowded?-- No, I had more than the number of dogs that the Caboolture Shire Council would allow me.

I see. Did you tell the inspectors that Mrs Robertson was only interested in the money now?-- No. Definitely not.

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Did you tell the inspectors that Mrs Robertson would only clip the babies for sale but let the others go matted?-- No. No.

Did you tell the inspectors that Mrs Robertson wouldn't let anyone into your kennels for fear that the people would see the state of the kennels?-- No.

Did you tell the inspectors that Mrs Robertson, "Used to be an okay breeder years ago but that she now had too many dogs and wasn't interested in the poodles anymore"?-- I never said anything like that.

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Did you say to the inspectors - or mention to the inspectors that, "Too many dogs confined together can be mad" in the context of telling the inspectors about Mrs Robertson's dogs killing each other?-- I didn't even mention anything to do with Mrs Robertson's dogs at all. That was not me. Whoever said that was certainly not me, I never said one single thing like that at all. I have no idea where that came from.

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Just excuse me for one minute please?-- Sure.

Thank you. Nothing further, your Honour.

BENCH: No, no questions? Yes, Mrs Robertson?

APPELLANT: Your Honour, could I ask Annette more questions?

BENCH: Well - right, well what - about what sorts of things? 1

APPELLANT: Regarding-----

BENCH: Try and remember all of your questions when your witnesses are in the box.

APPELLANT: Yes. Sorry.

BENCH: All right. But this is your last witness though isn't it? 10

APPELLANT: Yes.

BENCH: Yes. All right. And what are the questions about?

APPELLANT: About the visit of the RSPCA.

BENCH: To her property or your property? 20

APPELLANT: To her property.

BENCH: All right.

RE-EXAMINATION:

APPELLANT: Annette, did I - did we have a discussion after your visit from RSPCA, I think it was a couple of visits since the lodgement of your affidavit-----?-- Yes. 30

-----as part of my appeal?-- Yes. And it wasn't until then that I realised that I'd been visited because of that.

Was this the third or second time? Because there was a visit on the 14 of April and I told you I was in the midst of writing a letter - one of my many letters to the Minister of Primary Industries the Honorary T S Marharen-----?-- Yes. 40

-----and I told you I was going to mention it because they have actually contacted Margaret too-----?-- Yes.

-----since she has been a witness-----

MS MELLIFONT: Sorry your Honour. So far Mrs Robertson's giving evidence from the Bar table I'm having difficulty also establishing the relevance of conversations had between this witness and Mrs Robertson. 50

BENCH: I'm sure we'll get to the point shortly, Ms Mellifont.

MS MELLIFONT: Thank you.

APPELLANT: Now the purpose of me mentioning it again in another letter I was writing, I told you that I would mention

it because I believe that my - the people who provided statements and mentioned in my reports were being harassed by the RSPCA and, in fact-----

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BENCH: Is that the point of your questioning? That you believe that this witness was harassed by the RSPCA as a result of-----

APPELLANT: Yes, your Honour.

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BENCH: -----your - all right.

APPELLANT: And the other point I would like to make too was, in fact, Annette rang me very distressed after - on the 14 of April evening to tell me that they came and they were very polite and very pleasant but inspector - RSPCA inspector Tracey Jackson was defaming me as usual. Common to the deformation that the RSPCA inspectors has been saying about me that-----

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BENCH: Just a moment. Are you saying that Ms Jackson defamed Mrs Robertson during the course of----- 1

APPELLANT: It - yes. And she was quite worried and I said I will mention it because I mean this has got to stop now, for her, because - because I told her, I warned her when she wanted to do this - that for me, that there could be repercussions, because this has been an ongoing vendetta by the RSPCA to me for - since 1994. Now----- 10

BENCH: I accept what you're saying; I understand what you're saying. However, I also take into account that the comments which were made by the RSPCA to this witness-----

APPELLANT: Yes.

BENCH: -----were accepted and she acted on the recommendations that they made about the condition of the dog and the chooks and things like that. 20

APPELLANT: Yes.

WITNESS: But that wasn't the original reason they gave me for visiting me.

APPELLANT: The reason why Annette's chooks-----

BENCH: Well, hang on.

APPELLANT: Annette will explain. 30

BENCH: Hang on.

APPELLANT: Yes.

BENCH: Now you're going too far into giving evidence from the Bar table; all right?

APPELLANT: Yes, I'm sorry, your Honour. If I could reword it. 40

BENCH: Well, if you've got a question for her, ask her the question, all right?

