

Report noted.

FOX POPULATIONS IN TASMANIA

[4.01 p.m.]

Mr DEAN (Windermere - Motion) - Madam Deputy President, I move -

That the Legislative Council takes note of the inconsistencies and discrepancies in the 'hard evidence' available to confidently support the proposition that free-ranging **fox** populations are now established in Tasmania and, as a matter of urgency, calls on the State Government to conduct a full independent investigation into the authenticity of the **fox** material recovered from the significant **fox** incidents in this State with a view to increasing public confidence and to determine whether or not any offences have been committed.

In commencing, I would like to congratulate Mr Pearce. This would be his first day sitting as the Clerk in this Chamber. It is good to see Mr Pearce in that position.

Madam Deputy President, this is a matter where there is an absolute plethora of evidence and I could comfortably speak on this matter for a day or probably more when you go into it and see what has happened over the last six to seven years. I am not going to do that but, unfortunately, it will be reasonably lengthy because of the number of documents that I will need to refer to.

The motion has been amended at the end to include the words 'and to determine whether or not any offences have been committed'. These were added because members will hear and no doubt they will have, I would suggest, a lot of evidence of their own which would indicate that a lot of the evidence in relation to the **fox** situation in Tasmania has clearly been fabricated. That will come out. That will be strong and clear.

This morning on my way down here, Madam Deputy President, I was listening to *Countrywide* which is not a program that I listen to a lot but perhaps the member for Rowallan would and the member for Montgomery would -

Ms Thorp - I listen to it because I have a rural electorate.

Mr DEAN - Right, that is great. On that program I listened to a segment in relation to a baiting program that is going to take place in a Forestry-controlled area in a national park at Ansons Bay. I listened with some interest to comments in relation to the **Fox** Free Taskforce approaching Forestry seeking permission to lay 1080 baits in that area. The comment by Forestry was that it is contrary, as I understand it now, to their policy of not laying or using 1080 in their controlled areas, however on this occasion they have relented because they say it is needed for the purposes of eradicating **foxes**. I do not know where they are, but it refers to eradicating **foxes** in the area -

Mr Harriss - It's working and that's why you don't know where they are.

Mr DEAN - More importantly, Mr Sargent said that they had strong evidence that it does not impact on any other animals. No other animals are impacted by the 1080 baits. I will provide evidence, Madam Acting President, through my session to show and demonstrate to you that that is not right, and that evidence comes from learned people.

Over a long period I have listened to this debate, looked at the evidence and I might add that I was involved in the initial investigation into the evidence that commenced this operation. I was at the time the Commander of Police in Launceston in the northern district and I will refer to that.

I move this motion because of the evidence that has come to light to support the many inconsistencies, discrepancies and irregularities regarding the alleged existence of **foxes** in Tasmania. I ask the question: are there **foxes** in Tasmania? I do not know. Are there opportunities for **foxes** to get into Tasmania? Yes, there are. Is there evidence of hoax reporting, hoax sightings and hoax finding of **foxes** in Tasmania? Yes is the answer to all these questions.

A gentleman I talked to the other day suggested that I start this session by saying this is a shaggy-dog case. I was not going to do that but you have prompted me to use that. Why? To me it is clear that some people want foxes in Tasmania. Some want the excitement of foxes in Tasmania, some are enjoying the publicity that goes with it, others may be building careers around it. Some are gaining employment and others are perpetuating the fox theory for other reasons that I am unable to identify. Some are perpetuating the fox theory obviously because they genuinely believe that foxes exist in this State. These people I commend, the others I do not. Some have gone so far, Madam Deputy President, with perpetuating the theory of foxes being in Tasmania that there is no turning back. They have gone too far, they cannot now go back.

Through my talk I will be referring to a gentleman by the name of Dr David Obendorf and I need to identify to the members here today some of his qualifications in the field of veterinary science. I think some here would be aware of his qualifications and his eminence in the area of veterinary work. I am not going to go through it all because that would take too long. He graduated in 1977 with a Bachelor of Veterinary Science with first class honours from the University of Melbourne. He gained a PhD in 1980, an additional Bachelor of Science degree in 1975 majoring in wildlife pathology and parasitology. He has 17 years' employment with DPIWE as a veterinary pathologist; over 80 publications in peer-reviewed scientific journals; and numerous presentations to national and international conferences. For 10 years he was the Australian representative to the Scientific Advisory Board of the Paris-based Office Internationale des Epizooties. That is a good one; do not ask me to say it again.

Ms Thorp - What does it mean?

Mr DEAN - It means, it says in brackets, International Animal Health Organisation. This organisation is the peak international body that tracks and alerts all member nations on the emergence of new animal disease threats like avian influenza - bird flu - foot and mouth disease, rabies and many significant infectious diseases that are capable of spreading from animals to humans or significantly impact on trade or the natural environment.

I am wondering how much more I need to go through. I will go through the next section. It says:

'In 2002 it completed a report to the Tasmanian State Government entitled: *Tasmania's Preparedness and Response to Outbreaks of Significant Animal Disease - A Shared Responsibility.*'

I am not going to go through any more but it just goes on and on and on, Madam Deputy President, so I think that identifies with where this person stands in this State in the area of veterinary sciences and studies and work.

David Obendorf said, and I quote, and I have his permission to use his name throughout my speech and to refer to documentations he has and documentation that he has provided to others:

'The likelihood of entry of foxes into Tasmania is not disputed ... but it is not for the simplistic and shallow reason that the State government wishes the populace to believe.'

So he is not a man who has taken the attitude that there are no foxes here, they could never have been here. He does not take that attitude at all. We know that the Port of Melbourne has been a breeding ground and a hot spot for foxes for a long period. Containerised cargo of all sorts makes its way to Tasmania on a regular basis and is delivered directly into locations across Tasmania for unloading. Therefore, as I have said on many occasions, it is quite likely that single foxes have found their way here.

This transfer of foxes has been made easy through the serious weaknesses in Tasmania's biosecurity and quarantine procedures. While this is or has been addressed, the Government has been careful in not identifying that weakness as an explanation or reason for foxes being in Tasmania. You might ask why. Perhaps they prefer to use smuggling as the cause for the fox phenomenon and I suspect there is less embarrassment for them to lay blame on smuggling than foxes being brought in across their borders.

We know that it is very simple and easy to bring fox parts and pieces into this State. It is a very simple thing to do and I referred previously in this Chamber to a person who is

well known to the **Fox** Free Taskforce and others and how he brought in, in the back of his vehicle, not even covered or concealed, three **fox** pelts. He was undetected and he made no effort to cover that at all so it is very simple and very easy to bring these bits and pieces in. The minister at the time, Mr Green, became aware of this and spoke to this person and he was not a happy chappy.

The deficiencies present in the management of reported **fox** finds, scats, strong sightings and other real evidence has been, in my opinion, deplorable and left wanting. When dealing with a matter as important as **foxes** in Tasmania and the decimation of other wildlife, sheep, lambs and poultry, and diseases and the huge financial cost to the State, every reported **fox** find requires a rigorous and well-planned investigation to identify a number of things and to test the authenticity of the evidence - and quite obviously that does not occur - to determine possible locations, to identify whether or not **foxes** were or are being deliberately brought into Tasmania - and that has never really been tested - and to test whether or not our border controls are strong enough. There are lots of other reasons as well.

Yes, it is true to say I have been outspoken about the lack of investigation or about the level of professionalism displayed in each situation. In fact I was so concerned I sought a meeting with the minister, Mr Llewellyn, to raise my concerns as to the inadequacy of the investigations. The member for Montgomery was with me on one of these occasions and this followed closely after the Old Beach episode in May 2006 which to me was the final straw.

I determined then that I could not sit back and take any more, and I will go into that investigation a little more in a moment. There is a lot more about that that I will go into. To have done nothing was to condone what was going on, hoodwinking the public and diverting funds from other important areas. Another reason I bring this matter here today is that I could not sit back and do nothing; I have to do something about it and I am calling on this House to do something about it as well.

The minister at least listened, but that is all. Nothing changed and these investigations have simply continued in a very ordinary manner. The minister will recall the meeting because I challenged him on his attack on me to a member of the public where he asserted that I should be treated with caution because I had a personal axe to grind, some vendetta.

I will repeat what I said to the minister; there is nothing personal in this for me at all. I know nobody in the **Fox** Free Taskforce other than by name. I have not conflicted with anybody to my knowledge. My interest is simply that the evidence in the majority of cases is spurious to say the least and it is millions of dollars of my money and taxpayers' money that is being expended on a case that is absolutely built on, in my opinion, exaggeration, speculation, propaganda, mistruths, part truths, some truth and fairytales. There is some truth there, I can see that; there is some evidence.

I, like many others, would really like to know whether or not there are 300 to 400 **foxes** or 1 000 in Tasmania, and if there are, where are they concentrated and what else can we do to eradicate this vermin from our State. The current evidence being used to deduce this existence lacks credibility and reliability. If there were **foxes** here, if there was good evidence of **foxes** here, I would be the first one to come out and say we need to put in whatever money is necessary to ensure that they do not populate, that we do get rid of them. I do not think that anybody would argue about that.

During the meeting with the minister he did not disagree with me at the time that more thorough investigations of **fox** finds or other evidence was needed in each case. It was I who suggested that each reported **fox** find or suspected real evidence of **foxes** should be treated as a crime scene with a proper investigation carried out by skilled operators, whether it be police or other persons with the investigative skills to perform the function.

