

CITATION: *Court v Roberts* [2026] NTLC 5
PARTIES: Michael Court (NT Police)
v
Deborah Lynne Roberts
TITLE OF COURT: LOCAL COURT
JURISDICTION: CRIMINAL
FILE NO(s): 22431026
DELIVERED ON: 19 January 2026
DELIVERED AT: Alice Springs
HEARING DATE(s): 5 November 2025
DECISION OF: Judge Woodroffe

CATCHWORDS:

CRIMINAL LAW – *Animal Protection Act* – ‘Animal cruelty’ – ‘suffering’ - death by prolonged water deprivation – rational inference – Part IIAA *Criminal Code Act* - requisite intent – recklessness – strict liability of a ‘person in control’ *Animal Protection Act* - minimum level of care.

Animal Protection Act 2018 (NT)– ss 4, 6, 10, 23, 24, 25
Criminal Code Act 1983 (NT) – ss 43A1, 43AW, 43BU

Gumbaduck v Rothe [2011] NTSC 50

Barca v The Queen (1975) 133 CLR 82

Animal Health Australia (AHA), *Australian Animal Welfare Standards and Guidelines for Cattle*, 1st edition, January 2016, Endorsed.

REPRESENTATION:

Counsel:

Prosecution:	Ms Godwin (DPP)
Defendant	Mr Penman (Ward Keller)

Decision category classification:	C
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Decision ID number:	[2026] NTLC 5
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Number of paragraphs:	127
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IN THE LOCAL COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. 22431026

BETWEEN:

Michael David Court

Plaintiff

AND:

Deborah Lynne Roberts

Defendant

REASONS FOR DECISION

(Delivered 19 January 2026)

JUDGE WOODROOFE

Reasons for Decision

1. Deborah Roberts (the defendant) was employed by the Department of Industry, Tourism and Trade ('DITT') as a farm manager with the Arid Zone Research Institute ('AZRI') in 2023. At the Alice Springs Local Court hearing¹, she pleaded not guilty to two offences under the *Animal Protection Act 2018* (NT) ('APA'):

Count 2: 'That the defendant intentionally engaged in conduct that resulted in the suffering of an animal and was reckless in relation to that result, and that her conduct involved the circumstance of aggravation, that it resulted in serious harm or death of the animal' contrary to ss 24(1) and 25(1) of the APA.

Count 1: An alternative charge under s 112 of the APA, 'that the defendant, being a person in control of an animal, intentionally engaged in conduct that resulted in the animal not being provided with at least the minimum level of care and (that) she was reckless in relation to that result', contrary to s 23(1) of the APA.

2. The period of the alleged offending was between 12 March 2023 and 22 March 2023.

Background

3. Some 20 kilometres south of Alice Springs lie the Department of Industry, Tourism and Trade (DITT) landholdings, comprising two research farms: Old Man's Plains station (OMP), a 520-

¹ 5 November 2025

square-kilometre property, and an internal holding that includes the Arid Zone Research Institute (AZRI), covering 6.5-square-kilometres. The Pine Gap paddock was situated within AZRI and was one of fifteen. The stations ran approximately 1,000 heads of cattle. As research farms, the DITT and its staff were responsible under the APA for the life and death of the cattle and their welfare. This included actions to minimise the risk of mortality before humane slaughter for research or end-marketing.

4. During the alleged period of the charges, Deborah Roberts was employed as the Farm Manager for both OMP and AZRI, and James Christian as the senior Farm Manager. Other DITT personnel included Glenn Oliver a part time worker, Lakota Taber a technical officer, Chris Mitterne a research scientist focused on grazing land management, Jocelyn Coventry a Pastoral Production officer, and Dr Peter Saville the Deputy Chief Veterinary Officer.
5. The Pine Gap paddock was part of the 'Quality Graze project', a long-term trial to determine best paddock management for cattle. There were 101 Droughtmaster breed of cattle a part of this trial. As part of this research were seasonal musters of cattle for data collection. The muster in 2023 commenced on Monday 27 February 2023 and occurred over a fortnight involving all paddocks with livestock. Deborah Roberts, some AZRI staff and contracted musterers were involved in the muster. The first Pine Gap Paddock muster occurred on Wednesday 1 March 2023, and a subsequent muster involving only Deborah Roberts and Glenn Oliver was conducted on Friday 3 March 2023 to move the 'leftover cattle' missed in the earlier muster.

The Legislation

6. The Objects of the *Animal Protection Act 2018* (NT) as provided in s 3 are:
 - (a) To ensure that animals are treated humanely; and
 - (b) To prevent cruelty to animals; and
 - (c) To promote community awareness about responsibilities and legal obligations associated with the care and protection of animals; and
 - (d) To regulate the activities of persons who use animals for scientific purposes.
7. For the purposes of the charges an 'animal' is defined in s 5(1).
 - (1) An Animal is a live:
 - (a) member of a vertebrate species, including an amphibian, bird, mammal, or reptile and
 - (b) bony or cartilaginous fish, cephalopod or crustacean that is in the possession or under the control of the person.
8. The following definitions provided within s 4 of the APA are relevant to Count 2:

'suffering' means to feel harm, pain, extreme anxiety or other physical or psychological distress.

'person in control' in relation to an animal means any of the following:

....

- (a) a person who has control of the animal or is supervising another person in possession of the animal
- (b) a person in possession of the animal

9. For Count 1, the definition of a 'minimum level of care of an Animal' is provided in s 6 of the APA with the most relevant being:

- (1) The minimum level of care for an animal is the level of care required to ensure that the animal:
 - (a) has appropriate and sufficient food and water; and
 - ...
 - (c) is appropriately treated for disease or injury, or when suffering; and
- (2) Something is appropriate for an animal if it is appropriate to ensure the welfare of the animal having regard to all the relevant circumstances, including the animal's species and the environment in which the animal is kept or lives.
- (3) Something is not appropriate for an animal if:
 - (a) it causes, is likely to cause, contribute to, or is likely to contribute to the animal suffering that is unjustifiable, unnecessary or unreasonable in the circumstances; or
 - (b) it is prescribed by regulations as not being appropriate.

10. Regarding intent, s 10 of the APA provides that 'Part IIAA of the *Criminal Code Act 1983* (NT) ('Criminal Code') applies'.

Evidence

11. The evidence at the hearing consisted of Agreed Facts admitted pursuant to s 191 of the *Evidence (National Uniform Legislation) Act 2011* (NT), viva voce evidence of witnesses, video recorded footage, and photographs and maps of OMP and Pine Gap paddock.

Agreed Facts 1

- 12. The first set of agreed facts were admitted into evidence at the Hearing².
 - i. In the late afternoon of Friday 10 March 2023, Inspector Kenneth Napier of the Australian Federal Police was driving to his workplace at Pine Gap Joint Defence facility and noticed a large quantity of cattle in the northeastern corner of the Pine Gap paddock.
 - ii. Mr Napier noticed cattle sitting on the ground and was concerned that the cattle were grouped close to the fence boundary looking distressed.

² Exhibit P1.

- iii. In the morning of Monday 13 March 2023, Mr Napier was again driving to his workplace at Pine Gap facility, and he again noticed a large quantity of cattle in the northeastern corner of the paddock.
- iv. Mr Napier noticed more cattle on the ground and the cattle appeared to look perished.
- v. He called Luke Bowen the Deputy CEO of the Department of Industry, Tourism and Trade and raised his concerns about the cattle.
- vi. Mr Napier was provided the contact details of the defendant. He contacted the defendant and advised her to check on the cattle in the Pine Gap paddock.
- vii. Following this, Mr Napier reviewed the footage between 10 March 2023 and 13 March 2023 of Hatt Road where the paddock entrance is located and did not notice any unusual activity between those dates.

