



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

Brett v Ludwig – cattle producers take on the Federal Government

This week, six years after the disastrous decision to ban the live export of cattle to Indonesia, a class action commences in the Federal Court to seek justice for the families and businesses of the Northern Industry.

June 7th of 2011, the federal government and the then Minister for Agriculture, Joe Ludwig closed the live export trade to Indonesia, a trade critical to the livelihoods of northern cattle producers.

In a landmark case, the court will consider evidence gathered from over 100,000 pieces of evidence including detail from emails, telephone conversations and memos from within government and the Minister's office. The Government has conceded that loss has been suffered and the court will consider the evidence of detriment from key industry sources including lead applicant, the Brett Cattle Company in order to establish a case of misfeasance on the part of federal Minister Ludwig. The industry will argue that in enacting the second export control order, closing the live export trade, federal Minister Ludwig misused or abused his power as Minister for Agriculture. The Minister must give evidence to explain the decision that has caused so much damage to the North.

If successful, this will be the first time a case of misfeasance has been proven against an Australian government Minister.

"The importance of this case cannot be understated and the message it sends to government is powerful", said Tracey Hayes, CEO of the Northern Territory Cattlemen's Association (NTCA). "What happened in 2011 cannot be allowed to happen again. Governments need to know that knee jerk reactions like that in 2011 have no place in good government, our agricultural export industries and the lives and businesses of the northern cattle industry", said Ms Hayes.

"The whole justification for the live export ban of 2011 was supposedly about animal welfare, although their own documents now prove they knew that was not the case. What we are likely to hear is how the decision was about the political survival for a minority government", said Ms Hayes.

Unfortunately, while this occurred under a Labor government in 2011, the current government have not been the model litigants as promised by former Prime Minister Tony Abbot, making us fight for every shred of information. As the AGS has not met the model litigant guidelines-vital discovery materials remain outstanding, including materials from the Minister himself. The claimants have been prejudiced by the delay in discovery, but wish to continue to have the matter heard on the current timetable.

The case would not have been possible without the support of the Australian Farmers Fighting Fund.

The case will be heard in two parts— liability 19 to 28 July 2017 and the calculation of loss 11 to 15 December 2017. Justice Rares has indicated that the matter should be heard and determined as soon as possible so that any compensation is awarded and distributed to those effected.

END.

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NTCA Background

The Northern Territory Cattlemen's Association (NTCA) is the peak body for the NT cattle industry, providing leadership at the Territory, national and international level on industry, trade, resource management, and economic and social policy. Representing over 90% of the Territory industry the NTCA maintains a unique position as Australia's most representative producer body and single conduit for engagement.

The NTCA has been a leader in driving positive change while also defending the position and integrity of the cattle sector, its producers and connected supply chains operating into domestic and international markets.

NTCA's membership ranges from small family and indigenous operations, to large corporate organisations. The NTCA exists to advance and protect the interests of Northern Territory cattle producers.

Our Northern Territory members are environmental stewards responsible for a landmass in excess of 680,000 square kilometres (45% of the NT landmass), producing 600,000 high quality cattle per year and providing policy leadership across the primary industry sector including pastoral land conservation, market development and trade, regional development, Indigenous employment and international engagement.

The pastoral industry is the Northern Territory's third largest GDP earner, equating to more than 80% of primary production in the NT. With an investment of \$4.5 billion in the NT, our industry generates over \$1billion directly into the Northern Territory's economy.

The industry directly provides in excess of 1800 jobs and has contributed to the growth of the Territory for over 150 years. It continues to increase in size, productivity and efficiency.

NT producers supply cattle to all mainland states and produce quality animals suited for the live export trade to South East Asia, including, on average up to 400,000 head exported to Indonesia and Vietnam annually.