

**Submission
No 13**

INQUIRY INTO THE RSPCA RAID ON THE WATERWAYS WILDLIFE PARK

Organisation: Waterways Wildlife Park
Name: Mr & Mrs Colin and Nancy Small
Position: Operator
Date received: 21/06/2010

**SUBMISSION OF NANCY PATRICIA SMALL
FOR AND ON BEHALF OF COLIN AND NANCY SMALL**

1. My full name is Nancy Patricia Small.
2. I make this submission on behalf of my husband, Colin and myself.
3. I reside at [
4. I am a Wildlife Park Operator.
5. I left school at the age of 15 years
6. I was trained as a Veterinary Nurse between the years of 1994 and 1996 and qualified in that position.
7. I married Colin Small on 17 December 1966.
8. Colin and I have been operating the Waterways Wildlife Park since 1981.
9. Since 1993, we have been assisted in that operation by volunteers from the Gunnedah community.
10. Since 1981, I have been caring for animals that are healthy, orphaned, sick or injured. Basically, any wild animal in the district that needs help ends up at our place.
11. The Friends of the Waterways Wildlife Park hold a license from the National Parks & Wildlife Service that allows me to take in animals so that they may be rehabilitated back to a state where they can return to the wild.
12. If, as sometimes happens, the animal is unable to recover to that extent, I am permitted under a license granted to me by the Department of Primary Industries to exhibit those animals at the Waterway Wildlife Park.
13. My husband and I and the Friends of the Waterways Wildlife Park have held those authorities for many years. Those authorities were renewed on 1 July 2009 for 12 months.
14. I have extensive experience in caring for sick or injured koala.
15. If a sick koala is brought in to me, the first thing that I do is to assess its condition.
16. If it is cold, I get its body temperature up.
17. I then place the koala upright in a basket and encourage it to eat by placing wet leaves in the basket with the animal.

18. If my assessment reveals that veterinary attention is required, I take the koala in to David Amos, one of the local veterinary surgeons.
19. It has been my experience that old age is the predominant adverse condition that koala brought to me suffer from.
20. Once I have satisfied myself that an animal has been returned to a state where it can be put back in the wild, I release the animal back into the wild near where it was found but away from any road, traffic, dogs or cattle.
21. If the koala is not well enough to be released but not sick enough that it needs to be put down, I keep the animal in the rehabilitation area unless it can be exhibited with permission from the Department of Primary Industries.
22. In relation to injured koala, most of the injuries I see occur from cars or dogs with the occasional injury caused by cattle.
23. These injuries can range from minor to serious.
24. I can give many examples of injuries but the worst I have seen occurred in a koala that had major gashes all over its body and, when found, there were maggots in its wounds. I took that koala to the local vet who cleaned out the wounds. I then returned home with the koala and treated the wounds over the next 12 months under the direction of a veterinary surgeon until the koala made a full recovery. The koala was then released back into the wild.
25. Another koala that was taken into the Gunnedah Veterinary Hospital and seen by Dr David Amos had only half a face. The skin had been torn off altogether from the other half of her face. She also had a gash under her chin and her oesophagus was showing. David Amos asked me to come into the hospital and to assist with her care.
26. After he had finished his treatment, I took the animal back to the Waterways Wildlife Park and I continued to treat her by dressing her wounds three times a day with the application of antibiotic ointment.
27. I continued that treatment for some 12 months until she fully recovered and I then released her back into the wild.
28. The problem you have when you take in injured or sick animals is that you have no idea how many are going to turn up on any given day and basically you just try and help them.