Agreed Facts 2

13. The second set of agreed facts admitted as *Exhibit P7*.
 - i. Pastoral Production officer, veterinarian Jocelyn Coventry, compiled a report for an internal review dated 29 May 2023.
 - ii. Ms Coventry noted that Pine gap trough water collected on 15 March 2023 was submitted for testing at Northern Territory and interstate water laboratories.
 - iii. None of the water tested were outside the criteria of accepted levels for livestock.
 - iv. Samples were also taken of *Eremophilia Maculata* (Spotted Emu Bush) from the Pine Gap paddock.
 - v. Interstate laboratory testing showed high levels of cyanide in leaves of collected (grazed and ungrazed) *Eremophilia Maculata*.
 - vi. However, in consultation with the Senior Botanist in the Alice Springs Desert Park Herbarium, this plant has not been identified in the ingested material from the stomachs of five (5) cows inspected post-mortem.

Agreed Facts 3

14. The third set of agreed facts were admitted into evidence as *Exhibit P10*.
 - i. On 27 February 2023, 101 cattle at Pine Gap paddock were trapped and mustered into yards.
 - ii. Over the following days, 101 were processed with ninety-eight cattle returned to Pine Gap paddock.
 - iii. The remaining cattle were trucked out of the Pine Gap paddock and the muster concluded.
 - iv. On 13 March 2023, cattle were located dead or dying at Pine Gap paddock.
 - v. By 21 March 2023, at total of seventy-one cattle were deceased at Pine Gap paddock.

Witness Evidence

Glenn Oliver

15. The first witness to give evidence was Glen Oliver who had been employed with AZRI for eighteen years and had known Deborah Roberts throughout his employment. His role during the muster was to load cattle into a truck and drive steers to north side station, bulls to bull fields, and small weaners to AZRI. He could not recall the number of days for the muster, but it had continued into a second week. His first recollection of the muster at Pine Gap paddock was Wednesday 1 March 2023, then the Waterhouse herd muster on Friday 3 March 2023 at Station No. 1. The following week, he was involved in the muster at the Midway yards and recalled the last trucking of some bulls in its second week.
16. At the Pine Gap paddock he had made about seven trips and only he and Deborah Roberts remained together as they loaded the last bull. She had reminded him of securing the road access gate³. His observations that day were that the cattle 'looked fine...wandering around out there in the paddock'.⁴
17. His evidence was that he later returned to Pine Gap paddock when Deborah Roberts called him one morning⁵ to 'bring himself, a vehicle and a chain'... the purpose of the call was for him, 'to help her start dragging cattle to the graveyard'.⁶ When he arrived, '...she instructed that we start dragging cattle around to pile of carcasses and pointed at where all the other caucases (sic) were. So, I just - yeah, I just started seeing cattle dead here, there. So, I went around, picked them up with a chain'. He estimated that there was 'twenty or less' cattle dead on the pile.
18. The defendant did not discuss with him what had happened. When he left, his observations of the cattle were, '...some of the cattle were still shaken and under the trees, then yeah, I saw one already dropped already'.⁷

Lakota Taber

19. Lakota Taber worked with AZRI from May 2021 as a Technical Officer in the pastoral section doing data collection while the defendant managed the Farm Group. Her role at Pine Gap paddock was to be at the crush, and collect data as to hip height, P8 score and body condition score of the cattle.⁸ Her observations of the cattle where that 'they were fat, so quite in good condition. The paddock is normally one of the highest performing paddocks on OMP'.⁹
20. On the morning of 13 March 2023, as she drove to AZRI, she met Deborah Roberts coming out and they stopped on the road. She told her that, 'there was cattle in distress, and some

³ Hatt Road gate.

⁴ Transcript at p. 7.9.

⁵ He recalled that being 8.30 am.

⁶ Transcript at pp. 8.1- 8.2.

⁷ Transcript at p. 9.2.

⁸ Transcript at p. 13.8.

⁹ Transcript at p. 14.1.

were dying'. Her description of the cattle was that a 'lot [...] were unwell and some had been – were dying'.¹⁰

21. She explained to her that this had happened before with 'plant poisoning, and that we needed to go supply hay for them so they can survive'¹¹ and she was happy to help. Her observations of the defendant were that 'she was definitely stressed'.¹² She followed Deborah Roberts vehicle while Jocelyn Coventry was packing postmortem supplies for her vehicle.¹³
22. On arriving at the paddock gate, she observed, 'four or five cattle congregated underneath the shade of the gate and fifteen underneath the trees near the yards'.¹⁴ She then rode with Deborah Roberts, and they went to locate a dumping ground for the deceased cattle. She did not observe any cattle in the yards. Together with Deborah Roberts 'we went and found cattle, and we dragged cattle to location Debbie had found that we would put the bodies' (sic).
23. Her next step was to 'take videos of all the sick animals and all the dying animals as well...the ones that I could see were suffering, just to find some common symptoms'.¹⁵ There had been no discussion as to other possibilities for the cattle's sickness. She had asked the defendant what she needed to do and had been told by her, 'to provide hay and – if we were to supply water and it was plant poisoning, then it would fasten their death'.¹⁶ Her observations of the cattle were that they weren't in any condition to move to get to water. As she was shocked at the condition of the cattle, she did not check if the gate to the [water] trough was locked. She left at noon.
24. When she returned to Pine Gap the following day, her 'job was to assist Jocelyn Coventry with the postmortems, helping with the collection of samples, taking photos and trying to find any consistencies between the deaths of the cattle...'.¹⁷
25. She noted cattle trying to drink disinfectant from buckets during the postmortem and had said to Deborah Roberts, 'Look at the cattle. They're really...Seem really thirsty. Should we be supplying water to them?'. She told me, 'No, that would just make them die faster'.¹⁸ She had offered to carry water over to the cattle if necessary, and no water was provided to the cattle that had tried to drink from the disinfectant buckets. If she had known that the cause of their illness was dehydration she would have changed her course of action, and supplied water to the livestock in a safe manner to ensure that they did not overconsume water and become ill.¹⁹
26. Her following actions over subsequent months concerning the mortality event at Pine Gap paddock was to take plant samples, to discover what the poison might have been, as well as postmortem samples of any plant matter. She also was tasked by Chris Mitterne and Dr Peter

¹⁰ Transcript at p. 23.4.

¹¹ Transcript at p. 14.8.

¹² Transcript at p. 20.4.

¹³ Transcript at p. 15.1.

¹⁴ Transcript at p. 18.5

¹⁵ Transcript at p. 15.7.

¹⁶ Transcript at p. 16.8

¹⁷ Transcript at p. 17.8.

¹⁸ Transcript at pp. 17.9- 18.1.

¹⁹ Transcript at p. 18.3.

Saville²⁰ to access the 'Observant' telemetry system and organise photographs of cattle from last observation to next observation at the watering trough. This only occurred in May 2023 as their access required an old password, due to that the telemetry photographs had been hidden.²¹ Evidence as to the non-accessibility of photographs occurs further in this decision.

27. Lakota Taber in cross examination, stated the *Observant* telemetry system was utilised across all paddocks at OMP being a fixed camera that would take photographs three times a day of each water trough. It could also monitor water flow from water tanks, discover leaks, view cattle if at the trough and send alerts to staff as to abnormal events, though it could not detect absent cattle. It was also utilised as a 'time saving device for Farm Managers to visualise that the cattle had access to clean drinking water'.²² She stated further that it was an observing tool that shouldn't be relied upon solely and needed to be supplemented by bore runs.²³
28. Her knowledge was that there had been a past poisoning event in 2006 at the Pine Gap paddock, though she hadn't been with the department then.²⁴ She recalled a conversation from Debbie that this [poisoning event] had happened before and that she had seen this before. On the day of the mortality event, she could not rule it out that there had been plant poisoning and that was why she 'took as much evidence as possible, so we can try and figure out what the cause of death might have been'.²⁵ She was aware that the purpose of giving of hay and no water, was to 'slow digestion down, so they don't get killed quicker'.²⁶

John Christian

29. John Christian was employed both as the Manager of Agribusiness development and as the Senior Farm Manager for both OMP and AZRI with the defendant 'nominally reporting' to him. He had come into the newly created position in January 2023 without a 'job description' but saw his role was to help the Farm Manager with prioritising her tasks, improving the structure of how the farm was run and help plan the forthcoming muster.²⁷ Though having two separate roles, he would help Deborah Roberts with what should happen and when. Thought he did agree with hindsight that he was 'time poor' in juggling both jobs.²⁸
30. He described that the defendant's daily tasks were to: 'check livestock infrastructure, the waters, and the sentinel chickens, [and to] ...maintain the fences, the water network, and the livestock at AZRI and at OMP'. His evidence was that the Farm Manager's hours of work were Monday to Friday 8.00 am until 4.21 pm, but that during the period of the muster the hours would be from sunrise to sunset—approximately twelve to thirteen-hour days. He confirmed he had worked these extra hours during the week of the muster.²⁹

²⁰ Transcript at p. 23.1.

