

Ian Cohen MLC
Committee Chair
General Purpose Standing Committee No. 5
Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

15th July 2010

Dear Mr. Cohen,

Inquiry into the RSPCA investigation on the Waterways Wildlife Park

Thank you for your letter/s dated 8th and two letters dated 9th July 2010 respectively seeking further information to questions on notice from the Hon Helen Westwood MLC and providing the video footage and photos taken by RSPCA NSW.

Accordingly, the responses to the questions on notice are set out below;

Q.1 The Inspector formed the opinion that experts with significant qualifications and experience in Koala husbandry should be engaged to provide an independent assessment of the condition of the animals. The RSPCA routinely engages such independent experts in its larger investigations to ensure that objective and accurate assessments are obtained prior to seizure of animals or commencement of any prosecution. The experts were immediately contacted and the visit on 3 February was their first opportunity to visit the park. The delay was therefore solely attributable to the availability of those experts. Consistent with normal practice, there are a number of reasons why RSPCA NSW Inspectors would not engage local veterinary practices/businesses. Some of these include relevant expertise, potential conflicts of interest and the fact that the society is mindful of jeopardising those local practices and their future business if they are engaged in a local investigation that may result in a prosecution.

The Royal Society
for the Prevention of
Cruelty to Animals
New South Wales

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Q2. The Inspector had general concerns, but in fairness to the park operators, she wanted to engage experts for the reasons set out in Q1. (above.)

Q3. On both occasions, the Inspectors were dressed in RSPCA uniforms. They introduced themselves by name and indicated that they were attending in relation to an investigation.

Q4. Inspector French had a number of conversations where he verbally advised Ms Small in relation to the presence of the film crew. He stressed that she was perfectly entitled to refuse permission for filming, and further, that she retained the right to end filming at any time. He was completely satisfied that her consent was freely given, and that she understood her entitlement to refuse consent at any time. Ms. Small voluntarily signed a release form in this regard. However, we must reinforce the point, that the process of obtaining formal consent and signing the respective release forms (RSPCA Animal Rescue - Release Form/Individual & RSPCA Animal rescue - Series 4 Location Agreement), is the responsibility of Animal Rescue.

Q5. No. Law enforcement agencies rarely if ever provide information regarding ongoing investigations to third parties. The reasons for this are obvious. First, the rights of an accused to have a fair hearing in Court can be prejudiced. Secondly, persons can be defamed. Thirdly, ongoing investigations can be compromised if sensitive material enters the public arena.

We also provide copies of the video footage, photographs, and in accordance with my oral evidence at the inquiry, we have also included a copy of the existing Standard Operating Procedures and the draft revised version, for RSPCA NSW Inspectors.

We request that this information is kept strictly confidential to the members of the standing committee No 5 given the draft nature of the SOP's.

Hopefully this material will assist the committee in its ongoing deliberations. If we can assist any further, please advise us.

Yours sincerely,



Steve Coleman
Chief Executive Officer
RSPCA NSW

PHOTOGRAPHIC EVIDENCE SHEET



PHOTOGRAPH NUMBER: 01



DATE: 22nd February, 2010
PLACE: Waterways Wildlife Park, Mullaley Rd Gunnedah
TAKEN BY: Inspector K. PROWSE
DESCRIPTION: Photograph depicts a koala located in the koala exhibit of Waterways Wildlife Park

PHOTOGRAPHIC EVIDENCE SHEET



PHOTOGRAPH NUMBER: 02



DATE: 22nd February, 20010

PLACE: Waterways Wildlife Park, Mullaley Rd Gunnedah

TAKEN BY: Inspector K. PROWSE

DESCRIPTION: Photograph depicts 2 koalas located in the koala exhibit of Waterways Wildlife Park