29. The koala enclosure of the Waterways Wildlife Park was built to specifications supplied to me by the Department of Agriculture approximately 20 years ago. At that time, it was the Department of Agriculture that was the licensing authority. The enclosure has been well maintained since that time.
30. I provide fresh leaves to the koala every evening. The leaves supplied are a mixture of different varieties of eucalypt.
31. My husband and I go out and collect those leaves from private properties and from land owned by the Gunnedah Shire Council on average every second day.
32. We give half of those leaves to the koala that day and the other half the following day.
33. The leaves were stood in pales of water and secured against the poles upon which the perches ran. This allowed the koala to have access to the leaves while sitting on the perches.
34. Because the pales were, of necessity, directly below where the koala ate and koala drop scats repeatedly whilst they are eating, some scats fell into the pales.
35. The pales were cleaned out every second day.
36. Often, on hot days, koala would climb down the poles and rest their rear ends in the water in the pales to get cool. I have even seen koala immerse most of their bodies in the water in the pale when it gets really hot.
37. It is not unusual in January and February to find the koala with wet bottoms from sitting in the pales.
38. It has been my experience over 30 years that the leaves collected by us will keep for two days.
39. The koala in the enclosure eat about two thirds of the leaves that we provide them daily. They eat more in the winter time. The koala pull a lot of leaves off the branches but only eat part and then drop the residue and grab another handful. This means that there is a pile of leaf material on the ground every day that gets cleaned up when the enclosure is cleaned every third day.
40. Drinking water is provided in the koala enclosure in a cement water dish. Depending on the weather, the amount of water consumed varies.
41. I completely clean the koala enclosure every three days and the water container is scrubbed out at that time and fresh water placed in it.

42. Between the cleaning days, the water is topped up as required.
43. We have also set up a spray system in the enclosure that is turned on to provide a mist during hot weather in order to keep the koala cool.
44. One of the koala that we have had for many years was called "The Little Old Lady". I estimated that her age was between 16 years and 17 years which is an extremely long time for a koala to live, much longer than one would expect her to have lived in the wild.
45. By the start of February 2010, she was seriously old and she was seeing out her last days but she was still capable of climbing up the timber perches in order to feed and sleep and also getting down to drink from the water trough.
46. I had looked after her for so long that she was basically part of our family and I always ensured that I took special note of her condition every day.
47. On 18 January 2010, I was admitted to Tamara Hospital at Tamworth for a total hip replacement. I remained in hospital until 25 January 2010.
48. Whilst I was still in hospital I received a phone call from my daughter, Jodie Marwick before lunch on 22 January 2010. Jodie said:
- "Mum, there is a woman from the RSPCA here. What will I do?"
49. Jodie was looking after the Waterways Wildlife Park in my absence.
50. I said:
- "Keep cool and find out what it is that she wants."
51. Jodie rang me back later that same day very upset and said:
- "That lady was really aggressive. She was abusive and bad mannered. There were other people here at the park and she abused them as well. Tina and I took the RSPCA lady around the park. She said that two of the dingoes looked pretty crook and may have to be put down. We also overheard her talking on her mobile phone. She said to whoever she was talking to that things aren't as bad as she had been lead to believe. This lady's manner then changed from being aggressive to being nice. We took a short cut past the rehab area and she asked me what we had in there and I told her that we had two rehab koalas. When we got up to the main koala enclosure, we offered to show her the koalas

in it. She and I went into the enclosure and that lady said that these are the best looking koalas she had ever seen. She said that they were dropping like flies over at Port Macquarie from Chlamydia. She asked if she could take some photos on her phone for her granddaughter and we told her she could. I saw her take those photos and then when she was leaving, some tourists came in the gate and this lady said to them that they should go in because they would really enjoy it. As she left, she said to me to tell mum not to worry because she would be back in a couple of weeks with a bit of paperwork to tidy up."

52. I have not been provided with copies of the photos the RSPCA officer took that day.
53. One of the Friends of the Waterways, Judith Mitchell, later put her recollection of what happened that day in writing. I produce a letter from Judith Mitchell dated 9 June 2010.
54. I understand that my daughter, Jodie and my daughter-in-law, Teena, both put in submissions to the Enquiry.
55. My husband Colin later told me that he had shot and buried the two old dingoes that the RSPCA lady had said should be put down. I was a bit shocked by that because normally I would use the vet to euthanize in that situation but it was too late to do anything by the time he told me.
56. Both dingoes were very old and it had been our intention to put them down. The reason that they hadn't been put down earlier is that I do find it difficult to have any animal put down.
57. The dingoes had fleas and some had dermatitis and I had already spoken to David Amos about getting treatment for the fleas and he said that he would order it for me. It was still on order at that time.
58. When I got out of hospital and returned home, I rang the RSPCA at its Tamworth office and also at its Yagoona office to try to check out who this lady from the RSPCA was. I did this because I had previous experience with a person who actually pretended to be a Wildlife Officer and even was dressed up like one and it turned out that he was a fraud. Because the lady had not left any card or any identification, I wanted to find out whether she really was from the RSPCA.