²¹ Transcript at p. 23.3.

²² Transcript at p. 22.2.

²³ Transcript at p. 22.6.

²⁴ Transcript at p. 21.2.

²⁵ Transcript at p. 21.5.

²⁶ Transcript at p. 21.8.

²⁷ Transcript at pp. 25.3- 26.6.

²⁸ Transcript at p. 36.3.

²⁹ Transcript at pp. 36.9- 37.3.

31. The witness also had been present at the Pine Gap paddock muster where eight persons were involved; himself, Deborah Roberts, Lakota Taber, Glen Oliver, and Matt Nunn of Bullstrap Mustering Contractors and three of his staff.³⁰ He described that the whole herd had been processed, with the weaners separated to a separate paddock to be relocated to AZRI, bulls to be taken to another paddock and steers to be trucked for market, while the breeding females were returned to the grazing paddock.
32. The cattle's condition on the day of the muster was 'very good condition of fours and fives on the Condition Scale Score'³¹. The only water source—save from rainfall—was a watering trough within the paddock, and in order for cattle to access it they would have to walk through the 'in-trap' and follow the path to drink water from the trough then would walk out through the 'out-trap'.³²

Mustering and Processing

33. The witness described how the cattle prior to processing were brought from the external paddock to the internal holding yard where the 'in-trap gate was kept open so the cattle could trap in. The further internal guard gate would be chained back so the cattle could walk in and proceed through the yard around the water trough, then the internal yard gate would be chained closed, and the 'out-trap' gate would be closed so the cattle would be trapped over two to three days with water to drink from the trough. The only way out was through to the holding yard.³³
34. At the time of actual processing of the holding yard cattle, John Christian's evidence was that 'all external gates, including the 'in-trap' would be closed, in case it was accidentally manipulated. People on motorbikes, on foot, or in cars or a combination would go into the holding yard, bring the livestock into yard and then through a series of yards down the race to a drafting box or crush for processing one by one as to measurements'.³⁴ (*my emphasis*)
35. Once the cattle were separated into their various cohorts of steers, weaners, bulls and transported, the remaining breeding females could be released out to the external grazing paddock by opening the external yard gate. There then occurred the final process of the "read" where the remaining breeding females would be tailed by musterers to ensure that the cattle didn't run away searching for a calf. His evidence concerning the 'in-trap' gate was that it might be closed during this period. ³⁵ Further, 'generally speaking, the final part of the read would be that the 'in-trap' would be opened so that cattle out in the grazing paddock could come in and drink water.

³⁰ Transcript at p. 35.3.

³¹ A Condition Scale of 1 to 5 ranging from 1 as being 'emaciated' to 5 'well and fat'.

³² Transcript at p. 27.5.

³³ The size of the holding yard was 1 square kilometre.

³⁴ Transcript at p. 29.4.

³⁵ Transcript at p. 29.7.

Trap Gates

36. The witness was shown a photo³⁶ of the Pine Gap 'in-trap' gates that functioned like a 'one-way turnstile for cattle. The fingers can articulate, and they go from wide to narrow, and you go through them, they open like that, and gravity brings them closed again'.³⁷
37. Defence counsel sought for the witness to elaborate on the 'accidental manipulation' of trap-gates. He stated, 'It's possible that if a gate is not securely chained back, it could be bumped by an animal or a stick falling out of a tree, and it could accidentally swing closed or open. It depends on how the gate may have been fastened or it depends on the integrity of the fastening mechanism'.³⁸

Advised of Mortality Event

38. On the morning of 13 March 2023 while on his way to the Alice Springs airport, he received a phone call from Phil Hausler of a report of sick or dying cattle at Pine Gap and 'to go and sort it out'. He telephoned Deborah Roberts at 7.45 am and during the conversation she informed him of "a break-in at the AZRI, windows smashed, some things stolen, fences down and livestock everywhere, it was bedlam". He asked her to go to Pine Gap paddock and rang her throughout the day to find out what she had discovered.
39. When he next spoke, she said 'that there was a dead cow and things are looking grim at Pine Gap, and it could have been poison in the water'. He directly asked her whether the cattle had access to water and she said "Yeah they've been able to – the gates have been open, they've been able to drink water".³⁹ During that day in a further conversation he told her to make it easy for the cattle to get in the yard" and to do so by putting hay there so as to lure them.
40. On returning to Alice Springs in the afternoon of Tuesday 14 March 2023, he met Deborah Roberts at the Hatt Road gate and proceeded in her vehicle to Pine Gap paddock. His observations of the cattle were that they, 'looked poorly, some were hard of bridging, sort of arched back, head down, looking sad, some were huffing...yeah just cattle in a bad shape'.⁴⁰ He did not recall seeing any dead cattle. He again asked the defendant whether the cattle had access to water, she assured me that they had access to water but the problem as I was told was not anything other than potentially poison. He did not see any water being provided to cattle that could not make it to the water trough or see any cattle being euthanised.⁴¹ He then went and advised the Pine Gap Joint Defence Facility gate of not to be alarmed at rifle shots from the neighbouring property.

³⁶ Exhibit P3.

³⁷ Transcript at p. 28.8.

³⁸ Transcript at p. 37.5.

³⁹ Transcript at pp. 30.7-8.

⁴⁰ Transcript at p. 31.2.

⁴¹ Transcript at p. 31.7.

Telemetry System Pictures

41. It was the Farm Manager's responsibility to maintain the login for the telemetry system,⁴² though he too had access to *Observant*. He encountered problems in readily accessing *Observant*, 'without first viewing the pictures that would take half an hour to download on each occasion'. The witness stated that at some point prior to 13 March 2023 he had removed the photographic images from the dashboard to another folder. This action had the consequence that the telemetry photographs of all watering troughs [including Pine Gap paddock] were 'inadvertently hidden from other login users of the computer system'.⁴³
42. He conceded in cross examination that probably he had made the changes prior to the muster. He had not communicated the telemetry changes to Deborah Roberts, Lakota Taber, Christopher Turner or anyone else in DITT as he 'did not anticipate it would change their interaction with the system'.⁴⁴ He himself did not become fully aware of the effect of his actions until May 2023.
43. The witness was further shown Exhibit P4 of the telemetry pictures⁴⁵ of Pine Gap paddock from 22 February 2023 through to 14 March 2023. The second picture on 3 March 2023 at 9.30 am recorded cattle within the yard at the water trough and the next subsequent picture of a recorded single cow within the yard at the water trough was the second picture on 13 March 2023 (9.30 am). There were no recorded pictures of any cattle during the intervening period (ten days) within the yard or at the water trough.
44. The witness was asked if he had known that the cattle were dehydrated on the 14 March 2023 what would he have changed to assist them? He replied 'We would have found anything that could hold water in Alice Springs and taken it out there. Pots, pans, buckets and spread them around gone to where the cattle were, if they were standing huddled rigged and given them a bucket of water'.⁴⁶
45. John Christian indicated that he had heard of talk of a past poisoning event in 2006 in the Pine Gap paddock from the plant spotted emu bush,⁴⁷ though he had no knowledge of it. In response to the question of knowledge of the staff of this past poisoning event, he agreed it was a possibility that it could have been what had happened when he attended in person.⁴⁸ He had a conversation when in Darwin with Peter Saville the Deputy Chief Veterinary Officer of a possible water poisoning as the cause.⁴⁹

⁴² 'A network of cameras, a network of water level sensors in troughs, and some pumps that can be controlled and observed remotely that collects or reports data back to a computer base'. (witness description)

⁴³ Transcript at p. 32.8.