There is evidence of poor investigation work, possible contamination of evidence and poor interviewing of witnesses and a failure to follow up on evidence in other cases. I do ask the question: what training do some of the people have who have been involved in this in investigating these issues, the preservation of evidence in particular? I just do not know what that level of expertise is. As I have said, while there was some support offered by the minister, that is about where it all ended. The next alleged find on Glen Esk Road was a real debacle, and I will talk a little more on that in a moment. Suffice to say at this time that in response to evidence being produced by David Obendorf to the head of the **Fox** Free Taskforce their evidence did not add up. Mr Mooney responded by saying, and I quote:

'I am not really concerned whether the **fox** was killed "on site," up or down (or even sideways) the road.'

I suggest that Mr Mooney would regret putting that comment in an e-mail, in a written form. I am not quite sure whether or not Mr Mooney believes this to be a serious matter or whether or not he understood the seriousness of the matter in responding in that manner. I think that on reflection he would regret responding in that manner.

I want to be convinced that there are **foxes** in Tasmania. To many this was considered to be the vital piece of evidence that was needed to show that there were in fact **foxes** in Tasmania.

Mr Parkinson - Wouldn't you prefer to be convinced that there were none?

Mr DEAN - Would I prefer to be convinced that there are none?

Mr Parkinson - You say that you want evidence that there are, but I suggest that you might be better off with evidence that there were none.

Mr DEAN - What I am saying is that the case to support **foxes** in Tasmania is not built on real evidence, factual evidence. I was flabbergasted with that response and others have been too who know of it. A number rang me to ask me what I thought of a response of that nature from a person who was involved in the investigation who had evidence that was not right.

In fact one of the problems I think with this whole thing, Madam Deputy President, is the failure to keep an open mind on these issues, that once the evidence comes forward there is that position that is adopted that this is right, this is real, this is the evidence we have been looking for rather than keeping an open mind on the thing as trained investigators will always do.

Some members would recall this speech by the Honourable Tony Fletcher -

Mr Harriss - Now you are speaking of **foxes**.

Mr DEAN - and I want to go into some of the comment. This is an excerpt from a transcript of *Hansard* from the Legislative Council on Thursday 26 September 2002. I will read some of it and I will read it as quickly as I can, Madam Deputy President:

Earlier this year the honourable member for Rosevears and I became so concerned about the **fox** task force and its activities that we sought and were given a briefing by Mr Terry Reid, the head of the **fox** task force and an employee of the Parks and Wildlife Service. That briefing was very, very informative and it convinced me at least that the task force had to be mounted, the task force had to be adequately resourced and the task force had to prove once and for all that there were or were not **foxes** in Tasmania, that the downside risks of doing nothing in relation to that matter were just too high and therefore could not be countenanced. Obviously the Government of the State heard that evidence, made those judgments and considered that they should do likewise.

It was of great concern to me, after having that briefing with Mr Reid and with others, to watch a television program just a couple of weeks ago called *Catalyst* on the ABC where some very provocative statements were made in relation to this **fox** issue ...

In the first instance, the *Catalyst* program was sensationalised and meant to shake people to their very roots. I understand that. It started off with the narrator of the program saying:

"Two years ago, a group of environmental vandals committed an unthinkable crime. They hand reared up to 19 **fox** cubs and released them into the previously **fox** free Tasmanian wilderness. It is hard to comprehend that such a petty act has unleashed the greatest extinction threat since Tasmania's last ice age 10 000 years ago."

Later in the program a scientist, Mr Andrew Cockburn, was questioned and he claimed:

"Of course I'm angry. This is one of the greatest acts of vandalism, terrorism, use whatever term of abuse you choose that you can possibly imagine being perpetrated, and the slowness of the response and the desire, particularly of the Commonwealth Government to wash their hands of it is an act of grotesque incompetence." '

I could read further from this document. It is in *Hansard* and I do not know whether other members have received it or not, Madam Deputy President, but I would suggest that they do get it if they have the opportunity and read through the whole document.

The Honourable Tony Fletcher then referred to some of the original evidence and I make a couple of comments and quote:

'After the Carlton/Collingwood game, he was at Allgoods, Main Road, Glenorchy, when an unknown male person stated during a conversation that **foxes** had been brought into the State by Samba shooters. Two lots of cubs; five (5) in one lot, six (6) in the other, transferred to Tasmania on the TT Line in a vehicle and had been reared in the bush. The Samba shooters from Perth, no names given.'

I suppose after a Collingwood/Carlton game, Madam Deputy President, there would not be much else to talk about so I guess **foxes** was probably the next best thing. He then goes through and summarises the evidence and the investigation that was conducted into that evidence. I quote some words he used here:

'SUMMARY

The enquiries conducted by the Task Force has concluded that:

The original source of information cannot be corroborated by any material of fact or evidence.

The Briefing notes cannot be corroborated, other than the existence of the persons mentioned and no corroborative evidence to suggest any involvement in **fox** conspiracy.

There is no evidence available from the enquiry that there is an illegal importation of **foxes** by Samba shooters in the Perth area.

There is no evidence available from the enquiry that there has been illegal importation of **foxes** by any known group of civilians.

That all civilian sightings in the Hadspen/Carrick region are not corroborated by any scientific evidence and can be explained.

That Mr Peter MOONEY, the search team co-ordinator for the National Parks, has not established that **foxes** are in Tasmania and nor is there one single piece of evidence to corroborate that assertion.'

That is the extent of that letter. Then there was a further letter which I think needs to be put on the record as well from the District Commander to the Deputy Commissioner within Tasmania Police with regard to the alleged conspiracy to import **foxes** into Tasmania and that report was done by myself. I will quote from the comments made by the Honourable Tony Fletcher:

'Co-Operation - National Parks and Wildlife Services.

I have shown concern at this enquiry from its commencement. As you would be aware initially the cooperation of DPIWE (Parks & Wildlife Service P&WS) left a lot to be desired and it wasn't until I understand, a direction was given at executive level in DPIWE that this changed.

Original information

The original "brief" provided us, contained information which on the face of it supported that there was a real likelihood of **foxes** having been brought into the state. However, on investigation it became abundantly clear that the original informant (spoken to by police) had only passed on part of that information, most of which was hearsay and gossip. The remaining information seems to have come from P&WS personnel who have relied on rumour and probably "guesswork".

None of the information was confirmed and some was found to be highly suspect ...

Exhibit Analysis

There was a clear lack of support from P&WS with regards the analysis process of exhibits taken possession of which were likely to have confirmed the existence of a **fox** (**foxes**) in the state. We were continually given explanations (run around) to cover for the slowness of the analysis. It is not said that it was deliberate but it did identify with poor practices.'

The report continues and I will make another couple of quotes from it, Mr President. I quote:

'The members involved in the investigation are to be commended for their technique and adroitness as it has prevented an escalation of publicity as would no doubt have occurred. This is not to say that the detail giving cause for our involvement will not be mischievously released in the future, as many people are now aware of police involvement.'

How right that comment was.

We go into another paragraph dealing with evidence:

'The police enquiry has not uncovered any "real" evidence whatsoever that would tend to confirm the existence of a **fox**(s) in Tasmania.

The analysis done on exhibits have proved negative and many of the "so called" sightings have been suspect. I reiterate the original information provided to police is unconvincing and was proved to be wrong in some instances and with the informant denying having provided some detail.'

The conclusion that was made in that report by the commander, Mr President, was:

'I think it is fair to say that had police received a similar quality of information on a crime, the chances are that the rating given it would have been at the lowest end of the scale.'

And probably would have gone off the end of the scale.'

[4.30 p.m.]

Mr DEAN - David Obendorf has been criticised for daring to challenge **fox** evidence. The Honourable Tony Fletcher, previously the member for Murchison, has been criticised for similarly challenging evidence. I have been criticised and so have others. We should all remember the criticism and, I think, some ridicule that Senator Shayne Murphy experienced in 2002 when he criticised some of the evidence and we know he has now left that position. According to some, Shayne Murphy had the audacity to question the **Fox** Free Taskforce and the incredible performance of Tasmania on this matter -

Mr Parkinson - Shayne Murphy claimed that he had some evidence.

Mr DEAN - I am not sure. I am just quoting from a document. I have not spoken to Shayne Murphy myself, so I am not certain.

Mr Parkinson - Then, when the police turned up to get the evidence, he claimed he was being harassed.

Mr DEAN - You could be right, I do not know. I cannot comment. Commenting on claims of alleged **fox** smuggling made on ABC TV's *Catalyst* program that went to air on 12 September 2002, Senator Murphy said - and it is important I bring this up, Mr President:

'It's the greatest load of nonsense and dishonest reporting that you would ever want to hear. ABC staff preparing the program were either lied to or failed to do any real research at all.

(Tasmania) Police has conducted an extensive investigation into reports of **fox** smuggling and found no evidence whatsoever.'

Ms Thorp - We don't know what is worse, a rat or a **fox**?

Mr DEAN - A rat is probably worse in this instance.

'And yet an ABC program called *Catalyst* can make statements very clear and concise that two years ago (2000) a group of "environmental vandals" committed the unthinkable crime.

I say to *Catalyst*, on what basis do you make this statement, because it is the greatest load of crap that I have ever heard!'