59. The lady I spoke to at the Yagoona office of the RSPCA asked me if I wanted to make a complaint. I informed her that I didn't. I said that I just wanted to speak personally to the lady who had attended the park.
60. The lady at Yagoona said that she would ask that officer to ring me but, unfortunately, I never heard anything further.
61. On 2 February 2010, David Quince, a farmer from Tambar Springs, came to the Park with two backpackers. David often did this. I allowed them into the koala enclosure so that his overseas visitors could see how lovely our national treasures were. They took photos.
62. David later provided a statement of what he saw that day and attached the photos. I **produce** that statement with its photos.
63. On 3 February 2010, I did the morning feed up and was assisted by Shaun Wallace who is one of the volunteers at the Park.
64. I opened the Park up to the public at 10:00 a.m. that morning and a couple came in soon afterwards and said to me that they had been there two years before and wanted to visit the Park again as they had enjoyed it the first time.
65. A short time later, one of our local residents, Sue Smart, came in with her daughter and a friend from New Zealand and a young girl and said that they would really like to see the koalas.
66. I said that I would show them the koalas because I wanted to check on the sprays to see if they needed to be turned on because it was getting warm that day.
67. I went down with Sue and her family and friends to the koala enclosure and formed the view that it was not too hot so I didn't turn the sprays on.
68. The leaf in the koala enclosure that morning had been collected the day before and given to the koala the same day it was collected. They were to get the other half of that previous day's collected feed later that day.
69. The branches were sitting in their pales of water which had been filled the previous day.
70. The guests had a good look at the koalas, took some photographs and, while they were in the koala enclosure, I looked over and saw that the other two visitors were coming towards the koala enclosure. I said to them that they could come in and have a look at the koalas as well. They did that and they took some photos.

71. Sue Smart and her family and friends then got ready to leave the koala enclosure which would have been around 10:45 a.m. As they did this, I could hear a lot of yelling, but I couldn't make out what was being said because there was so much noise.
72. I yelled out that I was down in the koala enclosure and I went back to talk to Sue Smart and said to her that I wasn't sure who was doing all that yelling.
73. I glanced back and saw and heard a uniformed woman yelling out. I turned to Sue and said:
- "That's all I need!"
74. I turned back and then realised that this woman wasn't alone. She was still yelling directly at me saying:
- "Are you the owner of the park?"
- I replied:
- "Yes, I am."
- She then yelled:
- "Are you Nancy?"
- I replied:
- "Yes, I am. What's all this about?"
75. This woman did not identify herself to me.
76. I saw that there were three people in RSPCA uniforms and I recognised one of them from the TV show Animal Rescue. There was also a lady there who I had seen on that same program. She had an emblem on her shirt saying "Taronga Zoo". There was another girl who had an emblem on her shirt saying "Dubbo Zoo". There was also a female National Parks & Wildlife Service officer. On top of that, there were two men and a lady who seemed to be part of a camera crew.
77. None of the three people in RSPCA uniforms provided me with any evidence that he or she was an officer.
78. One of the three people in RSPCA uniforms identified himself as Matt French and said to me:
- "I am here about a complaint made about two dingoes, the kangaroo, the emus, the deer and the ostrich."

I said:

"The two dingoes have already been euthanized and buried."

79. When I told Mr French that the two dingoes had already been euthanized and buried, he was very annoyed and said:

"You've gone against our instructions that were given on the previous visit by Inspector Prowse."

80. He pointed to the officer who had done the yelling when he said this so I assumed she was Inspector Prowse.

81. I replied:

"I wasn't aware of any instructions given, written or otherwise."

82. He made no response.

83. One of the three people in RSPCA uniforms then said:

"We are going to go into the koala enclosure."

I replied:

"Why? I understood there was no complaint about the koala."

One of the three people in RSPCA uniforms said:

"That doesn't matter. We are going in anyway."

84. I was not given any reason for the exercise of this power nor was I given any warning that failure or refusal to comply with a request of an RSPCA officer, in the exercise of a power, may be an offence.
85. Sue Smart and her family and friends were coming out of the koala yard at that time.
86. I subsequently received a letter from Sue Smart regarding that day and she gave me copies of the photos that were taken within the hour before the RSPCA arrived. I produce a copy of the letter and photos.
87. All nine people then stormed into the koala enclosure, setting up their cameras.
88. One female person and Inspector Prowse started to manhandle the Little Old Lady and fiddle with another of the koala.
89. A lady who was with the film crew pushed a piece of paper in front of me to sign. I said:

"What for? The cameras are already rolling!"