⁴⁴ Transcript at p. 36.6.

⁴⁵ The five telemetry photographs for each day are timestamped at 6.30 am, 9.30 am, 12.30 pm, 3.30 pm and 6.30 pm.

⁴⁶ Transcript at p. 33.6.

⁴⁷ *Eremophila Maculta*

⁴⁸ Transcript at p. 38.4.

⁴⁹ Transcript at p. 39.1.

Chris Mitterne

46. Chris Mitterne is a research scientist for sustainable grazing land management who worked with the defendant at AZRI since April 2004. He was aware that at the time of the muster, Deborah Roberts was the Farm Manager under James Christian as the senior farm manager.
47. Sometime before 9.00 am on 13 March 2023 he received a short telephone call from Deborah Roberts who said words to the effect that 'Cattle were dying everywhere'. His recollection was she sounded 'distressed and wasn't sure what to do'.⁵⁰ He told her the first thing was to get hold of a departmental vet as soon as possible and get a bale of hay in case of a 'plant poisoning event'.⁵¹
48. He suggested the use of hay because, 'When I was told cattle were dying everywhere in Pine Gap paddock, my memory went back to a previous incident... at the time I couldn't recall, but I found out later it was 2006 when we did have cattle dying in Pine Gap paddock. At that prior poisoning event he had discovered the first dead calf and following the postmortem discovered it had been *solanine* poisoning.⁵² In his 30 years with the Department, the past poisoning event had been his only experience of cattle dying at Pine Gap paddock or anywhere. The suggestion of the use of hay was to put something else in their stomachs, so if they had been consuming a poisonous plant, that it may help in—in their recovery'. He explained that he did not suggest water to Deborah Roberts as he just assumed that they *had* access to water'.⁵³
49. He went in person on 15 March 2023 and saw 'more than ten cows and steers in the corner of the Pine Gap paddock...and they were distressed'. He then drove around and through the paddock...looking at where the cattle were grazing, what plants were in the paddock, at what growth stage those plants were at, to try and to get a feel for what may have caused the incident'.⁵⁴
50. While conducting a review in May 2023, the witness wasn't 100 per cent sure it was plant-poisoning because things weren't quite right with a plant poisoning situation. He and Dr Peter Saville had concluded that water was somehow involved as the water trough had been dirty, needed a clean or stagnant', and water seemed the more logical answer.⁵⁵ Though the interface with the *Observant* system was down⁵⁶ the telemetry pictures would nonetheless have been taken, and were subsequently retrieved by Lakota Taber.

Viewing of Telemetry Pictures

51. On retrieving of the telemetry photographs of Pine Gap paddock they went back two weeks prior to the muster to get a feel for how often the cattle would be seen in the photos at the trough, and then through the photos as a time series. When it came to the muster date, the

⁵⁰ Transcript at p. 40 .1.

⁵¹ Transcript at p. 40.8.

⁵² Transcript at p. 40.9.

⁵³ Transcript at pp. 42.5-8.

⁵⁴ Transcript at p. 41.6.

⁵⁵ Transcript at p. 41.8.

⁵⁶ See pp. 42, 43.

observations of cattle in the photos stopped...only a cow was seen at the water trough when we knew the incident had occurred.'

Phillip Hausler

52. There was tendered⁵⁷a recorded statement of Phillip Hausler, Senior Executive Director for Agriculture who had oversight of all seven of DITT's research farms across the Northern Territory.
53. Historically both OMP and AZRI individually had a Farm Manager and one direct report until November 2022 with the retirement of the OMP Farm Manager. Deborah Roberts as the remaining Farm Manager was given responsibility for both and to create a single team. John Christian was brought in as Senior Farm Manager with three broad aims; to develop a muster plan for the muster; to put together a management structure for the two sites; and to recruit as the team was short staffed. It was clearly communicated to Deb Roberts she was the manager for both sites.
54. As to her role and duties on OMP is a cattle research facility 'we run up to 1,000 cows as breeders with a number of paddocks with bores and tanks and troughs associated with that and its well-known its well expected of the manager that cows must have access to water and supplement and that there kept in their paddocks. There is a long-standing practice of conducting cattle checks on all watering points at least once and even up to twice a week as well as the remote telemetry monitoring systems we got in place on most of the paddocks. The duties of the Farm Manager are to ensure the welfare of the animals through be making sure regular checks of the cattle and to develop and implement the work plan of the research facility'.
55. The morning of the event was clear in his mind as it was the week of the Cattlemen's Association Conference, and he received a call from Luke Bowen⁵⁸ who had received a message that 'there's a number of dead and dying cattle at the gates of OMP'. I immediately got on the phone to James Christian, and my words were 'we need to get someone there straight away. James called Deb on her way to work, and she had pulled into AZRI, and it had been broken into with smashed doors and broken fences and stolen cars. He informed me of this on a call back and I said we still need get someone there on site to check on the cattle. I got a call from Deb around midday. He remembered asking Debbie, "Can you give me some idea of what's going on, did you get any idea what it is?". She said, "Oh there just mad, there mad, there's a few dead here, there's some around the car" (sic). I said "Can you muster, get them into the yards. Can you push them anywhere?" She just said, "there crazy, there chasing me, I just can't do anything with them. It seems like they've been poisoned" (sic).
56. 'We do three or four musters a year at OMP, Deb Roberts was involved we had contract musterers in to provide a lot of the grunt work. On the day of the event there was a lot of stuff going on, AZRI had been broken into, broken doors, equipment had been stolen there was the

⁵⁷ Exhibit P8.

⁵⁸ Deputy Chief Executive Officer at the time.

angst of staff. Then the following day there was a second break-in in two nights, and we were dealing with dead and dying animals. Deb had been the first person on site alone’.

57. A passage was played as to his view of the cause of death.⁵⁹ ‘In my mind at the time there had been a lot of disappointment, sadness and confusion as to what had happened. The following week there was a lot of comments it’s got to be poisonous plants. I remember asking Deb, “Is it the water, is it something in the trough?”. “No, there’s water in the trough”. “There’s access to water?”. “Yes, there’s access to water”. “Are there any cattle in the yard?” “Yes, there’s cattle in the yards”.’
58. ‘I heard that Chris Matteredne, a grazeland specialist had found some shrubs been grazed and Emu Bush high in cyanide and assumption poison was involved. Months later dawned there might have camera footage. It is likely or highly likely that gates were closed, and we can’t work if they were locked, we got expert opinions that all point to lack of access to water and perishing likely cause of death’.

Dr Peter Saville

59. There was also tendered a recorded statement of Dr Peter Saville consisting of eight passages. The witness is the veterinary officer at AZRI and the Deputy Chief Veterinary Officer since 2004. ‘I was in Darwin on 13 March 2023 and approached by Luke Bowen who advised of a mass mortality event in Alice Springs, and I recommended Dr Jocelyn Coventry a field pathologist. In contacting Dr Coventry I became aware whatever caused an event like that was most likely related to water. I have over fifty years’ experience in working in twenty different countries and I am also an epidemiologist and investigate diseases thoroughly and to cause that number of deaths had to be one common factor over a very short period. We organised to have the water tested and various samples were submitted by Dr Coventry to the Berrimah veterinary laboratory for histopathology and further testing and all the samples tested failed to identify any factor such as a toxin, contaminant or a disease organism that might have been responsible for the deaths. Dr Coventry and Dr Kathie Shilton who is the senior pathologist at Berrimah Veterinary Laboratory subsequently stated that they had never seen such dehydrated that was responsible. That led me to think that maybe it wasn’t a toxin in the water but simply lack of water that was responsible. I was aware that there was a telemetry system at the yards at Pine Gap and I contacted the people responsible, Mr Christopher Materne and Lakota Taber, to see if they had accessed the videos the photographs from the system the telemetry, and they indicated that they were unable to do so as it had been switched off and no longer accessible.’
60. ‘When we did access the photographs, no cattle had access to the water trough for a considerable period of time, however it appeared that they now did have access to water. So, it looked like the gates were closed. I subsequently visited set of yards and found that to get ... access to the water trough, cattle had to go through a spear gate and three separate gates, and it only required one of them to be closed to prevent them having access to water. By the time

⁵⁹ 00:26:39 – 00:29:40

the remaining cattle had access to water, but it was too late for the death of seventy-one animals.'

