

SWAN'S CROSSING

1. Roseanne Catt was at Swan's Crossing on a Sunday early in 1989 for a picnic. The date was 12 March. The register from the Rocky Beach Motel establishes that date. Garry Jeffrey said it was roughly a week after his birthday, which is 3 March (T876).
2. Barry Catt in his original statement made on 9 August 1989 (Ex U) did not give any details of the circumstances of the invitation by Roseanne.
3. At the committal he said that he and Roseanne Catt had driven to Swans Crossing on the Sunday morning. He claimed a specific recollection of that (T 2522). He then denied in cross-examination that he had broken into Roseanne Catt's room in a motel in Port Macquarie on the Saturday night (T 2525). It was suggested that it was the Rocky Beach Motel. (T 2526). Barry Catt maintained his position that he had been invited on the Saturday and picked up on the Sunday morning (T 2527).
4. This was his account at the start of the trial (T 144-145). He maintained it under cross-examination (T 457), and denied that he was in Port Macquarie on the Saturday night (T 459). The Rocky Beach Motel was again specifically mentioned (T 461). That cross-examination was on Wednesday 22 May 1991.
5. On 23 May 1991, Janet Eslick, one of the proprietors of the Rocky Beach Motel, signed a statement at Port Macquarie Police Station in which among other things she said that Roseanne Catt had stayed there on 11 March 1989, which was a Saturday. (T1562).
6. Subsequently, in re-examination on 27 May 1991, Barry Catt said that he thought that the picnic at Swan's Crossing could have been the morning after staying at the Rocky Beach Motel (T656). In further cross-examination, the general effect of his evidence was that he had realised that he had made a mistake. However, he was unable to explain when, or how (T2533-2541). The close coincidence of the dates is truly extraordinary, particularly against the background of Barry Catt's firm adherence to his original account in the face of the detailed cross-examination both at the committal and at the trial.

7. In his statement of 9 August 1989 (Ex U), Barry Catt's account of the stabbing is rather different from that in evidence. In the statement, he narrates an argument concluding with his saying "Don't be so stupid." And says "With that, she threw her right hand across and stabbed me in my left abdomen area." (para 5). Extra dramatic details were added by the time of the trial:

I said: "Oh don't be so stupid." So she leant over and pricked me once ... She pricked me once and I pushed her hand away and she pricked me again. I pushed her hand away both times and I said "Don't be stupid" and the third time she drove it in ..." (T147).

8. This is more than the addition of detail; it creates a very different dramatic atmosphere from the account in the statement. Sudden surprise is replaced by threatening tantalisation.
9. At the present hearing, Barry Catt said that the knife shown in Ex T was not the knife used to stab him (H 789 line 24). Referring to the photo, he said:

"This one, with the black handle, it seems a different shape in the handle. The other one was more flatter, like using a cheap screwdriver. I would say they are photographs taken of a knife, not the knife you use to opens oysters with. It's there to confuse me, I feel, and I can't recall. But, if you go back and get the original knife and go back to the transcripts of the original case, everything can be produced, because it just doesn't look like the knife that Roseanne stabbed me with; not a bad try, but, sir." (H 790, 13-22).

On the 60 Minutes programme, he had described the knife as a "little oyster knife she used to open oysters with, little thin blade knife ..." (Ex 11,5).

10. After the incident, Barry Catt said that he approached another person nearby, who gave him a T shirt. Roseanne Catt then drove up and said "Get back in the car.", but he refused. (T147). The man who gave the T shirt, however, Garry Jeffrey, and his partner Beverly Thompson, both said that Barry Catt got into the car (Jeffrey T860, 861, Thompson 880).
11. Jeffrey said that the T shirt was yellow (T859), and that he had not seen the exhibit T shirt before (T 862). He had described the T

shirt as yellow in a statement made on 5 September 1989 (T 875). Ms Thompson said that it was blue. (T 880).

12. Thomas said that he had received the T shirt from Barry Catt (T 1769). But Barry Catt said that he had washed the T shirt and given it back to Jeffrey (T 484). Thomas said that he received the T shirt on 15 November 1989, and the ground sheet and rug on 3 November 1989 (T 1769). One wonders why the T shirt was not produced at the same time as these other items.
13. Barry Catt said that he showed the wound to Dr Goddard the next day (T468). He specifically denied that it was not until about eight days later (T468). Goddard said that the wound he saw would have been more than a few days old (T865). He had paid Barry Catt \$900 on that occasion (T865). The deposit slip for this amount was dated 22 March 1989 (T658).
14. There is no hint in the evidence of Barry Catt or Dr Goddard that anyone else was present at the time that Goddard inspected the wound. For some reason, Adrian Newell felt the need to write himself in as a witness to this scene, in a lengthy statement which he made to assist Barry Catt's application for victim's compensation. There he said:

"Early in March 1989 I was contacted by an employee of Barry Catt's with a message that Barry was injured. When I arrived at Barry's workshop, Dr Ken Goddard was in attendance and was examining a wound to Barry's side.

I was informed by Barry that Roseanne had stabbed him at a picnic at Swan's Crossing on the previous day and that he had held an old shirt to the wound and then had to "hitch-hike" home. He said he had been in "agony" all night.

I had further discussions with Barry and Dr Goddard, who told me that Barry was running a temperature, as the wound was infected, and that Barry should be admitted to hospital." (Ex AAB).

15. There are obvious problems with this. First, if Newell had been present, one would expect Barry Catt, Dr Goddard or indeed Newell himself to have given evidence of that at the trial. Second, Dr Goddard clearly did not attend on the day after the incident.

The ultimate revelation of Newell's addition of himself as a calculated lie is through Newell's own evidence at the present hearing, where the following occurred:

Q. What about when he was stabbed at Swan's Crossing, you knew about that, didn't you?

A. Yes.

Q. What did he do then?

A. He or I?

Q. What did he do then, do you know? What did he tell you that he did?

A. He told me that he came home, crawled through the window of his office, prised it open with a screwdriver and went to bed and next day, in a few days, he showed it to a doctor.

Q. Doctor Kim Goddard?

A. Yes.

Q. Who just happened to be there getting his car fixed?

A. He was a customer, yes.

Q. And it was not a medical consultation?

A. Not to my knowledge.

(H928-929)

16. Thus, suddenly, Newell is no longer a witness to Dr Goddard's inspection, but is only told about it by Barry Catt, and it is no longer the day after the incident. The opportunistic lie told in 1996 to assist the compensation application – which no doubt he did not expect ever to see the light of day, nor to be examined in later legal proceedings – has either been forgotten or conveniently put aside.
17. His willingness to assist Barry Catt's cause in relation to this charge increases the probability that he was the source by which Barry Catt became aware of the essence of Janet Eslick's statement, and changed his evidence about the Saturday night.
18. The overall assessment of the probabilities of the conflicting versions of events at Swan's Crossing is very much affected by the evidence of the sort of person each of the parties was. The

evidence available since the trial about the violent proclivities of Barry Catt shifts that assessment in favour of the version of Roseanne Catt.

Catt picnic

Tom Maloney