She replied:

"It won't stop the cameras. This paper is to allow you to get across your point of view."

83. I didn't have my glasses with me but I could read the heading of the piece of paper which was in large print and said the words "Animal Rescue". I couldn't read the rest of the document.
84. The lady said that she would read it to me but she didn't read it to me. She also put another piece of paper in front of me to sign as well. I didn't know what I was signing.
85. By this time, I was very upset with the overbearing attitude of these people and I was upset by the way they were handling the koalas. I said to Matt French:

"Why is this happening? Why won't they listen to me?"

He replied:

"They are doing their job for the welfare of the animals."

Inspector Prowse then stepped in and aggressively asked me:

"Who owns the koalas?"

I said:

"Australia owns them. I am just the carer."

She went back to the koala. I asked Mr French again:

"Why is this happening? Who is this lady manhandling the koala?"

He replied:

"She is a fully qualified vet from Taronga Zoo."

The female who had the Taronga Park Zoo uniform said:

"These koala are sick and underweight. I am a fully qualified vet from Taronga Zoo."

I said:

"I don't care a crap who you are. There is nothing wrong with these koala."

10

She talked over the top of me and said:

"We are taking these two koalas. No, on second thought, we will take the bloody lot."

I said:

"There is nothing wrong with them. This is all wrong."

She said:

"Any koala that goes to ground is considered sick."

I said:

"But you don't know the habit of koalas in this area."

I kept pleading with them that what they were doing was wrong. The lady then said:

"We will leave the koalas here over night and come back in the morning and get them."

One person asked me at one point:

"Do the koalas have names?"

I replied:

"No."

The lady from Taronga Zoo asked:

"Have the koalas been microchipped?"

I said:

"No."

One of the people then said:

"We'll go now and check the rest of the Park."

I said:

"You should start with the kangaroo enclosure."

90. They all left the koala enclosure at about 11:30 a.m.
91. By the time they left, I did not see that any treatment had been administered to any of the koala. All of the koala in the enclosure were left in exactly the same state that they had been in when this group arrived.

92. From the koala enclosure, they walked towards the kangaroo enclosure but, instead of going through the gate, some of the group jumped the fence. It seemed weirdly dramatic to me when there was an extremely good gate nearby and no need to rush anywhere.
93. When they jumped the fence into the kangaroo enclosure, they were ahead of me.
94. Then Inspector Prowse came walking back towards me yelling at me and pointing at a kangaroo:
- "Did you know that this red roo has a sore eye?"
- I replied:
- "Don't you think that if I did, I would be so stupid as to invite you into the yard?"
95. The roo was examined by some of the people and then one of them said:
- "We'll come back later and give it some treatment."
96. I closed off the yard so that the red kangaroo couldn't go anywhere.
97. At the lizard enclosure, some of the people jumped the fence to inspect the lizards. Again, this was completely unnecessary. It wasn't as though the lizards were going to run away! One of the group picked up a shingleback and said:
- "This one's nearly dead. See the white mouth? It has to be euthanized straight away."
98. They then set the cameras up and made a big thing out of the shingleback and why it had to be put down.
99. Inspector Prowse was holding the lizard and making a speech in front of the camera.
100. I said to Mr French:
- "I don't think that she is the right person to be in the RSPCA. Her attitude and her overbearing manner would give the RSPCA a bad name."
- He said:
- "I am her boss."
- I replied:
- "I don't care what you are. How come the camera crew are here?"

He replied:

"Where I go, they follow."

One of the females then came and said to me:

"We are going to take two other shinglebacks as they are underweight and we will need to run tests on them. We will get back to you with the results. The other lizards appear to be obese."