61. The witness was asked further clarifications by Detective First Class Constable Jason Wilson on his viewing of the now available telemetry photographs. They showed an empty yard and there were also showed items like dung pats that were totally undisturbed even if cattle had been in during the period ... the photographs taken, the dung pats, and everything else would have been disturbed and moved and so on, and there was no evidence that anything had access to that water trough. 'We don't know when the gates were opened.'
62. 'That set of yards is most unusual in its layout of its configuration. I have never seen so many gates. It has been set up primarily to enable cattle to be weighed and monitored and there is a small yard forces them up into the race and it was used for loading. And now, whether the people were contractors, and someone didn't fully appreciate the gates all had to be left open, I don't know. All I know the gates weren't open. The spear gates to go through, you've got 1, 2, 3 gates. It's ridiculous.'⁶⁰

Cattle and Emu Spotted Bush

63. Initially one staff member found evidence that one plant had been grazed '...known at certain stages of its growth to have cyanide in it and at other stages cattle can eat it. They jumped at this, they were not vets, not involved in the disease investigation and they announced it was plant poisoning due to this particular plant that is a bit of a white elephant and as far as I know is still the official explanation. If that was the case, we would have had a lot more poisonings as *Eremophilia Maculata* are widespread right through Central Australia. Though when you introduce new cattle from outside and not familiar with plants and particularly when there is a drought and will try to eat anything you might get plant poisoning from *Eremophilia Maculata* Cattle will soon learn what plants they can eat and what they can't eat. Something like 30% of pasture plants are poisonous but we don't see lose 30% of cattle across Central Australia'.

Dr Robert Williams

64. The next witness was Dr Robert Williams, a vet of over thirty years and the Chief Veterinary Officer for the Northern Territory. He compiled an Investigation report⁶¹ concerning the cause of death for the seventy-one deceased cattle at Pine Gap paddock. In compiling the report, he had regard to an independent investigation by Dr Malcolm Anders,⁶² the two pathology reports of the Berrimah veterinary laboratories and data concerning the cattle yards.⁶³
65. His finding as to the cause of death of the cattle that died was 'dehydration due to prolonged water deprivation'. The key clinical signs for dehydration of the cattle were sunken eyes, mucus membranes that are pale and dry, and other things such as like poor appetite.⁶⁴ Dehydration

⁶⁰ Time stamp 00:12:33

⁶¹ Dated 13 October 2025.

⁶² Dated 23 June 2025.

⁶³ Transcript at p. 50.1

⁶⁴ Transcript at pp. 50.4- 50.8

can be a clinical sign for disease conditions including toxicities. There was also 'cattle on animal welfare grounds weren't deemed retrievable and euthanised'.

66. His investigation reported, 'Cattle that are dehydrated suffer unnecessarily, and their treatment or lack of oversight would not meet accepted animal welfare standards, for example the *Australian Animal Welfare Standards and Guidelines for Cattle*'.⁶⁵ All Australian Governments including the Northern Territory adhere to the national *Australian Animal Welfare Standards and Guidelines for Cattle*.
67. As a vet, had it been known at the beginning of the investigation that the condition of the animals was dehydration due to prolonged water deprivation 'we would've moved more aggressively to get those cattle to water, or to bring water to, for example recumbent cattle'.⁶⁶ There would be no change for treatment protocol for a toxicity and as suspected at the time, as he understood from the reports of cattle away from toxic sources such as Emu Bush and to water, 'because waters always going to be a good treatment for anything, particularly for toxicities. When you are managing herds of cattle, then cattle recover quickly when they've got access to water and feed'.
68. It was his opinion that the cattle had received appropriate treatment for their dehydration, but it would have been good to know upfront that dehydration was the cause of their condition.⁶⁷ It would have been a simpler process to manage as they would have moved cattle a lot more quickly to support the animals, rather than wasting a lot of time trying to investigate from a disease point of view.
69. To Ms Godwin's question to Dr Williams on whether more cattle did die and or suffer as a fact that information wasn't provided that they were deprived of water for a prolonged period, he replied, 'Highly likely. So, I think we could've saved more cattle if we had known straight up that...dehydration was the cause of the issue'.⁶⁸ In his opinion more animals could have been saved through more efforts to provide water. Also, potentially that there would have been less pressure to euthanise cows from a disease investigation point of view to collect tissue samples to try to come to a diagnosis.⁶⁹ Though cows still had to be euthanised from an animal welfare point of view.

Dr Jocelyn Coventry

70. Two statutory declarations of Dr Jocelyn Coventry dated 25 July 2024, and 16 July 2025 were tendered into evidence. Dr Coventry is a veterinary officer, was employed at AZRI as a Pastoral Production Officer. On 13 March 2023 between 8.00 am and 9.30 am she was advised of dead cattle at Pine Gap Paddock and was needed to investigate these.⁷⁰ She was to 'Assess and

⁶⁵ Standard 2.1. A person in charge must ensure cattle have reasonable access to adequate and appropriate feed and water.

⁶⁶ Transcript at p. 51.6.

⁶⁷ Transcript at p. 51.9.

⁶⁸ Transcript at p. 52.5.

⁶⁹ Transcript at p. 52.

⁷⁰ Statutory Declaration 25 July 2024 at [6].

record all collected carcasses, postmortem inspect/collect from cows #X1103, #2307; collect trough water, freeze 1/2, test 1/2 pH at AZRI lab'.⁷¹

71. At [9] of her first statutory declaration, she stated that, 'I considered a number of 'plant poisonings, as differential diagnoses for the Pine Gap 2023 cattle mortality incident and suggested further investigation to rule out one reported to cause delirium and death of cattle as a result of starvation or dehydration'. She noted that '(based on dry rumen contents and high packed cell volume) four out of the five autopsied cows had severe dehydration'⁷².
72. She referred in her second statutory declaration⁷³ of a conversation with Debbie Reynolds on the morning of 13 March 2023 outside the AZRI Pastoral Production shed.⁷⁴

Debbie advised that she was collecting round bales of hay for the Pine Gap cattle, this was consistent with a management strategy used for a previous plant poisoning incident in this paddock in 2006. Debbie also presented me with a putrid faecal sample, which she said was from one of the sick cattle in the Pine Gap Paddock. This pathological sample indicated to me that Debbie wanted to assist the upcoming disease investigating, and similar to myself, was considering the possibility that we now had another plant poisoning in the Pine Gap Paddock.

73. On her arrival that day at Pine Gap paddock there were over thirty deceased cattle, and the records show that a total of thirty-two cattle were recorded at the end of the day. Over the following week a further thirty-eight cattle were found deceased or had been euthanised.⁷⁵ There was some twenty-seven surviving cattle that were transported from Pine Gap yard on 21 March 2023.
74. As to the mass mortality event at Pine Gap paddock, she stated that at [10] that:

In my opinion, if relevant Alice Springs department managers and staff, including Debbie ROBERTS and myself, had known the lack of cattle access to drinking water and cattle dehydration were the biggest problems, extra management activities would have been a priority at the beginning of my first day of attendance at the Pine Gap Paddock (13/3/2023). I believe that Debbie ROBERTS and I would have both been of the opinion that the first priority would be to make supplementary water supplies available to all cattle in the paddock (outside of the water yard).

75. She gave details as to her observation of cattle behaviour on her attendance that day at [11],
- Given a cow attempted to access a bucket of water she had during the third autopsy and if had subsequent information about a lack of cattle access to drinking water. I believe that supply of supplementary paddock drinking water may possibly have prevented the death of some cows and steers that were reported to have died later during the Pine Gap 2023 cattle mortality incident.⁷⁶ (my emphasis)

⁷¹ Paragraph 7, statutory declaration 25 July 2024.

⁷² Exhibit P5.

⁷³ Exhibit P6.

⁷⁴ Paragraph 6, statutory declaration 16 July 2025.

⁷⁵ Paragraphs 8 and 9, statutory declaration 16 July 2025.

