

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 stat  
decs 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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