101. I did not agree with their view as to the state of the shinglebacks at all. I doubted their ability to make such judgment. As it turned out, one of the shinglebacks that she alleged was obese gave birth to a baby shingleback about a month later so obviously this woman confused pregnancy with obesity. That is not something I would have expected from someone who called themselves an expert.
102. The lady who was part of the film crew then stuck a microphone in my face and asked me what I thought about what was going on. I didn't say much. I felt totally defeated and gutted out by their attitude.
103. As we walked around, the group had made comments about how we had too many kangaroos, too many emus and were discussing what they were going to do to reduce the numbers. I was beside myself worrying about how they were going to start slaughtering our animals.
104. We proceeded to the deer yard and then on to the ostrich yard. Inspector Prowse wanted to go in and have a closer look at the ostrich. I called the camera crew over and said:

"I won't be responsible for anyone's welfare if they get in there. The male ostrich will gut that officer out and then the cranky emu will pick the rest."
105. No-one entered the ostrich yard after I said that.
106. We then moved on to the dingo yard and Inspector Prowse said:

"Will the dingoes attack us if we go in there?"

I replied:

"No."

She said:

"Can we go in?"

I said:

"No. I don't have a key with me. I will go and get my keys if you would like."

She said:

"Don't worry."

107. We then went past all of the aviaries. Thee group did not seem interested in the birds. We came up to the echidna yard. Again, the RSPCA people jumped the fence rather than going through the gate. I was horrified by this behaviour and told them to be careful as they could land on top of the echidna.
108. One or more of the RSPCA people used a stick to poke down the tunnel for some time, apparently to try to convince the echidna to come out. I walked away in disgust. I didn't think that RSPCA people would act like that.
109. By this time it was late in the afternoon around 4:15 p.m.
110. One of the people said:

"We are going back to treat the red roo."
111. They headed off with the camera crew and all and went to the roo enclosure where the red roo was. The red kangaroo had a corneal ulcer. He was not distressed in any way and definitely did not have a low body condition. It was tranquilised but that was approximately five hours after it was initially examined. It was then treated after it was tranquilised.
112. During those five hours, which constituted the hottest part of the day, no treatment or care was given by any person from the group of nine to the koala.
113. During the whole of the time that I went around the Park with that group of nine, the cameras were in my face all the time.
114. Because I had just had a total hip replacement, I was in extreme pain. I went back to my house to get my pain relieving medication.
115. When I got to the kiosk, I was confronted by one of the volunteers at the Park, Shirley George. She was crying. She said that she had never been so embarrassed in her life. She said that RSPCA Inspector Prowse had abused her and some visitors and

had told them to get out of the koala yard because she was the RSPCA and they were taking the koalas.

116. Those visitors were from Holland. I subsequently received from Gunnedah Shire Council a copy of an email chain that had passed between them and the RSPCA. I produce that email chain.
117. These two tourists had been so shocked by what they had seen and the way they were treated that they went to the Tourist Information Centre in Gunnedah to complain. They left their names and, later, took the time to put their complaint in writing to the Chief Inspector of the RSPCA by that email.
118. I took my pills and, when I came back outside, a journalist from the local paper was there. He asked me what was going on. I said that I didn't know but that I was gutted as I didn't understand what was happening.
119. Mr French then came up to the kiosk and said to me:

"We will be seizing all the koalas and two of the shinglebacks."
120. I was not told why all the koala were being seized.
121. The group of nine had been happy to leave the koala unattended and untreated for five hours during the hottest part of the day. I could not see any reason why the animals needed to be taken and, obviously, they couldn't have been distressed, ill or in a state that warranted seizure if the group of nine were able to leave the koala in the enclosure all day.
122. The only change that I could see that had occurred between when I was told that they were taking two koala to when she said they were taking them all was that a journalist had arrived.
123. Mr French then asked the journalist who he was and that journalist introduced himself as being from the local paper and said that he hoped that Mr French wouldn't mind him being there. Mr French replied:

"I couldn't care less."
124. The journalist then followed Mr French down to the koala enclosure.
125. The next minute, Inspector Prowse came rushing up and went out to a vehicle and then came back in carrying washing baskets and towels.

126. I said:

"Excuse me. What are you doing?"

127. She ignored me, so I said it again.

128. She replied aggressively:

"We are taking the koala now."

I said:

"But you said you would leave them here overnight and take them in the morning."

She replied:

"We are taking them now."

129. The only change that I could see that had occurred between when I was told that they were leaving the koala with me overnight to when she said they were taking them now was that a journalist had arrived

130. Allan George, who was the husband of the volunteer Shirley George, came up and said to me:

"You better go down to the koala yard. It looks like they are poisoning the Little Old Lady."