⁷⁶ Paragraph 11, statutory declaration 16 July 2025.

Jason Wilson

76. The final prosecution witness was Detective First Class Constable Jason Wilson and during his evidence was tendered *exhibit P12* of a video recording of the Pine Gap paddock cattle yards as well as the Job Description and Duty Statement for the Manager Arid Zone Research Institute (Technical 4) in *exhibit P13*.
77. The Job Description provided the following 'Key Duties and Responsibilities':
- Direct and supervise staff in farm operations and ensure the application of safe work practices and maintaining animal welfare standards.

78. That was the evidence for the prosecution case. The Defendant Deborah Roberts did not give evidence, and I expressly direct myself that I am not to infer anything from not having done so as she is presumed innocent, and it is for the prosecution to prove the charge beyond reasonable doubt.

Written Submissions

79. The Court was greatly assisted by the written closing submissions of Ms Godwin for the prosecution and Mr Penman for Ms Deborah Roberts.

Prosecution closing submissions

80. Ms Godwin submitted in respect of the substantive charge (count 2), that the Court can be satisfied to the requisite degree the defendant engaged in intentional conduct of advising her AZRI colleagues that the cattle condition was as a result of plant poisoning, and that they had access to the water trough and that the Pine Gap yard gates were open.
81. The Crown contends that it was the defendant's initial and ongoing conversations that misdirected her colleagues from the appropriate responses and treatment of the cattle. When speaking with Chris Materne, after her initial attendance, she said "there was a dead cow, and things were looking grim at Pine Gap, and it could be water poisoning". Her response to the direct question of water access, "yeh they've been able to gates have been open, they've been able to drink water". She reconfirmed the next day, that it 'was not anything other than potentially poison'.
82. Similarly with Lakota Taber she explained that the cattle's distress and death was due to plant poisoning as it had happened before, and saying, 'if we were to supply water and it was plant poisoning, it would fasten their death' and she was directly told not to give water as 'it would just make them die faster'.
83. Though there is limited evidence of both what the defendant observed and her actions when she arrived alone at Pine Gap paddock that morning, it is the Crown's submission that the only rational inference is that Deborah Roberts found the gate closed, opened it and intentionally engaged in conduct of lying and telling witnesses were poisoned'.⁷⁷

⁷⁷ Prosecution written submissions dated 9 December 2025 at [62].

84. Further that it was this intentional conduct that resulted in 'not only the suffering of the cattle but also *additional* suffering of the cattle'.⁷⁸ That Lakota Taber's video footage of the filmed cattle showed each of them in harm, pain and distress.
85. If it at had been known at the time that the cause of the cattle's suffering was dehydration, the veterinarian, Dr Jill Coventry, would have resulted to supplement water to the cattle, and that 'may have prevented the death of some cows and steers' that later perished.
86. The Chief Veterinarian Dr Robert Williams gave evidence that if had it been known that dehydration was the cause of the issue, 'we would have acted more aggressively to get water and 'I think we could've saved more cattle'.⁷⁹ His evidence was further that, it may have potentially prevented euthanising the animals to 'perform post-mortems and diagnostic investigations'.
87. It is contended that the defendant would have had direct knowledge through her observations that the gate was closed and must have known that the cattle would not have access to water. That the Court could infer, and find, that she would have turned her mind to the dehydration of the cattle by opening the closed gate, including her observations of suffering and dying cattle.
88. That her subsequent conversations were conducted recklessly, failing to report the closed gate and cattle's inability to access water. That she knowingly misdirected conversations to plant poisoning or water poisoning. That this recklessness resulted in a substantial risk of unnecessary and unreasonable suffering of the cattle from dehydration, and that, had it been known, more cattle may have survived, and their survival may have precluded post-mortem diagnostic investigations.
89. Concerning count 1, determining the element of 'control' per of an animal s 23(2) of the APA is a question of 'strict liability'. The defendant was the Farm Manager for AZRI's Pine Gap paddock and her duties, set out in Exhibit P14, included the 'custody, care or control' of 101 cattle at Pine Gap paddock.
90. Ms Godwin for the prosecution submits that the cattle did not receive the appropriate minimum level of care. The cattle did not receive water nor appropriate treatment for 'disease, injury ... when suffering'⁸⁰. The failure to provide water and to remedy their injury and suffering, led to the unnecessary euthanising of cattle that could have survived.
91. From 13 March 2023 onwards, Deborah Roberts actions did not demonstrate an appropriate level of care for the cattle and likely, caused, or contributed to, or was likely to have contributed to their 'unjustifiable, unnecessary or unreasonable' suffering in the circumstances.

⁷⁸ Prosecution written submissions at [67].

⁷⁹ Transcript at p. 52.

⁸⁰ As previously referred to in [83] of this decision, from the point in time from the morning of 13 March 2023 from the defendant's initial attendance at the Pine Gap paddock yards.

Defendant's closing submissions

92. Mr Penman on behalf of the defendant submitted in relation to count 2 that the defendant did not have the requisite intent to engage in conduct that resulted in the suffering of the animals. That in relation to the alternative charge (count 1), the defendant did intentionally fail to provide a minimum level of care to the cattle.
93. The defendant submits that the evidence of the Senior Farm manager James Christian is to be preferred over Glenn Oliver as to the muster timetable, since he was directly involved in planning the forthcoming roster with Deborah Roberts. He did not believe that the muster went into a second week and agreed with defence counsel that:
- Monday 27 February 2023, the muster started at East White Point yard
- Tuesday 28 February 2023, the muster moved to White Point yard
- Wednesday 1 March 2023 the muster was at Pine Gap paddock
- Thursday 2 March 2023, the muster was at the station yards where they mustered the Waterhouse herd
- Friday 3 March 2023, the muster was at the station yards, where they mustered the station herd
94. It was the defences submission that Deborah Roberts being the last person remaining at Pine Gap after the removal of the Bull on 1 March 2023 was relevant and leads to the rational inference that when Ms Roberts left Pine Gap, she was in a state of knowledge that the cattle could access water. This is corroborated by Glenn Oliver and James Christian who were present that muster day. The telemetry picture (*Exhibit P4*) showed a large number of cattle continued to be within the yard at 9.30 am on 3 March 2023.
95. There is evidence as led by the Crown from Dr Peter Saville that contract musterers had been working at the yard '9 days before the event' that would have been Saturday 4 March 2023. Further his evidence gives rise to a doubt that the 'contractors may have altered the holding yard gates at Pine Gap paddock and not realised what they had done which was to deny the cattle access to the water'.⁸¹
96. Mr Penman submitted that James Christian's evidence leads to an inference that the gates could be closed and opened from accidental manipulation, and that that there was no deliberate falsehood with her statements to James Christian and Paul Hausler that the gates were open, and that the cattle had access to water.
97. It is submitted that pursuant to s 43BU(4) of the *Criminal Code*, the defence successfully established, from the evidence at the hearing, that any mistakes made by Deborah Roberts did not amount to an intent for the cattle to suffer or be harmed by serious harm or death. That the mistakes were not negligent, and that a 'mistake of fact' could be raised per s 43AW of the *Criminal Code*.

⁸¹ During the time stamp period of 00.09.42 – 00.12.53 as played to the court.

98. The defendant contends that the image of a solitary cow by the water 9.30 am on 13 March 2023 is enough to cause reasonable doubt, since it allows rational inference that the gates may have been opened by a contractor at the location. Alternatively, that the existing evidence by James Christian of accidental manipulation in *closing* the gates could not rule out the accidental manipulation in opening of the gate.
99. Mr Penman submits that the defendant has raised, on the balance of probabilities, that they left the Pine Gap paddock with cattle being able to access water at the trough on 1 March 2023 and that they could still do so two days later as confirmed by the telemetry photograph on 3 March 2023.⁸² That this was her state of knowledge at the time and when she communicated with the staff.
100. Though it is conceded by Mr Penman that there were mistakes made by Deborah Roberts in the provision of hay and poisoning, it did not rise to the level of negligence or an intention to be cruel to an animal or cause them to suffer or continue to suffer.