Ms Thorp - I hope that was a quote?

Mr PRESIDENT - It is not quite unparliamentary.

Mr DEAN - It is a quote from the document, Mr President, and I was not quite sure how I should do it, whether I should quote it or -

Mr Parkinson - Was that still a quote from Shayne Murphy?

Mr DEAN - It is a quote from Shayne Murphy.

Mr Parkinson - A most unreliable source.

Mr DEAN - DPIWE officers, Mr President, were involved with that *Catalyst* program, with that inquiry.

'On the basis of these allegations and sensational reporting the Tasmanian **Fox** free Taskforce received (at that time) \$400 000, in federal funding, but have failed to produce any results.'

Senator Murphy said that. But Senator Murphy, a recreational hunter, said he knew who could do the job:

'They will not involve the recreational hunters of this State, for what reason I do not know, but I suspect they don't really want to find a **fox**, because if they did involve the recreational hunters of the state, they would find a **fox** if it was there.'

That is a reference from the *Canberra Times*, 20 September 2002. In the *Mercury*, Senator Murphy was quoted to say:

'Don't get me wrong. If there are **foxes**, we should certainly do everything possible to get rid of them.'

Here is the man again saying if there are **foxes** here - and he did not know if that were the case - we need to get rid of them.

'We all know **foxes** can be pretty smart but these Tasmanian ones would have to be the smartest. They can hide from dozens of hunters' spotlights, avoid thousands of motor vehicles and leave no trace of their existence. Even the Phantom would be in awe of that sort of ability.'

That is a reference from the *Mercury* in 2002.

Ms Thorp - Have you ever seen a spotted pardalote?

Mr DEAN - No.

Ms Thorp - Or the endangered green-and-gold frog? Just because you do not see them all the time, does not mean they are not there.

Mr DEAN - It is said that we have a number of **foxes** here in this State and they have been seen, that is the thing, or alleged to have been seen.

The original police investigation was important and thorough: I am in a good position to comment on this as I happened to be the Commander of Police at Launceston at the time

and had full responsibility for the investigation. Mr President, I am bringing this issue up because later the minister and DPIW, as I understand it, criticised that investigation as not having been a good investigation. I recall my briefing on the subject coming from a commissioner. It was tasked a priority-one investigation. It was a serious allegation requiring whatever resources were necessary and required a senior and experienced detective inspector to lead the investigation. Of course the minister and DPIW, of all people with their track record, now claim a lack of thoroughness by Tasmania Police as a convenience, I suggest, as that investigation result did not or does not support the claims by DPIW of a fox invasion of Tasmania. They did not want to provide assistance to the police in the first place and had to be pushed. I do not know why. Perhaps they knew what the result might be.

The fact is the original evidence leading to the police investigation was based on hearsay, about third hand, overheard on the back of a utility, as I have said. There are further police reports available on this, Mr President, where assistant commissioners of police reported on it and found that the investigation had been carried out in a proper manner and there are other comments made by commissioners also identifying that no further evidence had been brought forward to the police and that they would cause that evidence to be investigated if it was brought forward to them.

I now want to refer to some of the fox incidents as reported and in doing so I only refer to sufficient particulars to satisfy you that a police investigation is warranted in accordance with my motion. I will talk about the most recent one first - the Glen Esk road kill on 1 August 2006. This was an intriguing case and you may remember that when it first broke it was hailed as a find that proved foxes were indeed living in Tasmania. Biologist Nick Mooney said this fox was still warm and had only recently been run over and was the proof they needed to confirm their worst fears - foxes in Tasmania.

I will later provide some evidence, Mr President, which will show that the fox could not have been warm because it had been dead for a long period, probably 24 hours or much longer than that. The press release by Gary Davies, wildlife manager in DPIW, in the late afternoon of Thursday 3 August 2006 said it all and it is important I quote some of these things because there will be later evidence that either refutes or casts suspicion on some of these issues. I quote:

The Manager of Wildlife Management for the Department of Primary Industries and Water, Gary Davies, thanked the man for responding to the appeal to come forward.

"The man was the driver of the vehicle, and his activity is known to have put him in the area at the time", Mr Davies said.

The report fixes the time of the incident very close to 9.30am.

Mr Davies said that the driver has insisted we do not publicly identify him because he does not wish to become the subject of public speculation. "DPIW will respect his confidentiality. Should he choose to inform others at some stage in the future then that's his right", Mr Davies said'.

This is the important part:

"He was driving east on the Glen Esk Road. The **fox** emerged from the left hand side of the road, ran across the path of the vehicle and was struck by a tyre".

He stopped to find out what he had hit and saw that it was a **fox**. He then continued on his way because he did not want to be associated with any ridicule or cynicism which is put about in some quarters on **fox** reports."

I emphasised about the movements of the **fox** because, as I said, there will be a statement shortly that will be quite interesting when one compares it with that statement.

It is worth noting that the press release made shortly after the incident was reported stated categorically that the time of the incident was very close to 9.30 a.m. The release also said that the driver of the vehicle which killed the **fox** had said, and I have gone through that - 'emerged from the left hand side of the road, ran across the path of the vehicle and was struck by a tyre'. This is significant because a little later - and after a veterinarian disputes that line of evidence - another version is given. The minister is becoming, I think, a little restless in some of this and I detected in my discussions some little changes here and there after some further conversations, Mr President.

On reading about this fox find I conceded at the time - and I did this to a number of people - that I was wrong and that we did have a fox incursion. I began to believe that this was irrefutable evidence and that the Manager of the Fox Free Taskforce, Nick Mooney, was right. I spoke to a number of people and a number of people rang me and said that we were wrong, that we have foxes. However within 24 hours I received a telephone call from a journalist who said words to the effect of 'It's a big hoax. Do some investigating yourself and you might get to the truth of it. It's a load of rubbish'. There is mention of a telephone call on a mobile being either intercepted or overheard.

As a result of this, Mr President, I spoke with Dr David Obendorf and others and then started to work on getting access to the fox carcasses and other evidence taken from the scene. Of course it was all refused in the first place and that came as no surprise to me. Dr Obendorf was attempting to do a lot of this. Access was not made easy and you may ask why. Well, I think that will become clearer in a moment.

A letter was then sent to the minister by David Obendorf on 16 September 2006 to the effect that he, David Obendorf, refuted the findings of Nick Mooney relative to the Glen Esk Road fox and he gave good reasons for doing so. The minister responded on 20 October 2006 and I want to refer to a comment from that. I quote from the minister's letter written to David Obendorf on 20 October 2006, Mr President:

I have taken note of your comments on a DPIW report entitled: "*Authenticity of a report of a red fox recently killed on Glen Esk Rd, 1 August 2006*". I am advised that the Department has also provided you with access to the original reports resulting from the investigation.

While I recognise that you have questioned the time and manner of the fox's death, as I understand it, you have not contested the conclusion that this was a wild fox living in Tasmania prior to its death.'

David Obendorf certainly did contest that it was a wild fox living in Tasmania.

David Obendorf again wrote to the minister on 25 October 2006 and I want to refer to that document as well, Mr President. I quote from that document, a letter forwarded to the minister on 25 October 2006:

'The inferences made in paragraph 4 of your letter are not a fair deduction from that assessment. I have sufficient technical concerns about the time of death and cause of death to question the primary conclusion of Mr Mooney's report that "this was a wild fox living in Tasmania prior to its death".

It is correct to state that I conclude that this was a dead fox found on a Tasmanian road; that I do not contest!

Another paragraph from that letter says, and I quote:

'On 3 August 2006, a DPIW press release stated that "an individual has come forward in the days after the incident and identified himself as the driver that hit the fox". This same person was interviewed by Mr. Mark McKay of the FFTF on the morning the fox was discovered on the Glen Esk Road and this person did **not** volunteer that he killed a live fox crossing the road.'

Why did he not or why would he not identify himself at that time because he came forward the next day and identified himself?

Mr Hall - Was it an old fox or a young fox?

Mrs Jamieson - A sly one.

Mr Hall - I recall the former member for Murchison saying something.

Mr DEAN - I will talk a little bit more about the fox shortly. There was no other evidence at all found to support that this was a live fox living in Tasmania. In fact an analysis I am told of the gut of this animal revealed nothing that would connect it to Tasmania as a free-ranging fox living in the wild here.

Mr Parkinson - I presume it was dead.

Mr DEAN - It was dead right enough; it had been dead for 24 hours or could have been dead for up to three days. The minister responded again on 17 November 2006, and I need to read parts of that letter, as it is important also in supporting the motion that I have moved. This was a letter written by the minister on 17 November 2006. It was forwarded to Dr David Obendorf and I will quote a couple of paragraphs:

'You draw attention to my role as Police Minister, but I must stress that a police investigation is not sanctioned as there is no evidence of any wrong doing, any mishandling of evidence, or of any criminal activity ... If the carcass was believed to have been brought into the state and the trail of evidence lead to a particular individual or group of individuals, then that would be a case for the police ...

I will await your assessment of the examination of histology slides prepared from the Cleveland fox.'

Those are parts of that letter. I have not read through the whole letter but they were the fairly significant sections of it. This comment is worth restating from that document and I restate it:

'but I must stress that a police investigation is not sanctioned as there is no evidence of any wrong doing, any mishandling of evidence, or of any criminal activity.'