PHOTOGRAPHIC EVIDENCE SHEET



PHOTOGRAPH NUMBER: 03



DATE: 22nd February, 2010

PLACE: Waterways Wildlife Park, Mullaley Rd Gunnedah

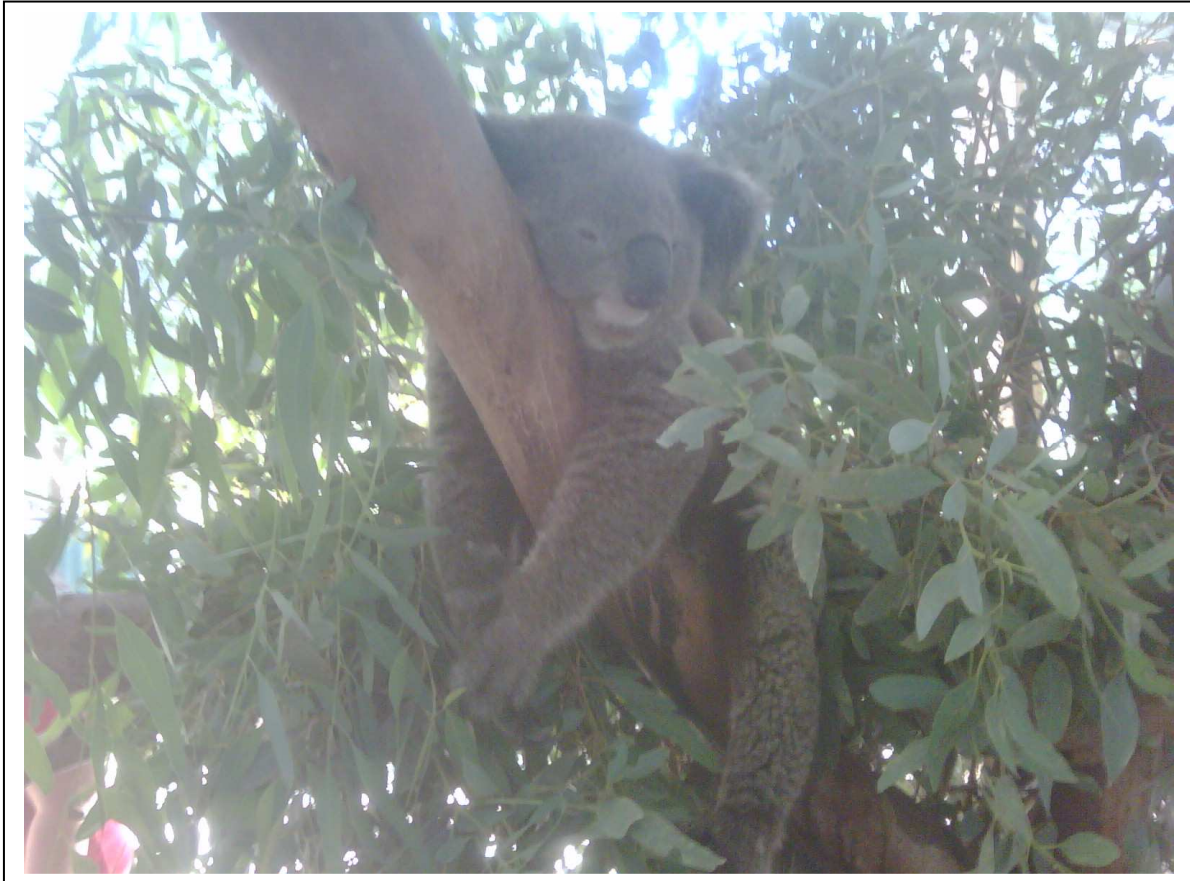
TAKEN BY: Inspector K. PROWSE

DESCRIPTION: Photograph depicts a koala located in the koala exhibit of Waterways Wildlife Park

PHOTOGRAPHIC EVIDENCE SHEET



PHOTOGRAPH NUMBER: 04



DATE: 22nd February, 2010

PLACE: Waterways Wildlife Park, Mullaley Rd Gunnedah

TAKEN BY: Inspector K. PROWSE

DESCRIPTION: Photograph depicts a koala located in the koala exhibit of Waterways Wildlife Park