Finding of Facts

101. Concerning the hearing, I am satisfied that the following finding of facts are made out to the criminal standard of proof—that is beyond a reasonable doubt:
- i. That the defendant's duties for the welfare of cattle at OMP and AZRI included access to water.
 - ii. That the minimum level of care for the cattle at Pine Gap paddock required daily access to water.
 - iii. The cattle muster was a regular event conducted for research purposes and data collection.
 - iv. That the evidence of the Senior Farm manager James Christian who was involved in the supervision of the muster's preparation is to be preferred as to the timetable as to the dates and locations as they occurred:
 - (a) Monday 27 February 2023, the muster started at East White Point yard
 - (b) Tuesday 28 February 2023, the muster moved to White Point yard
 - (c) Wednesday 1 March 2023 the muster was at Pine Gap paddock.
 - (d) Thursday 2 March 2023, the muster was at the station yards where they mustered the Waterhouse herd.
 - (e) Friday 3 March 2023, the muster was at the station yards, where they mustered the station herd.

⁸² Section 43BU(1) of the *Criminal Code*.

- v. The herd at Pine Gap paddock consisted of 101 Droughtmaster bulls, steers, cows and weaners who were healthy with body condition scores of four and five and described as 'fat'.
- vi. Due to under-staffing the 2023 muster not only involved Deborah Roberts, John Christian, Glen Oliver, Lakota Taber, but additional contract musterers Matt Nunn and three workers.
- vii. On 1 March 2023 the herd were moved from the grazing paddock, through the 'in-trap' gate, open internal gates passing by the water trough and into the holding paddock.
- viii. The subsequent 'processing' of the herd back from the holding yard, through internal yards, down a race to a crush for data collection.
- ix. During this processing all internal traps and gates were closed to prevent cattle exiting due to 'accidental manipulation' of the gates.
- x. That three bulls were trucked out of Pine Gap paddock by Glenn Oliver with the remaining ninety-eight cattle to be returned to the grazing paddock.
- xi. That a large number of cattle were able to navigate the gates and access water as shown by the telemetry photograph taken at 9.30 am on 3 March 2023.
- xii. That the only water source at Pine Gap paddock was a concrete water trough from a bore pump contained within the internal fenced yard.
- xiii. That the structure of the Pine Gap yard was not solely for the purpose of animal husbandry but also scientific research and the placement of the trough within the yard would act as a 'lure' to facilitate this process.
- xiv. I prefer the evidence of Dr Peter Saville that the Pine Gap yard was poorly designed given its level of complexity with in-and-out 'trap-gates' and internal locking gates for cattle to access water.
- xv. That prior to and during the muster the cattle had been well trained to navigate the complex gate system to access water given their healthy condition.
- xvi. That Deborah Roberts had been the last remaining person at Pine Gap paddock on 1 March 2023 following Glenn Oliver's departure.
- xvii. I find that one or more of the contract musterers attended Pine Gap yards some '9 days before the event' on Saturday 4 March 2023.
- xviii. I infer that the only reason 'well-trained' cattle could not travel through the gates in order to access water was due to human intervention due to closure or re-configuration of the gates.

- xix. There is only the further plausible inference that there could have been accidental manipulation by an animal of the gate system.
- xx. I find that some time prior to the commencement of the 2023 muster, senior farm manager John Christian had unintentionally altered the 'Observance' computer system whereby all telemetry pictures (including Pine Gap paddock) were no longer viewable to staff and not restored until May 2023.
- xxi. That there was present at the time the poisonous plant *Eremophila Maculata* at Pine Gap paddock with some evidence of cattle grazing.
- xxii. That in 2006 there had been a poisoning event of cattle involving *Eremophila Maculata* at Pine Gap paddock and this was well known to AZRI staff.
- xxiii. That current key veterinary, pastoral, and farm management staff were aware of a past management strategy of providing hay to dilute the poisoning of cattle.
- xxiv. That on the morning of 13 March 2023 senior AZRI staff of Chris Mitterne and Dr Jocelyn Coventry both independently arrived at a potential diagnosis of plant poisoning as a possible explanation for the mortality event of dying cattle.
- xxv. That there existed a state of 'bedlam' on the morning of 13 March with discovery of the break-in at the AZRI office 'with stolen vehicles, fences down and cattle everywhere'.
- xxvi. That at some time after 7.45 am on 13 March 2023 Deborah Roberts had travelled to the Pine Gap paddock at the direction of John Christian and Paul Hausler to investigate the reported sick and dying cattle.
- xxvii. I infer that the next telephone conversation Deborah Roberts had was with Chris Mitterne before 9.00 am who advised her to get hold of a vet and bale of hay for the cattle.
- xxviii. That the next event was the defendant's conversation with Dr Jill Coventry at the AZRI Pastoral Production shed while she had retrieved a bale of hay and provided to the vet a 'putrid' faecal sample obtained earlier.
- xxix. Her next conversation was with Lakota Taber while in their vehicles near AZRI and who then proceeded to Pine Gap paddock.
- xxx. Deborah Roberts had two further telephone conversations with John Christian and also around midday with Phillip Hausler.
- xxxi. On their attendance at Pine Gap paddock witnesses Lakota Taber, Glenn Oliver and Dr Jill Coventry observed cattle 'suffering' as well as Lakota Taber filming cattle with physical signs of distress of shaking, 'huffing' while standing or prone on the ground.

- xxxii. That day Deborah Robert's euthanised five cattle by rifle shot and a further thirty-two cattle were harmed and died by dehydration that day.
- xxxiii. I find that an unknown number of the euthanised cattle was done not only for animal welfare considerations but also to conduct postmortem diagnostic investigations.
- xxxiv. I find that the level of suffering for one cow was if such a degree that it attempted to drink disinfectant from a bucket during a cattle autopsy conducted by Dr Jill Coventry and Lakota Taber and regrettably shoed away.
- xxxv. That Lakota Taber spoke to Deborah Robert's about the cattle 'seeming thirsty' and she wanted to provide water but was directed not to "...as it would make them die faster".
- xxxvi. I find that cattle on continuing days of 14 March and 15 March 2023 cattle at Pine Gap paddock were observed by John Christian and Chis Matter to be suffering and dying.
- xxxvii. Despite the presence of AZRI staff investigating and assisting the cattle there continued over this period to be the non-provision of water to those cattle who could not walk or be walked to the water trough.
- xxxviii. That the ensuing dehydration of thirty-nine cattle resulted in their harm and deaths.
- xxxix. That twenty-seven surviving cattle out of the ninety-eight herd were trucked from the yard on 21 March 2023.

Consideration

Count 2

102. In all the circumstances of the hearing there can be no doubt that all ninety-eight cattle at Pine Gap paddock 'suffered' due to prolonged water deprivation and as such, felt harm, pain.... physical or psychological distress' as defined in s 4 of the APA. The Chief Veterinarian's opinion, as well as the Taber recording, show animals with clinical signs of dehydration, 'unable to walk, laboured breathing, tucked up in the abdomen. Dr Kathie Shilton, the Berrimah Laboratories senior pathologist, and Dr Coventry both agreed that they had never seen such dehydrated cattle in the professional experience.
103. Further, there is no doubt that all seventy-one cattle that died were harmed, as their deaths were largely caused by 'dehydration due to prolonged water deprivation, with five euthanised by rifle on both animal welfare grounds and diagnostic purposes. Accordingly, the circumstance of aggravation of serious harm or death' under s 25(1) of the APA is also proven on the hearing.
104. The prosecution has the onus to prove that the defendant engaged in intentional conduct by her comments on 13 March 2023 and onwards to other AZRI staff that the cattle's condition was due to poisoning, that the cattle had access to the water trough and that the gates were unlocked. That she was reckless as to the state of affairs, given her knowledge on arrival that

the 'in-trap' gates were closed, and the cattle had no access to water and were dehydrated. That the Court could make this inference since she was the person who opened the 'in-trap' gates, as well as observed the deceased, suffering or dying cattle.

105. In order for the Court to draw an inference, I must find that the gate had remained closed on 13 August 2024, that she unlocked and made comments to other attending or concerned AZRI staff to deliberately distract from the true state of affairs, namely the cattle's prolonged deprivation of water and dehydration.