APPELLANT: Yes. Annette, could you explain to me why were your chickens locked up at night?-- They were - well, they were locked up at night because I have foxes and dingoes and, because of my new neighbours, I'm not allowed to have my [indistinct] sheep dogs free at any time, night or day, so therefore the foxes and dingoes come back. They dig under the wire and were killing my chooks. 50

Annette, what time did the RSPCA inspectors visit you on the 14th of April, approximately what time? In the early morning, mid-morning-----

BENCH: Well, let her answer the question you've asked her.

APPELLANT: Yes?-- One time, I think it was about 9, between 9 and 10; the second time was a quarter to 8 in the morning.

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What was the weather conditions like? Do you remember those days?-- No, I'm sorry, I - I can't remember.

Okay?-- Could have been raining, it could have been wet. My place when it gets wet stays wet for weeks. I can't remember.

BENCH: Nothing arising out of that, Ms Mellifont?

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MS MELLIFONT: Your Honour, there's actually one matter I should have put if I might do that, your Honour.

BENCH: Yes, you should do that.

FURTHER CROSS-EXAMINATION:

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MS MELLIFONT: There was a follow-up visit on July 2008?-- That was probably the one I'm talking about, a quarter to 8.

That you were talking about - sorry?-- That was probably the one that was a quarter to 8.

Right?-- Yes.

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That was Inspector Tom Barron on that occasion?-- Yes.

Do you agree that on that occasion that cats were still in inappropriate cages?-- And I explained to him that I'd taken them out the night before - taken them out of their cage to clean it. It got dark and I had to put them in that cage overnight, and that's because my neighbour also will not allow any of my animals free at night-time, and I let them out then and they had their freedom that day until I'd fixed up the pen that they usually lived in.

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And just with respect to matters arising - Mrs Barrell, do you say that on the 14th of April 2008 Ms Jackson, Tracey Jackson, defamed Mrs Robertson?-- Well, what's "defamed"?

Well, no, what did she say?-- She told me something that - that maybe a normal person wouldn't know, that wasn't nice. It was passing on information that wasn't public knowledge.

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Precisely what did she say to you, to the best of your recollection?-- She said - she asked me was I aware of what had happened - oh, gee, this is so difficult - and she said that she'd been there that day and she'd seen the - the state of it, and that it was really awful, and did I know Geraldine, and I said yes, I did know her. I said I wasn't an actual friend - I - but - I'm an acquaintance, not a friend, and we were more put together by our - a common interest in poodles.

But it was more or less just what had happened that day on the raid that - what she'd seen at the raid, what she'd - been there. And had I not known, it would have been, you know, not nice to hear about somebody.

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Your Honour, may I have leave to ask one further question?

BENCH: Yes, you may.

MS MELLIFONT: Thank you. Mrs Barrell, are you hoping that Mrs Robertson wins this case so that you can get your two dogs back?-- I'm hoping I get my dogs back whether she wins the case or not. They are my dogs and they have been stolen and I am very, very angry.

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Are you here to give evidence in order to try and get your own dogs back?-- Well, yes, I'm hoping she wins so I can get my dogs back and that - so she can, because she needs help; she doesn't need what has happened to her the last 6 months. Had the RSPCA done their job like they did with that woman with the Chihuahuas and the Dobermans and the husky, instead of filming her and taking her dogs away they came in and built her new pens and cleaned the place up for her, and that's what the RSPCA should do, not run people into the ground.

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Thank you, your Honour, nothing further.

BENCH: Thank you. Thank you for coming, you're excused.

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WITNESS EXCUSED

BENCH: Mrs Robertson, are you going to give evidence now? Before you answer that though, did you have an issue with one of your witnesses, Ms Mellifont, one of the vets who was leaving to go overseas?

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MS MELLIFONT: Yes, and we've made arrangements for him to be here at 2.30.

BENCH: Will that be enough time?

MS MELLIFONT: Yes. I won't be leading any additional evidence-in-chief from him apart from him identifying the video which he has looked at, and then making him available for cross-examination. His evidence is in the nature of expert opinion evidence. He looks at the video and gives an expression of opinion as to whether it's satisfactory for animal care. So presuming that the cross-examination won't take more than a couple of hours, that would be fine.

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BENCH: All right.

MS MELLIFONT: Your Honour, before Mrs Robertson does give evidence I canvassed with your Honour yesterday that there are