131. I went to the koala enclosure where the lady from Taronga Zoo and the lady from Dubbo Zoo had the Little Old Lady on the ground. I looked in and saw that the Little Old Lady looked stressed by the way they were handling her. The lady from Taronga Zoo said:

"I am not poisoning her. I am just trying to give her oral rehydration."

132. I turned away but then looked back to see them shaving her arm and putting in a drip line. All of this was being caught on camera.

133. I felt defeated and started to walk away but then Inspector Prowse came up to me and I said:

"You shouldn't have upset our volunteers and visitors."

She then pushed her face right up into mine and said:

"That's all hearsay. You can't do anything about it."

I said:

"But Shirley is still here. She is still upset by the way you treated her."

134. I couldn't bear to stand around and watch what they were doing, so I left.
135. My daughter-in-law, Tina Sutcliffe, was there and she later told me that the koala were screaming as they were being needled in order to sedate them. They had drips put in and then they were placed in washing baskets and then taken out to the vehicles.
136. My husband had just come home by the time that this mob of nine people were leaving and one of the RSPCA officers came to the kiosk and said:

"Do you mind if we take the leaves which you were feeding out to the koalas?"

Colin and Tina both replied:

"Go and get your bloody own."

137. I overrode them because I couldn't stand the thought of the koala coming out of sedation, petrified as to their surroundings and not having at least some familiar food.

I said:

"No, you can take them. At least it will give the koalas the right feed when they come to."

138. Mr French and Inspector Prowse then came up to me and handed me a piece of paper and asked that I sign it. I said:

"I am not going to talk to you (referring to Inspector Prowse)."

She replied:

"You have to."

I said:

"No, I'll talk to Matt but not you."

My daughter-in-law, Tina signed the form and Mr French proceeded to say:

"If we seized the animals, you will be up for the costs and you could be charged, have to go to Court, go to jail or be fined. If you surrender the animals, you won't have to pay any of those costs

but you could still be charged and go to Court and go to jail or be fined."

139. I produce that form.
140. The National Parks & Wildlife Service lady stayed in the background during all of these events but came and said to me as they were leaving:

"They are taking the koalas to David Amos' to stay overnight."
141. I was comforted by that statement because I knew that David Amos would firstly ensure that the animals were cared for overnight but secondly would have the opportunity of examining their state of health and, in that way, I would have an independent vet look at the animals.
142. I was not provided with any verbal or written advice by any of the RSPCA officers or the zoo officials as to anything that Colin or I needed to do in relation to the animals under our care or the way they were being looked after by us or house or fed by us.
143. I was definitely not told that there were any significant problems in the Park or that there was any need to act as quickly as possible to resolve any situation.
144. I state that all of the animals taken that day were, in my opinion, in good health, except for the Little Old Lady and her problem was simply old age and she was living out the last of her days in peace in the home she had had for so many years.
145. I have no doubt that taking her away with so many other distressed koala would have had an adverse affect on her.
146. One of them adult koala illegally taken by the RSPCA had a baby joey in her pouch so in fact nine koalas were seized but the seizure notice only listed eight.
147. That baby joey was about the size of my thumb.
148. I found out the next day that the animals had not been taken to my vet's surgery.
149. I had no idea where they were. I was worried as to what condition they were in and what care they were getting. I couldn't even get my vet to examine them.
150. I did not know what to do.
151. After contacting the Gunnedah Shire Council, they suggested that I seek legal advice from their solicitor, Alan Beer, so I went to him on 5 February 2010.
152. I instructed him to request that the RSPCA advise immediately where the animals had been taken to, what care they were getting and what condition they were in.