106. The necessary requirements for consideration of an inference against the defendant interest were outlined by Mildren J in *Gumbaduck v Rothe*, following the High Court authority of *Barca v The Queen*⁸³:

.... To enable the jury to be satisfied beyond reasonable doubt of the guilt of the accused, it is necessary that not only that his guilt should be a rational inference but that it **'should be the only rational inference'** that the circumstances would enable them to draw' *Plomp v The Queen*; see also *Thomas v The Queen*. However, 'an inference to be reasonable must rest upon something then mere conjecture. The bare possibility of innocence should not prevent a jury from finding the prisoner guilty, if the inference of guilt is the **only** inference open to reasonable men upon to a consideration of all the facts in evidence' (*Peacock v The Queen*). These principles are well settled in Australia. (Emphasis added)

107. I do infer that, given the continued absence of cattle on the telemetry system, the 'in-trap' gate remained closed at 6.30 am on 13 March 2023. That a solitary cow that was able to navigate the gate system to access water at the trough as recorded in the telemetry picture at 9.30 am that morning.

108. Before determining that the only rational inference is that Deborah Roberts unlocked the gate on its discovery around 7.45 am, I must approach with caution and have regard to the possibility of any other reasonable inference.

109. Given that there existed a window from 6:30 am to around 7:45 am (unable to be recorded) prior to the attendance at the yard, I do agree with the defence submission that there existed the possibility of alternative inferences. Namely that the gates may have been opened or re-configured to its original configuration by a contractor at the location given the short staffing. Further, given the existing mustering practices and procedures outlined by James Christian for prevention of accidental manipulation by cattle in closing of gates, I cannot rule out the possibility of doubt and rational inference of accidental manipulation in opening the gate on 13 March 2023 prior to Deborah Robert's attendance. I do not consider such an inference to be fanciful or mere conjecture.

110. Accordingly, I do not find that the only rational inference was that Deborah Roberts, on 13 March 2023, unlocked the 'in-trap' gate to hide the cause of the cattle' dehydration in not having access the water trough. There is a reasonable doubt that the gate had been opened before her arrival and cattle were inside the yard.

⁸³ [2011] NTSC 50 at [24] quoting *Barca v The Queen* (1975) 133 CLR 82 at [104].

111. Relevant evidence shows the defendant had disclosed during the initial conversation with Chris Matteredne that “*cattle were dying everywhere*”. He described her as ‘distressed and wasn’t sure to do’ (sic). Her statement turned his memory to the 2006 poisoning event, and he then told her to get hay ‘to put something else in their stomachs, so if they had been consuming a poisonous plant, that it may help in their recovery’.⁸⁴
112. Neither could it be said that there was any purposeful mis-directed communication by Deborah Roberts to Dr Jill Coventry concerning either poisoning or access to water and yard gates. Dr Coventry’s second statutory declaration described the defendant collecting bales of hay consistent with a management strategy used for a previous plant poisoning incident in this paddock in 2006.⁸⁵ The defendant provided sick cattle’s faecal sample for diagnostic purposes. ‘This pathological sample indicated to me that Debbie wanted to assist the upcoming disease investigating, and similar to myself, was considering the possibility that we had another plant poisoning in the Pine Gap Paddock’.
113. Even with the passing of time, the situation as presented to the defendant on 13 March 2023 was extraordinary, with the initial state of ‘bedlam’, with the break-in and sighting of the unfolding tragedy of the suffering and dying cattle at Pine Gap paddock. Deborah Roberts was described as ‘distressed and [unsure of] what to do’. Lakota Taber also described her that morning as ‘definitely distressed’.
114. In those circumstances, it would be a human response to latch onto Chris Matteredne suggestion of a poisoning event as an explanation for what was occurring, and to action the treatment of the cattle with the provision of hay.
115. Though Deborah Roberts was a farm manager of lengthy experience, her colleagues were far from being lay persons. Chris Matteredne was a pastoral research scientist with actual involvement in the previous 2006 poisoning event. Similarly, there was nothing with the defendant’s encounter with Dr Jill Coventry, a veterinary officer with livestock experience, to dissuade her from retrieving hay for the suspected cattle poisoning; rather she too held a similar initial view.
116. I make comment that the previous 2006 poisoning event at the Pine Gap paddock seemed to have had a folkloric effect within DITT, AZRI, its employees and the defendant. This is also reflected in the defendant’s knowledge in the initial conversation with Lakota Taber of the cattle in distress and some dying, that this had happened before with plant poisoning and that they needed to go supply hay for them so they can survive.
117. I do not have any explanation as to why Deborah Roberts believed that the provision of water to ‘poisoned cattle’ would harm them. She directed Lakota Taber on one occasion not to supply water to the cattle as “it would fasten their death”, and then again told by Lakota Taber the cattle seem really thirsty, she responded, “No, that would just make them die faster”.

⁸⁴ Transcript pp. 40.9 and 42.5-8.

⁸⁵ Exhibit P6.

118. Evidence of the Chief Veterinary Officer for the Northern Territory is that the treatment protocol for suspected toxicity was to move them away from toxic sources to water for 'when you are managing herds of cattle, (they) recover quickly when they've got access to water and feed'.
119. In hindsight there were a litany of mistakes that occurred prior, during, and post the 2023 muster. From DITT understaffing, the additional pressures and responsibilities on running both OMP and AZRI, the inadvertent error or removal of the telemetry system observations of the water troughs, involvement of outside contractors, a day of bedlam and finally a strong institutional focus on plant poisoning events as the leading explanation for mortality events of cattle at Pine Gap paddock.
120. The malady of confusion as to poisoning of the cattle by *Eremophila Maculata* was not momentary, it involved senior AZRI staff who independently and separately held the view of Christopher Mitterne and Dr Jill Coventry who have vast knowledge and specialised expertise. That the signs of dehydration were not immediately obvious to experts such as Dr Jill Coventry and as agreed by the Chief Veterinarian. It took extensive diagnostic laboratory testing before the actual cause of the cattle's suffering and harm could be determined.
121. In respect of count 2, on all of the evidence, I cannot be satisfied of the requisite intent for the defendant has been proven and she is not guilty, and the charge is dismissed.

Count 1

122. In considering the alternative charge, I find that the same facts and circumstances are found. It is conceded by defence that Debroah Roberts was in control of the cattle at Pine Gap paddock as the Farm Manager, and as outlined in her Duty Statement in Exhibit P13.
123. It cannot be found that her conduct, given her knowledge or belief that that the cattle always had access to water through the gate, and being consistent with that of past practice management for poisoning, was not in accordance with providing a minimum level of care.
124. The APA in s 6 provides that (1)(a) the minimum level of care for an animal is the level of care required to ensure that the animal;
- (a) Has appropriate and sufficient food and water: and
 - ...
 - (b) Is appropriately treated for disease or injury or when suffering and
- (2) Something is appropriate for an animal if it is appropriate to ensure the welfare of the animal having regard to all the relevant circumstances, including the animal's species and the environment in which it is kept on or lives.
125. Deborah Roberts' belief of *Eremophila Maculata* poisoning did not originate with her; it was a common shared belief amongst her colleagues given the past 2006 mortality event in the environment where the cattle were kept and lived. It cannot be said that her conduct and

intention was not to provide an appropriate minimum level of care in the provision of appropriately treatment for disease or injury or when suffering.

126. In this respect, the defence has submitted that on the balance of probabilities, the defence under s 43AW has been made out and that the defendant is not criminally responsible and has not been overcome by the requisite standard of proof beyond a reasonable. I agree and would similarly find that the charge is not made out. Moreover, s 111 of the APA provides a defence concerning prosecutions under the APA:

(1) It is a defence to a prosecution for an offence against this Act if the conduct constituting the offence, or an element of the offence, was:

(a) engaged in to alleviate the suffering of an animal; and

(b) reasonable in the circumstances.

127. In respect of count 1, on all the evidence, I cannot be satisfied of the requisite intent for the defendant has been proven and she is not guilty, and the charge is dismissed.