Shortly I will refer to evidence or a conclusion the carcass was interfered with in fact. There is evidence to show that it was interfered with. On the evidence it was perfectly clear that skulduggery was afoot. Evidence was emerging that this too was a plant. In

the circumstances, to sit back and do nothing about it even at this stage is foolhardy. I cannot sit back. At least I am doing this and I am bringing it out and if nothing happens from here then so be it.

On 22 November 2006 David Obendorf again wrote to the minister pleading with him to have the Glen Esk Road **fox** find evidence robustly questioned. I need to also quote from that document. This is from a person with the qualifications that I have previously referred to - one of the best, I would suggest, veterinary persons/doctors in this State.

I quote from the document again. I do not apologise for doing this because it is important to the case, the motion:

'Based on the information and forensic material made available to me - this includes the site incident images, the X-rays, the post mortem images, the histology slides, the media footage taken at Mt Pleasant Laboratories and the various reports prepared subsequently - there is no doubt in my mind that this animal did not meet its death on that road at the time alleged by your Department.

Based on my assessment and the observations of that material, particularly the histology, it is my conviction that the principle conclusion drawn from the incident by Nick Mooney is not consistent with the evidence and therefore the scenario as concluded and recorded is implausible.

I believe that the **fox** was not killed *in situ* at Glen Esk Road. I believe that this **fox** carcase, when it was retrieved and taken to Mt Pleasant Laboratories in Launceston, had been dead for a considerably longer period than the time claimed by your Department. (In other words, a much longer time had transpired between the death of this **fox** and its discovery on the Glen Esk Road.)'

Mr Parkinson - So you have the opinion of one pathologist against the opinion of another one.

Mr DEAN - No, I will go into that in a moment where there are others who have had a look at it and they agree with David Obendorf. You are jumping the gun, Mr Leader, and I will refer you to it, as I have those documents. To quote again from this paragraph:

'I also believe that the **fox** carcass shows signs that it had been physically tampered with by someone **after** it had died.'

Ms Thorp - Didn't you say that they would have examined the stomach contents?

Mr DEAN - Yes.

Ms Thorp - Wouldn't you have to physically interfere with it to do that?

Mr DEAN - David Obendorf is meaning from another point of view.

I quote further from that same letter to the minister:

'As an experienced veterinary pathologist and the person you asked to undertake Tasmania's preparedness and response to outbreaks of significant animal diseases in 2002, I can only restate my firm conviction that based on a careful analysis of the material evidence that the circumstances leading to the retrieval of this **fox** carcass should be robustly questioned.

I have asked and will continue to ask you, as Police Minister, to consider these matters with the utmost seriousness.'

The minister answered that letter on 11 December 2006, Mr President, and I have said here that it showed signs of weakening to some degree but is still in denial that a gross

fabrication had occurred and I also need to quote from that document, unfortunately. I am sorry about this.

Mrs Jamieson - You're well documented.

Mr DEAN - Yes.

Mrs Rattray-Wagner - Very colourfully documented.

Mr DEAN - Yes, it is. I quote from a letter written to Dr David Obendorf, Mr President, on 11 December 2006. I quote:

I note that in a report by Mr Mooney to which you refer, the possibility of a considerably earlier death is openly discussed, the anonymous tip-off that the **fox** was road-killed earlier some kilometres away and repositioned being clearly presented. This is freely available for perusal by any member of the public on the **Fox** Taskforce's website. The possibility of an alternate, but not dramatically opposing conclusion, while unlikely, is not disputed.

In short - I accept that there are differing points of view on some aspects of the evidence.

However I must stress that as the Minister with the primary responsibility for dealing with the risks of **foxes** to Tasmania I have to take a precautionary review and respond to the weight of evidence. I firmly believe that the majority-endorsed conclusions are reliable and actionable.

I acknowledge that the Review by the Invasive Animals Cooperative Research Centre notes that in the past the Department's treatment of evidence has not been performed to the highest level. However, the Department has undoubtedly learned from past errors and, in the particular case of the Cleveland **Fox**, there is simply no suggestion or

indication of any wrongdoing. At no time did the Review even hint at the possibility of any malfeasance on the part of Taskforce members and indeed the Review panel's first recommendation is that all Taskforce members, past and present, be commended.'

I think I can just about guess who would have written this document for the minister. I do not think one would have to go too far, or am I being cynical?

Mrs Jamieson - Never.

Mr Parkinson - You're certainly not being forensic.

Mr DEAN - I continue to quote and I quote the next paragraph:

'I have asked the Department to continue to develop processes to approve their management of evidence but some matters are outside their control. Members of the public, in the best of faith, collecting what they think is evidence and perhaps compromising it in the process will occur whether we like it or not.'

The fact is, Mr President, in most of these cases, the **Fox** Free Taskforce had gathered the evidence. They had been responsible for it. They had been responsible for controlling it, holding it and sending it on, not members of the public, and one would expect them to be able to handle it properly and avoid contamination.

Mr Parkinson - That's what they are employed to do. The **Fox** Free Taskforce, I presume, is employed to do that kind of thing.


Mr DEAN - Following this evidence and those letters, further information came to light through the persistence of David Obendorf. He confirmed that the **fox** had not been killed as told, that there was evidence of interference with the carcass and that it had been

killed 24 hours before the said death time of about 9.30 a.m. on 1 August 2006 and/or more likely, two to three days before. Time for it to be transported from Victoria.

Mr Parkinson - This is Obendorf again, is it?

Mr DEAN - David Obendorf. But there is further evidence to support what he is saying. But it is not accepted by the other pathologist or other doctors examining it. It could have been two to three days. They certainly accept the 24 hours, but do not accept the two to three days.

I do not need to go into the evidence as to how these findings were made. Suffice to say that through thorough and proper autopsies and slide examinations, it is possible for experts to make accurate findings of time of death. On this occasion, David Obendorf's findings were corroborated by another qualified doctor of veterinary science, Dr Tony Ross, BVSc, MSc, PhD, registered specialist, veterinary pathologist. So a lot of what Dr David Obendorf is saying has been corroborated.

The minister responded to David Obendorf on 21 February 2007 and concedes, following the opinions of Dr Loh and Dr Tony Ross, that the death of the Glen Esk Road  could have been at least 24 hours before the time originally stated. The minister pointed out that Dr Ross found it highly unlikely the time of death could have been three to four days previously, as suggested by David Obendorf.

Mr Parkinson - So Ross and Obendorf differed in their opinions?

Mr DEAN - They agreed that it could have been at least 24 hours. They did not agree -

Mr Parkinson - Yes, but not the four days, as estimated by Obendorf?

Mr DEAN - to the three to four days, and I have said that. The minister, knowing that evidence was clearly fabricated, then said in that letter that there had been sufficient scrutiny of the case. Wouldn't you want to know, Mr President, why fabrication had occurred and whether the **fox** did come from the mainland? Wouldn't you want to know that? It would be a basic, fundamental requirement, I would have thought. Once and for all we could identify whether there were **foxes** running in Tasmania and they were all unlucky enough to get run over by a vehicle.

Mr Parkinson - If there is evidence of **foxes** in Tasmania, sometimes that sort of question doesn't matter.

Mr DEAN - This sort of evidence is very important, I would have thought, and I will refer to two further cases, Mr Leader, where it is very suspicious - recent cases again. If you look at all the **fox** finds in this State, there are huge question marks around all of it. It is not surprising that good people, qualified people, become frustrated and aggressive in some instances because of a reluctance of government departments to be transparent, open and helpful. If it had not been for David Obendorf and one or two others, this incident would have been used as the real evidence of **foxes** in Tasmania. It has been found that that is not right.

I say, with no authenticity at all, that this **fox** was a feral **fox** living in Tasmania, a **fox** roaming our countryside. If it was, why was there the need to say it had just been run over, had been killed as it emerged from the roadside and it was warm? This just was not true. Of course DPIW did not want it examined further and of course they did not want a man of David Obendorf's capacity and credibility to become involved because they knew what the result might be. It is atrocious when you think of the millions of dollars of funding that is attached to the program. But it does not end here. I picked up the latest release of *LGAT News*, March 2007, and on page 55 I read this:

'This "pool" includes the still warm **fox** carcase (the fourth carcase discovered in Tasmania) known as the "Cleveland **Fox**", discovered in August last year.'

There is other comment and I am not going to refer to that.

Here the story - a warm fox recovered in that situation at Cleveland. It is still being allowed to occur. So here we are, long after there has been an exposure of fabrication dealing with the Glen Esk Road fox, evidence is still being peddled that the carcass was warm, implying it had just been killed. The story refers to scats being recovered as well in the area and while it does not say they are fox scats it can reasonably be inferred that that is the case because it does say 'as linked to foxes'. The contamination of fox evidence is another issue and I will comment on this when I talk about the Old Beach case shortly. Why is it happening? Why has it not been corrected? The public is entitled to know what is going on. We would not get away with mismanagement, with the misleading of the public anywhere else other than within government departments and it has to stop.

Let us go to Old Beach now and have a quick look at that one. It was first reported on 16 May 2006 close to budget time. A resident reported the deaths of 20 chooks in a pen. It appeared an animal had dug under the fence. They heard a dog barking the previous night at his house and about 100 metres from the chook pen. In the previous two weeks holes had been made in the wire but it was not known if chooks had been killed. Other details were given, including him and his father hearing a noise similar to a sick devil on 13 May. The resident also said he thinks he saw a fox on Baskerville Road late October 2005.

