

16 November 2018

Senator the Hon. Barry O'Sullivan  
Chair  
Senate Rural and Regional Affairs and Transport Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
By email to: [Senate.Estimates@agriculture.gov.au](mailto:Senate.Estimates@agriculture.gov.au)

Dear Senator O'Sullivan

**Re: Supplementary Budget Estimates hearing held 23 October 2018**

Having reviewed the proof Hansard of the Supplementary Budget Estimates hearing conducted by the Senate Rural and Regional Affairs and Transport Legislation Committee on Tuesday, 23 October 2018, I wish to make the following corrections:

The first correction relates to a question by Senator McCarthy which can be found on page 54 of the proof Hansard:

**Senator McCARTHY:** Let's go to my initial question, then, in terms of your steps with Senator Bernardi. You've written your letter to him and he's replied to you, but you are obviously also concerned about your intellectual property rights here?

**Mr Norton:** Well, as I said, it's about the word 'lambassador' and the misuse of that word. It was created in conjunction with probably three or four different parties. Having said that, we obviously have contracts with people like Sam Kekovich that explain that this is a breach of contract and that he should not partake in this type of activity. Is the word 'lambassador' part of the intellectual property of MLA? No, it's not. Will it be in about a month's time? I suspect so. Would you envisage having to spend levy payers' money on protecting the word 'lambassador'? That's what it comes down to. But now we obviously have to protect the word 'lambassador'. That's the world we live in. So we now have to spend levy payers' funds going to court and demonstrating that that is our IP.

I wish to advise the committee that since the hearing it has been drawn to my attention that I should clarify what I said as follows (underlined to be included as amendment)

**Mr Norton:** Well, as I said, it's about the word 'lambassador' and the misuse of that word. It was created in conjunction with probably three or four different parties. Having said that, we obviously have contracts with people like Sam Kekovich that explain that this is a breach of contract and that he should not partake in this type of activity. Is the word 'lambassador' part of the intellectual property of MLA? No, it's not a registered trade mark of MLA. Will

an application for registration be on the trade marks register it be in about a month's time? I suspect so. Would you envisage having to spend levy payers' money on protecting the word 'lambassador'? That's what it comes down to. But now we obviously have to protect the word 'lambassador'. That's the world we live in. So we now have to spend levy payers' funds defending these rights which may include going to court and demonstrating that that is our IP.

I would like to make a correction to my response to a question by Senator Brockman. The relevant dialogue is on page 56 of the Hansard:

**Senator BROCKMAN:** Hopefully we do get a chance to catch up at some point. I have just a couple of follow-ups from last time. Where did we get to with Branhaven?

**Mr Norton:** The major development is that Cargills have assigned their rights to the appeal to another company, which is a shelf company which happens to just have one of the same directors as Branhaven. I suspect that was done because of the public relations issue around this matter. But we are still fundamentally waiting for a judgement in November now around—

**Senator BROCKMAN:** Has that delayed the proceedings? There was due to be a judgement in August.

**Mr Norton:** Yes. I'm happy to submit a full time line of where the whole event is up to. But, fundamentally, the appeal of MLA around narrowing the claim is what we're seeking a judgement on in November.

**Senator BROCKMAN:** Okay, so the case remains the same?

**Mr Norton:** Yes.

**Senator BROCKMAN:** It's just the assignment of that right delayed it by three months?

**Mr Norton:** That's correct. That is the major development since we last spoke.

**Senator BROCKMAN:** And there are no other issues broadly in this space?

**Mr Norton:** No.

I wish to highlight to the committee that on page 56 I mistakenly stated the status of the Cargill assignment, the status of the hearing and the date for the judgement in this matter. The following alterations should be made to record the true state of the matter.

**Senator BROCKMAN:** Hopefully we do get a chance to catch up at some point. I have just a couple of follow-ups from last time. Where did we get to with Branhaven?

**Mr Norton:** The major development is that Cargills have assigned their rights to the appeal to another company, which is a shelf company which happens to just have one of the same directors as Branhaven. I suspect that was done because of the public relations issue around this matter. But we are still fundamentally waiting for a judgement ~~in November~~ ~~now around—~~

**Senator BROCKMAN:** Has that delayed the proceedings? There was due to be a judgement in August.

**Mr Norton:** Yes. I'm happy to submit a full time line of where the whole event is up to. But, fundamentally, the appeal of MLA around narrowing the claim is what we're seeking a judgement on ~~in November~~.

**Senator BROCKMAN:** Okay, so the case remains the same?

**Mr Norton:** Yes.

**Senator BROCKMAN:** It's just the assignment of that right delayed it by three months?

**Mr Norton:** ~~That's correct. That~~ There was no delay. The assignment is the major development since we last spoke.

**Senator BROCKMAN:** And there are no other issues broadly in this space?

**Mr Norton:** No.

Thank you for the opportunity to review the transcript of the Budget Estimates hearing held on Tuesday 23 October 2018 and to provide clarification of my responses.

Yours sincerely

Richard Norton  
Managing Director