In describing the animal he agreed it could have been a dog and possibly a possum and this was at 20 metres from the vehicle in the car lights. I would have thought it would have been quite easy at 20 metres in full car lights to identify a dog, possum or fox. He concedes it could have been a dog or a possum but he also said it could have been a fox. The Fox Free Taskforce then moved into action and set the pen up just in case the killer returned, and it was a fair bet as there was some evidence of previous interference and possible chook deaths prior to that killing of the 20 chooks as well. So it was reasonable to think that the killer might come back.

Sand traps and barbed wire hairtraps were set up and dead chooks were left in situ. On 21 May it was reported there was another entry to the pen and footprints and blood et cetera were found. So after the traps had been set up a further entry was identified. Some evidence on this occasion related to a dog. Also the footprints found are said to have been possibly quoll but there were no fox footprints found. In fact the report, Mr President, is quite confusing but there did not appear to be anything to support a fox presence at all when they examined the scene.

However, on 22 May blood was recovered - a day later - and I understand two blobs of blood were found at the site, in that area. When that was analysed it was found to contain fox-specific DNA - that is what the analysis of that blood revealed. Again, Mr President, the evidence looked okay but I must say I was suspicious because of the way things were unfolding. Most detectives and ex-detectives have suspicious minds, that is the nature of the beast. I could not understand why the very thing that would be able to prove the killer, a camera, was not used. Cameras had been used at other sites less likely to get a positive result. Why weren't they used here? I would like to know just what the explanation is. Were they all out, all being used? Here we had a site where they were saying there was every likelihood of whatever was involved coming back. Would you not want to prove conclusively what it was? It has now come to light from the property owner that the Fox Free Taskforce cannot discount the possibility that the samples of blood obtained on 22 May 2006 were not contaminated by fox urine. This comes to light several months after.

This is on my advice, and I have every reason to accept and believe that advice. This new information - and why did not the Fox Free Taskforce disclose much earlier that they had used fox urine as an attractant? - puts the interpretation of diagnosis of fox DNA in a completely different light. So rather than go into the scientific background about how DNA is done, it suffices for me to say that fox urine sprinkled around would contaminate any blood and cause it to give a positive for a DNA reading. I do have the scientific explanation, Mr President, should anybody wish to ask me about it. I do not propose to go into it here but I have the documentation here if they want to see it.

The fact that urine was thrown about the scene provides a plausible explanation as to why the blood sample contained fox DNA and, more importantly, why no other corroborative evidence of fox presence was found at that site - nothing else, not one minute bit of evidence. And remember, the fox review panel when they did their report on this, relied on that evidence in their findings. They relied on it for some of their findings. The absence of a camera was not only a surprise to me but to others with an interest in these cases. In the absence of some other fox evidence - footprints, hair and particularly on the barbed wire, that is if this caused the injury - was as equally amazing. David Obendorf raised a lot of these concerns also.

It just is not realistic or believable that other evidence was not available and, furthermore, that a fox would leave the scene without some prey because of a cut or a scratch to its body. Is it reasonable? I would not have thought so. It defies commonsense that these circumstances could be accurate and to expect that any reasonable person would accept it without question or suspicion is equally as senseless, in my opinion.

What about the so-called fox scats recovered from near the scene of Glen Esk Road? Cross-contamination immediately springs to mind as the scats - five - contained traces of fox DNA only. On my advice, if they were fox scats, a finding would more likely have been strongly fox related. That is on the evidence that has been provided to me. It is conceded that the longer a scat remained in the field the weaker the evidence would be.

I have performed many high-level investigations, numerous murder investigations, 12, 15 or probably more, woundings, rapes and many other high-level fraud investigations and I must say I would have appreciated a similar level of evidence to that which is available in the fox cases to show that nefarious activity was present in proving serious criminal matters. It would have been a walk-up start for most detectives.

Mr PRESIDENT - Was there ever any suggestion of a sign saying you were following another Linfox?

Mr DEAN - Mr President, no.

I want to mention the Penguin and the Lillico Beach fox find, or the remains of a fox there. The circumstances surrounding this case would raise suspicions I think of most reasonable people. The remains of a much driven over carcass, as I understand, was allegedly seen on the side of the road near Lillico in December 2005 by a female cyclist from Canberra. This person then made a report in February 2006 and, as I understand it, she realised at some stage that Tasmania did not have foxes and that there was a problem with foxes in Tasmania.

If you came from an area with foxes I wonder why you would suddenly remember a road kill, and I think it was only skin and fur at the time, in Tasmania and recall the location. I just find that difficult to accept. Why did no-one else see it? It is an extremely popular bike racing training area. It is a popular running area and walking road. I find this very difficult to accept and it adds to a long, dark shadow, in my view, hanging over most if not all the fox carcass remains located in Tasmania.

At one stage we accepted that the report was genuine although, as I said, I do not. It had to have been a full juvenile body on the side of the road at some stage, I would have thought, and, as I said, to expect people to drive by it, ride by it, walk past it and not report it to me I have difficulties in accepting and understanding.

It is interesting that many of the reported fox sightings are reported as actual fox sightings, not as alleged fox sightings or that there is an alleged fox. If most sightings were correct then I think we have an immense fox problem: several hundred to a thousand or the same dozen or so are pretty active and careless and they are all over the State and being seen many times or being run over by cars, and I have previously referred to that.

Why are spotlighters and shooters not seeing them or shooting them or finding carcasses? After all the Fox Free Taskforce told me on 5 December 2006 they had set 80 000 fox baits and that 10 per cent or 8 000 baits had been dug up and consumed. That was the answer given to me and the word 'consumed' was in the answer provided to me, Mr President, and I say 'presumably consumed by foxes'. How do we accept this? Are we to believe 8 000 foxes dug them up, each taking one bait, or 200 to 300 foxes dug up about 260 baits each?

Ms Forrest - I reckon that would be it.

Mr DEAN - I am not quite sure, I do not know.

I want to refer to *Hansard* and questions upon notice and read a question:

'According to the FFTF a total of 80 000 fox baits have been laid in Tasmania. Their figure indicates 10 per cent or 8 000 baits have been dug up and consumed. What animal carcasses have been recovered and identified as having died as a result of consuming fox bait?'

That is an interesting one. The answer is 'None'. That was the answer provided at that time - none - and I just mention that at this stage because I will make further reference to

that in a moment. Not one carcass or the remains of one carcass has been recovered or seen. Are we to assume there are thousands of **foxes** in Tasmania? I do not know.

I just want to go on to the baits purchased now, Mr President, and I will rush through this fairly quickly. You may recall that in June 2006 I asked a number of questions regarding the baits and where they were being purchased from - simple questions, I thought, but that was not the case and I presume the questions were answered by the **Fox** Free Taskforce. On 21 June 2006, I was told that the baits had been procured from the Western Australian Department of Agriculture but most recently had been supplied by Paks Nation Pty Ltd, a company operating out of New South Wales, and Paks was spelt - P-a-x-s. I caused an inquiry to be made in relation to Paks and found it did not exist. I was then told that it was P-a-k-s Nation Pty Ltd of 2A Elimatta Road, Mona Vale, New South Wales, and further that one order had been placed.

Mr Parkinson - This has all been sorted out with you previously.

[5.15 p.m.]

Mr DEAN - I am just saying this adds to everything and I would have thought I would have been given that information at the time I first asked a question. The **Fox** Free Taskforce had entered into a deal with this new organisation and if they did not know who it was then who did and who could know? I would have thought it was a fairly simple thing.

Mr Parkinson - As I recall, you had the wrong address.

Mr DEAN - While I was told that no animal, no carcass had been recovered, suspected of or poisoned by the 1080 baits, I have received other evidence that suggests feral cats have been found on the buried bait lines. This is my advice and confirmed in an e-mail from the **Fox** Free Taskforce. I was told in answer to a question about the deaths of other animals - none - then we have this e-mail in existence saying that feral cats were found on the line.

Again we have contradictory evidence because on 5 September, as I said, when I asked a question about what animal carcasses had been recovered and identified as having died as a result of eating a **fox** bait, I was told none. **Fox** baits were buried at 10 to 15 centimetres and I now understand that they are being buried at 5 centimetres which from the information notes is about the equivalent of a match box on its side. I understand there has been a change there and I suspect to make it easier for, I do not know what, to take the baits. There is a clear risk and, in fact, known risk to the spotted tailed quoll which is an endangered listed animal, again on my advice.

Ms Thorp - I have never seen one but I know they exist.

Mr DEAN - Well, we have one in this State because it is everywhere, haven't we? There is also a real risk to the devil and it could be a reason for the decrease in numbers. On the mainland, Mr President, studies have been done on areas where 1080 poison has been used - Tallagandra State Forest, Otway State Forest and Kosciuszko National Park - and it has been found in each case there is a measurable decline in the spotted tailed quoll. So clearly there is evidence of collateral damage.

Mr Parkinson - There is decline around the Meander dam site too. In fact they do not exist.

Mr DEAN - I think the Leader, Mr President, is trying to make light of this. It is certainly not that in my opinion; it is a very serious matter. I would ask that the Leader in fact take note -

Mr Parkinson - I am just making the point that the decline could be due to any number of circumstances. Particularly with the Meander dam site I understand that the bushfire went through. That is what scared them away.

Mr DEAN - So clearly there is evidence of collateral damage. Here we are told there is none. Again I pose the question - what is different about Tasmania? If 1080 poison is causing the death of the spotted tailed quoll in those forests I have referred to why wouldn't it be likely to cause the death of those in similar animals here in this State? We are told these baits will not be taken by other animals. However, a Dr Chris Belcher who

carried out research into baiting programs suggest that the spotted tailed quoll, a species listed as vulnerable, successfully finds and consumes these buried 1080 meat baits.

I just want to quickly touch on the rewards, Mr President. A number of rewards have now been offered for the legitimate recovery finding of a Tasmanian **fox**, a **fox** that has been living in the wild in this State. Nobody has yet come forward to collect any of those rewards.

Where to from here? There is so much evidence available to support this motion that I could go on for the rest of the day. However, I do not think that is warranted and if what I have said and what others might say in support of the motion does not convince you of the value or the need of an inquiry then nothing is likely to do that. There is an abundance of evidence to show that much of what we have been told is not right and what is more upsetting is that some of the people providing the information would know very well that there are inaccuracies in some of those statements. I do not mind funding being granted, provided the reason for doing so is founded on very strong and factual information. We are talking about \$28 million with a similar amount being sought from the Federal Government for a **fox** eradication program over the next 10 years. I understand that the Federal Government at this stage is considering it; I am not quite sure where they are likely to go.

At the end of 10 years we could see statements being made that Tasmania is now **fox** free without one further body being recovered. However, I am confident that those out there eager for **fox** stories to continue will come up with something that will identify the **foxes** in the near future.

I reiterate, I do not know if there are **foxes** here or not but I do know that much of the evidence currently relied upon to demonstrate **foxes** are here and for the purpose of supporting ongoing funding is spurious. I am satisfied that the Government has to do something about it to satisfy the confidence of the people and themselves and others that things are right, that things are heading in the right direction.

There has been a continued call on the State Government to involve the **Fox** Free Taskforce in an eradication program for feral cats, to combine the two roles, and I have mentioned this previously as well. Feral cats are known to exist and to be devastating

and wreaking havoc on native fauna. They are known to be doing that. They are out there in their hundreds, thousands.

Mr Parkinson - How many have you got at the Launceston tip?

Mr DEAN - Many. There are many around the country right up and down the highway - drive along the highway and you see them running across the road; more now than rabbits. They are all over the place. There is clearly an opportunity here for the State to stand up and listen to the public and use existing funds and personnel to target a real, known problem.

I will read from the *Examiner* report of 10 July 2006 titled 'Feral cats outfox baiters in WA':

'PERTH - Scientists suspect that successful fox baiting in Western Australia may be creating an advantage for the more cunning and potentially more environmentally devastating feral cats.

State Environment Minister Mark McGowan said more research was needed to test the theory that cats were moving into areas previously cleared of foxes.'

So that is why wild cats are building up here. The foxes have now been cleared and gone so the cats are taking over.

I will continue quoting from that document, Mr President:

'Announcing a \$16 million programme to control feral cats in WA Mr McGowan said the introduced furry creatures were devastating local wildlife.

He said feral cats were wreaking havoc on native fauna.'

One would think that the State Government would listen to what is going on around the rest of this country. In fact, Mr Nick Mooney really supports this similar position with feral cats in this State and there is documentation from press releases recently where he identified that feral cats are a problem, they are multiplying, and that there are probably more feral cats in Tasmania now than there are devils. So it is not disputed by -

Mr Parkinson - Everyone knows they are a problem.

Mr DEAN - Well, why don't we do something about it?

Mr Parkinson - We are.

Mr DEAN - What? You can tell me in a moment perhaps. Another opportunity, Mr President, is we all know that fox hunting in England has been abolished, so we could offer the gentry of England, and that is who you involve in these fox hunts, some package deal to come here and kill off some of our foxes.

Mr Parkinson - They brought them here in the beginning.

Mr DEAN - I can see them riding down through the Midlands somewhere trumpeting and bugling with the hounds barking on the tail of a fox. Can't you see it? I think it is an opportunity. Why would we want to miss out on it? It is an opportunity; tourism as well.

Mr Parkinson - Down that stretch of the Midland Highway where the traffic has to slow down.

Mr DEAN - Mr President, in conclusion, I have been long-winded, but there has been a lot of evidence on this and there is a lot more evidence that I could refer to. I was going through this in the last few weeks and had to pick out some here and there. I could go into just about every **fox** case and bring out some evidence that would support at least the motion that is here before the members for an investigation to be conducted by police or some other person with the investigative ability and experience to look at all of these issues to instil the confidence of the public.

Mr President, somebody came on radio and asked the question: why did the **fox** cross the road? The answer given was to get the money. These are the sorts of statements that are being made all the time. There is a lot of feeling out there by the public that things are not done quite right and I think they need to be satisfied that it is above board, that their money is being well expended and that we need to get rid of them.

I would ask members to seriously consider this issue and look at my motion. I added the section there today because I thought it was proper to also look at whether or not any offences have been committed because if people can see that they can report **fox** incidents, make the incidents up and even be caught out and nothing has happened, Mr President, then that does not do any good as far as I am concerned in ensuring the integrity of this whole process. So I am saying that we need to do a lot more. Members, I would ask for your support and I commend my amended motion to you.

[5.26 p.m.]

Mr PARKINSON (Wellington - Leader of the Government in the Council) - Honourable members, the Government is opposed to this motion for quite obvious reasons. Quite simply, we do not need another investigation in this area.

At the outset, Mr President, I want to make the point that no-one is suggesting that there are thousands of **foxes** in Tasmania but the suggestion for the evidence is that there could be up to 50 and maybe even up to 100 and even if there were half a dozen capable of breeding it is a very serious issue for biodiversity in Tasmania.

If we are looking at the hard evidence that has been discovered in Tasmania of a **fox** population, let us start with the Burnie footprints on 7 June 1998; place, West Beach, Burnie; type, an intense search following a report of a **fox** escaping an unloading

container ship at Burnie found approximately 150 very fresh high-quality footprints with walking gait along wash line on Sandy Beach at 0500 hours. Photos and casts were taken, no human prints were nearby or other evidence of hoaxing, confirmed **fox**. Problems delayed reporting of the incident and despite the crew being aware the **fox** was loose on the ship, no pre-docking report was made. Conclusion: a fully grown **fox** had very recently been on West Beach.

The Longford footprints; date, 6 August 2001; place, Woodstock Lagoon near Longford; type, approximately 20 foot breadth with running gait on clay pan, most distorted by turns and slips but one clear. About four days old, clay drying and cracking, one cast taken, remainder photographs, no human prints or vehicle tracks nearby or other evidence of hoaxing, confirmed **fox**. Problems, none. Conclusion: a fully grown **fox** had recently been on Woodstock Lagoon. So that is 2001.

The Bosworth **fox**; date, 11 September 2001; place, Symmons Plains. A Mr Bosworth reported a **fox** he claimed to have shot seven to eight days earlier to the **fox** task force. He met the **fox** task force and handed over the **fox**. He and a companion known to the **fox** task force claimed they had shot it at night, at the time not realising it was a **fox**. It was discovered later when revisiting the place in daylight. The adult male **fox** had been shot, the path of the bullet matching Bosworth's story of the head moving, the bullet fragments were the same type that Bosworth's rifle uses but fragmentation meant that the projectile firearm matching was not possible. There was **fox** hair and some evidence of decomposition at the place Bosworth claimed the incident took place. An independent analysis by a hair identification expert of the fox's gut content showed that it contained two Tasmanian endemic species - a long-tailed mouse and a Tasmanian pademelon. Other items were inconclusive. Decomposition was appropriate for the claimed time of death. Both Bosworth and his companion have stuck with their stories over the years and through much public ridicule by sceptics. There is no evidence of hoaxing. Problems recording what gut content was sent to the expert analyst was not detailed. Gut content was not returned to the **fox** task force for redirection but was discarded by the expert witness because he was not asked to keep it. It was presumed by the **fox** task force that he would. The conclusion was that a **fox** was living wild and shot in Tasmania in late August 2001, probably at Symmons Plains.

Burnie scat; date, 13 May 2002; place, Ogden Street Reserve, Burnie; type, an adult-sized fresh scat one to three days old was picked up by the task force during a follow-up search to a sighting report. It was sent to a hair identification expert. The scat contained **fox** hair, other content being inconclusive consistent with the Burnie area. There was no evidence of hoaxing. The primary prey in the scat was a ringtail possum, a species very common near where the scat was collected. The problems: the expert discarded the hair

after notification of the results. Conclusion: a fox was living in the Burnie area in early October 2002. It was probably fully grown.

Evidence number five, the Burnie fox; date, 15 October 2003; place, Burnie. An apparently fresh dead fox was found at 0600 hours on the roadside on the eastern side of Burnie. The blood was very fresh and the body warm and limp. Time of onset of rigor mortis was consistent with death at 0400 to 0700 hours. Postmortem examination showed various limb injuries and death by a violent injury to the head consistent with road kill. Gut content was inconclusive but consistent with the Burnie area. The fox was adult female and, despite ovulating the past mating season, had not bred. Problems, that an anonymous report was received that the fox was caught and killed on an unloading ship and immediately dumped on the road to avoid disruption of shipping activities by fox task force scrutiny. Nobody came forward to claim they road-killed the fox. They may not have known in any case as hitting animals on Tasmanian roads is not uncommon. The police did not take an in situ photo at collection. Body temperature was not taken, meaning that time of death could not be calculated from that data. The carcass was not submitted for post-mortem examination until the next day, by which time degradation had commenced, a problem noted in the post-mortem report. The delay was mainly due to press/political pressures. Conclusion: a fox was alive and probably alone in Burnie in mid-October 2003 and was probably road-killed there.

Six - the Conara scat, 11 March 2005, approximately 4 kilometres east of Conara, Northern Midlands, during strategic monitoring by the Fox Free Taskforce a scat was picked up and sent for routine DNA analysis. It proved to be fox. The identified food was rabbit. There is no evidence of hoaxing. Problems: none except a long delay in analysis. Conclusion: there was a fox just east of Conara in early 2005.

Seven - the Lillico fox, 25 December 2005, Lillico Beach Coastal Reserve. In early February 2006 a tourist bicyclist reported having seen on Christmas Day 2005 a possible road-killed fox while travelling in the Lillico area. She had not known there were not supposed to be foxes in Tasmania. A juvenile fox, 10 to 12 weeks old, was recovered. After publicity several road workers came forward claiming they had also seen the carcass in previous weeks and identified it as a fox but feared public ridicule if they came forward. The carcass was smashed. Original injuries could not be distinguished from subsequent ones. There was no evidence of hoaxing. Problems: delay in direct and inaccurate reporting to fox task force led to delays in recovery. Conclusion: a juvenile fox was at Lillico at Christmas 2005, probably road-killed there. This is potentially strong evidence of breeding.

Old Beach blood, 22 May 2006, Old Beach north of Hobart. Type, a large number of hens killed one night in a pen at Old Beach were reported to the **Fox** Free Taskforce. In an attempt to get hair samples and/or footprints, barbed wire and sand were placed at the obvious point of entry through a fence. One morning the landowner reported blood drops on wood and sand at the fence hole. The **Fox** Free Taskforce retrieved the blood which proved to be **fox** by DNA testing. Dog, cat and hair was retrieved from the barbed wire. Saliva found on several hen carcasses was dog by DNA. Blood was rechecked and was **fox**. Analytical Services insist the blood is **fox** and of a consistency that cannot be contamination. Dogs, cats and other domestic and wild animals are common at the rural residential site. There has been no evidence of hoaxing.

Mr Dean - Was **fox** urine as an attractant used then?

Mr PARKINSON - Conclusion, there was a **fox** in Old Beach in mid-2006. I am simply reading from my advice.

Mr Dean - Well, I have documentation for -

Mr PARKINSON - Nine. The Cleveland **fox**; 1 August 2006; Glen Esk Road, Cleveland, northern midlands. At about 1010 hours on 1 August 2006 a contractor reported to the **Fox** Free Taskforce that he and companions had found a dead **fox** on the roadside. **Fox** task force staff attended. The **fox** was in the back of a twin-cab ute on site. It was reportedly warm and floppy when picked up about 0940 hours. It was an adult male measurably warm at 1055 hours with no apparent onset of rigor mortis.

After public requests the **Fox** Free Taskforce received a report from someone asking not to be publicly named that they ran over the **fox**. Pollen and gravel recovered from the fox's fur is consistent with that found locally. Gut content was rabbit, blood on the road was **fox**, onset of rigor mortis, eye softening and body temperature is consistent with the report. Problems, an anonymous call that the **fox** was run over several kilometres north and somewhat earlier and relocated by a local farmer to draw **fox** task force attention from his property. The facts are still consistent with this - for example,

margins of error in estimate time of death. Conclusion, a wild adult fox was road killed near Cleveland early on 1 August 2006.

Ten. Northern Midlands scats; September - October 2006. Place, several locations in the vicinity of Cleveland - Conara. Following the discovery of the Cleveland fox the Fox Free Taskforce, now known as the Fox Eradication Program, undertook intensive monitoring of the region. So far five scats have returned positive results indicating they were from fox or from animals that had eaten foxes. Problems: none. Testing is not available to indicate any relation between any of the scats found and the Cleveland fox carcass nor with each other. Age of scats cannot be accurately determined but they were not fresh. Conclusion: there is or has been a small population of foxes living in the Northern Midlands area.

With reference to all the evidence highlighted above, except for the Cleveland fox and the northern midlands scats which occurred after the review was finalised, the Invasive Animals Cooperative Research Centre's independent review of the task force and its activities had the following to say, and I stress that it was an independent review:

Hard evidence provides certainty but does absence of evidence of foxes provide evidence of their absence? Incontrovertible proof of foxes in Tasmania would provide clear and unambiguous support for ongoing action and acceptance of the problem as a State and National emergency. An overabundance of hard evidence would also be indicative of an established fox population, with the inference that efforts to control the incursion had failed. Conversely, any lack of scientific certainty with individual cases should not be used as a reason to postpone measures to avoid or minimise a threat of significant reduction or loss of biodiversity ... The present situation presents a difficult dilemma.

In researching parallel instances of mammalian introductions it became apparent that the fox situation in Tasmania was almost unique. We could find no major case studies of introductions or even alleged introductions that had been made with the degree of malicious intent reported here. Similarly, we have found no reported evidence of invasive animal introductions and positive identifications littered with so much suspicion of hoax and conspiracy as in Tasmania.

(And further that)

Despite the suspicions raised, it was impossible for the review to discount all the hard evidence presented and we concluded that indeed an unknown number of foxes has been deliberately and/or accidentally introduced and that some of these and possibly their progeny are still living in the wild in Tasmania. With this in mind, eradication of foxes from Tasmania must still be the single intent of the Taskforce.

The Review further concluded that

While we interviewed many who claimed that the evidence for presence of foxes has been the subject of continuous hoaxing and fabrication, not one person was prepared to match their conviction with the risk of doing nothing and foxes becoming permanently established in Tasmania.

On reviewing the situation elsewhere, particularly on mainland Australia, there is absolutely no doubt that foxes are capable of successfully colonising Tasmania. Were this to occur, the cost to Tasmania's economy and more importantly, its biodiversity, would be catastrophic.'

Their number one key recommendation stated:

'Actions taken to remove the threat of foxes establishing in Tasmania have been extraordinary and the Fox Free Taskforce (past and present members) should be officially commended for their dedication.'

Honourable members, the fact that an independent review has already taken place, negates the necessity for another State Government-funded one to take place.

Ms Forrest - Through you, Mr President - does that independent review look at the authenticity of the evidence or just the quantum of it and the reports that were provided? Do they do further testing analysis of the evidence?

Mr PARKINSON - I will need to take some advice on that. When the report was done they looked at all the evidence that was available up to that time, which we think was probably prior to the Cleveland one. So they looked at all the available evidence at the time.

Fox evidence discovered in Tasmania has been and continues to be under enormous scrutiny, most particularly and consistently from the member for Windermere and Hobart veterinary pathologist, David Obendorf. Since October 2006, the minister responsible has written six times to the member for Windermere and Dr Obendorf on various facets of the **fox** program, most usually, Cleveland **fox** incident. Evidence gathered from this incident has been evaluated by no fewer than five veterinary pathologists, not one of whom agrees with the conclusion regarding time of death, as drawn by Dr Obendorf. Dr Tony Ross, consultant veterinary pathologist, reviewed the evidence again in February 2007. Dr Ross concluded that the **fox** was most likely killed by being run over, up to 24 hours before laboratory examination, not four days, as estimated by Dr Obendorf. There is also no evidence to support the inference of the member for Windermere, that public confidence needs to be increased.

Mr DEAN - Mr President, point of explanation.

Mr PRESIDENT - Order. If the honourable Leader would resume his seat if he is able, the honourable member for Windermere, on a point of explanation.

Mr DEAN - I think it is a point of explanation, Mr President, and you will obviously give me direction if it is not. But it was never said that Dr David Obendorf said that the **fox** had been dead for four days. He said it could have been up to three to four days. It needed explanation.

Mr PARKINSON - There is also no evidence to support the inference by the member for Windermere that public confidence needs to be increased. The **fox** program has an ongoing community engagement and education program which has recently been expanded, along with the program itself. At every public event attended by **fox** program members, public interest and support far outweighs expressions of scepticism or lack of confidence. Indeed, the experience related by program members is that even

where scepticism as to the presence of **foxes** is expressed, support of the efforts to discover any evidence of the presence is often found. I could go on, Mr President, but I am conscious of the time and, as I mentioned at the outset, the Government is opposed, for the reasons stated, to this motion and I urge honourable members in this instance to support the government position and oppose the motion.

[5.44 p.m.]

Ms FORREST (Murchison) - Mr President, I am of a mind to support the motion for a number of reasons. One of them is the evidence that the Leader has given us is quite exhaustive in the number of sightings and amount of evidence that has been collected and I might seek some clarification at this point while I am on my feet from the Leader. He said that evidence that has been gathered has been evaluated by five veterinary pathologists. Does this mean that the evidence that has been evaluated by these five veterinary pathologists conflicts with some of the evidence that Dr Obendorf has given?

Mr Parkinson - Yes. They have. That is what I said. It has been examined by -

Ms FORREST - You stated that they looked at the available evidence but was the authenticity of that evidence ever examined and established clearly?

Mr Parkinson - I think you missed the point. I said - through you, Mr President - evidence gathered from this incident, that is the incident that Dr Obendorf has been talking about, the one that is in dispute, has been evaluated by no fewer than five veterinary pathologists not one of whom agrees with the conclusion regarding time of death as drawn by Dr Obendorf.

Ms FORREST - So it was only the time of death that was evaluated in that case. The authenticity of some of the other evidence such as the scats, the bodies that have been found and hair samples, blood samples and the like, have not, in the way I have heard and listened to the debate and I am sure the honourable member for Windermere may have more to comment on in this regard, been authenticated or studied further and that is the point that is -

Mr Parkinson - No, they were examined by experts but the point about a lot of the older incidents that I have mentioned, the evidence wasn't kept.

Ms FORREST - The older evidence was not kept?

Mr Parkinson - Some of it has, some of it hasn't been.

Ms FORREST - My point then, if there is nothing to hide - and from the evidence you provided there probably is nothing to hide - and with the amount of concern that has been raised by other members of my electorate about the authenticity of evidence and the like, in view of the amount of money that was spent on fox eradication I do not dispute it is very important to ensure that the State is fox free. When you are spending, I think, \$58 million over 10 years and a part of that is Federal Government funding as well as State, if that amount of money is being committed to this process then I do not think it is unreasonable to expect with the concern raised that an independent review of that authenticity of that evidence would be conducted. That is why I am of a mind to support the motion to look at that and the honourable member for Windermere has had much greater input and experience over the time than I have -

Mr Parkinson - There has already been an independent review.

Ms FORREST - Yes, but not into the authenticity of some of the evidence. That is my point. It does not appear that that has occurred.

Mr Parkinson - I thought I answered that question.

Ms FORREST - I am not convinced that is the case. It is a complex issue and it is a difficult one for all of us. I will quote from an article in the *Mercury* in November last year. It said:

'The **fox** issue is a very complex one. The politicians are terrified of it. The poor polities are often between a rock and a hard place not wanting to be seen as wasting taxpayers money but not wanting to be seen as environmentally irresponsible if they don't act and a genuine Tasmanian **fox** does turn up.'

I think that is really a valid point that none of us wants to see a **fox** in Tasmania. None of us wants to see the damage that that could bring on many aspects of our State and so we need to be sure that we are addressing that potential problem. Whether it is a potential problem or a real problem is the matter that is a bit hard to ascertain, I guess, but even in some of the instances you have mentioned, Leader, in your contribution and the member for Windermere has as well, many of these instances leave as many questions as they do answers and I understand the point you made about the independent review that has been conducted but I am not convinced -

Mr Parkinson - But no-one is suggesting the program be stopped.

Ms FORREST - No. I am not suggesting that it stops either. I think it could be, and there has been comment made before, that the feral cat problem could be included in some of the work of the **fox** taskforce because they are out there amongst where these feral cats are and we have seen -

Mr Parkinson - There will be more done on that in future too.

Ms FORREST - I am sure the wider community are much looking forward to that as well.

Mr Parkinson - Starting with the Launceston tip probably.

Ms FORREST - Yes. Starting where?

Mr Parkinson - I am being facetious; the Launceston tip.

Ms FORREST - Right. You see a few when you drive around the Launceston area, I must admit, running across the road. It is really important that this issue is taken seriously. I am not denying that at all but the fact that the motion essentially calls for a full independent investigation into authenticity of **fox** material recovered and from those significant instances in the State, with the view to increasing public confidence, well I think some of the public are confident that the job is being conducted wisely and well. There is a certain sector of the community that perhaps lacks that confidence so I hope that would achieve that.

As far as determining whether any offence has been committed, I think that would probably become evident during the process. The member for Windermere has clearly outlined the reasons why he thinks that is important but I do support the idea that an independent investigation of the authenticity of this material is perhaps warranted with the evidence we have heard.

[5.50 p.m.]

Mr DEAN (Windermere) - I thank the member for Murchison for her support and very clearly I do not think there would be too many other members here who could say that there is not suspicion and doubt in relation to many of these **fox** incidents. If you have that doubt why would you not want an inquiry? Why would you want it to continue going the way it is? If you can sit there and say that you have no doubt whatsoever, that it is all authentic, all above board, then yes I would suggest that you should not support the motion. But what I am saying is, Mr President, if the members have that doubt they ought to support the motion because what it calls for is an investigation by the police or some expert body. It would not be a long investigation and it would satisfy, once and for all, whether or not the evidence that is being gathered is authentic.

Mr Parkinson - If there is evidence of a crime the police can investigate that anyway.

Mr DEAN - The Leader identifies the bulk of responses. I have much correspondence on that issue, Mr President, and I could have gone into that as well but there is a lot of evidence to suggest that that is not right.

Mr Parkinson - But you accept, don't you, that if there is evidence of a crime the police can investigate it any way.

Mr DEAN - Mr President, I want to refer to a comment made by the Leader and a letter sent to the Leader by Dr David Obendorf. He said:

'Dear Mr Parkinson,

I draw you attention to the Press Release put out by DPIW Wildlife Management Manager, Mr Gary Davies of Thursday 3 August 2006 in relation to the Glen Esk Road **fox** incident.

The Press Release states:

"He was driving east on the Glen Esk Road. The **fox** emerged from the left-hand side of the road, ran across the path of the vehicle and was struck by a tyre. "He stopped to find out what he had hit and saw that it was a **fox**."

Your reply to Mr Dean in the Legislative Council on 21 November 2006, you state:

"There was no reason to doubt that the witness who reported running over the **fox** - and therefore assumed he killed it, for he at no time stated that he saw and then hit a live **fox** - was a reliable and trustworthy person, with nothing to gain from perpetrating an elaborate hoax." '.

That message was sent to you, Mr Leader, and you made that statement. Now either Mr Gary Davies lied or made up some other evidence because he clearly said in that press release that the driver who ran over the **fox** said it emerged from the side of the

vehicle, ran across and he hit it. It is not in accordance with the reply that you gave in an answer to a question as referred to in this letter to you by Dr David Obendorf. The letter is there and I can provide you with a copy of it.

What I am saying, Mr President, this identifies a lot of the grey area around these **fox** finds and these **fox** reports and here is another classic example of it. So what I am saying to the members -

Mr Parkinson - It doesn't mean we need another independent inquiry of the whole thing.

Mr DEAN - It does.

Mr Parkinson - If there is evidence of a crime get the police to go and investigate it.

Mr DEAN - It was interesting, Leader, in relation to the Old Beach **fox** find that the contamination of a scene did not come up until some several months after the incident, that is of the **fox** urine being used as an attractant. It did not come up until later on.

In the investigation and inquiry that you referred to that was carried out in relation to the **foxes** they make the statement that they relied on the evidence of the Old Beach find and other evidence that was presented to them. I have no doubt that if they now were to look at that evidence together with all of the other information that has come to light they could well make a different finding.

I am appealing to the members to really consider the evidence that has been put forward in support of the motion. As I said, if you have no doubt at all, if you are satisfied with all of the evidence in relation to the **fox** finds and no suspicion about it then of course you will not support the motion but I wonder how you could ever come to that conclusion sitting there. I do not believe that you can. All I am asking for, Mr President, in this motion is an inquiry to be conducted into it to instil and return the confidence of the people in the situation regarding **foxes** and furthermore to identify whether or not any

offences have been committed. That is not a tall order, it would not be a long investigation and would satisfy a lot of the things that are currently going on.

Mr Parkinson - People are confident that the work is progressing as it should.

Mr DEAN - I need to comment on the other issue about Dr David Obendorf and his findings on the death of the **fox** in Glen Esk Road, the Cleveland **fox** as it is known. At no stage did he say that it had been dead for four days. It is in document form. He has written this. He said:

'The evidence was consistent with it having been killed up to 24 hours previously; could have been three to four days previously'.

That is the evidence of Dr Obendorf; he never said four days. That evidence is corroborated by other veterinary persons who have said the **fox** could have been killed up to 24 hours prior to the time -

Mr Parkinson - That is not corroboration of three to four days.

Mr DEAN - I never said that, Mr Leader. If you read *Hansard* you will see I was very clear to say that those people who corroborated Dr David Obendorf did not say and did not agree with him that it could have been three to four days previously.

Mr Parkinson - Well, they didn't corroborate.

Mr DEAN - But they agreed with him that it could have been up to 24 hours previously and that is in documents.

Mr Parkinson - That was not what he was saying so how can you call that corroboration?

Mr DEAN - That is in document form and that is identified and I have the documents here -

Mr Parkinson - But he was talking about three to four days how can you call 24 hours corroboration?

Mr DEAN - Mr President, I do not want to continue to go into this because through interruption very clearly the Leader is trying to put a twist on this. I have tried to make it perfectly clear and plain in support of David Obendorf he simply said up to 24 hours but it could have been three to four days. The other people carrying out the analysis to support or find against him said that they agreed that the evidence more likely identified with the **fox** having been killed up to 24 hours previously rather than at about 9.30 in the morning when it was alleged to have been killed.

Mr Parkinson - And not three to four days.

Mr DEAN - I do not accept that evidence.

Mr President, I will take it no further. I ask for the support of the members for this motion.

Motion agreed to.