153. I left that matter in the hands of Alan Beer and then, later, Peter Long took over helping me.
154. I **produce** a copy of all correspondence between my solicitors and the RSPCA and its solicitors. You will see that the RSPCA's response to every legitimate enquiry and demand made by our solicitors was basically pathetic and totally unacceptable for an organisation with its power and experience.
155. I contacted Matthew Crane, who runs the Exhibited Animals Section of the Department of Industry and Investment, the day after the RSPCA had been to the Park and informed him of what had happened.
156. He said to me that he knew that they were going to the Park and that he had been invited to attend but had declined that offer.
157. He said to me that he would come to Gunnedah as it would be necessary for him to do an inspection given that the RSPCA had been to the property.
158. He came to the property on 8 February 2010 and he had with him Dr Steven Jackson. I understood that Steven worked under Matthew and that Matthew was the team leader.
159. They arrived in the afternoon of 8 February 2010 and spent about three and a half hours inspecting all of the Park.
160. Matthew said to me at the end of that inspection that, if he needed any more information, he would be back the following day as he and Steven were going to stay in Gunnedah.
161. I said that it would have to be after 10:30 a.m. because I had a meeting that had previously been arranged for me to meet with the Gunnedah Shire Council.
162. Matthew said that he would write up his report and that I would have that within seven days.
163. I went to my meeting the following morning on 9 February 2010 and the, after 10:30 a.m., Matthew and Steven came back to the Park.
164. They inspected the food storage area and the food preparation room.
165. Matthew said that it was an absolute disgrace.
166. On 12 February 2010, I heard through a media report that the animals were at Port Macquarie Koala Hospital. By then, having them independently assessed by my vet as to what condition they were in nine days earlier was a waste of time.

167. The promised D of I&I report was not forthcoming within seven days as Matthew Crane had stated.
168. I spoke to Matthew Crane to organise a meeting at Gunnedah with representatives from the Gunnedah Shire Council. At that time I asked where the report was. Mr Crane informed me that he would bring a copy of a draft report with him to the meeting and that it would be available for me.
169. The RSPCA served me with a Section 24N Notice on 22 February 2010. I produce that Notice. This was basically an improvement notice. Most of what was in it was already being done. The RSPCA did not return to inspect the Park until two months later when some of the illegally seized animals were returned and the inspectors did a quick inspection that day.
170. The meeting with Matthew Crane took place at Gunnedah on 24 February 2010. At that meeting, I was advised that the D of I&I would provide me with the report by 5 March 2010.
171. At 3:48 p.m. on 5 March 201, the D of I&I advised that it was experiencing delays and could not meet its own deadline.
172. The D of I&I subsequently indicated that the report would be available by 12 March 2010 was also not met.
173. There was then no further communication whatsoever from the D of I&I until 23 April 2010 when our solicitor was emailed a copy of the letter to us dated 22 April 2010 together with its enclosures. That was the Thursday afternoon before the Easter break.
174. The delay in the D of I&I providing its report has been so significant that the passage of time since 9 February 2010 and the works done at the Park by my clients and by members of the Gunnedah community during the intervening period resulted in the Inspection Report by Mr Crane and Dr Jackson being no longer relevant to the issue of the ongoing operation of the Park.
175. Neither my husband or I were ever charged with any offence by the RSPCA nor did we receive any caution. Given that we had done nothing wrong and everything the RSPCA did on 3 February 2010 was illegal, I never expected them to charge us.
176. Despite the animals being illegally seized and repeated demands being made by our solicitors for their return, they were not returned until Thursday 15 April 2010 when

five koala and two lizards were returned. Two more koala were returned on Thursday 20 May 2010 but without the joey that was seized.

177. I asked the RSPCA officer who returned the animals on 20 May 2010 where the joey was and he said:

"It died."

I was shocked as I had not been previously told about the joey dying. I said:

"How did it die. What happened? When did it die?"

He replied:

"These things happen. You'll have to get your solicitor to find why and when."

178. Our solicitor did make that enquiry but, as the correspondence from his file indicates, he got a most unsatisfactory and unacceptable reply.
179. I met with Matthew Crane on 7 and 8 June 2010 and we had a thorough inspection of the Park. It was agreed that significant steps had been taken to address the concerns held by the D of I&I but some fine tuning still needed to be done. This is being attended to.

Complaints:

180. Our first complaint is that we received no verbal or written notice from the RSPCA following the visit to the Park by Inspector Prowse in late January 2010 expressing any concerns about the state of the animals. If, as the RSPCA allege, the animals were in such distress, why was care not immediately administered?
181. Our second complaint is that we received no verbal or written notice from the RSPCA advising us of the proposed visit to the Park by nine people on 3 February 2010.
182. Our third complaint is that the RSPCA and, in particular, Inspector Prowse, behaved in such a way on 3 February 2010 that I felt like a criminal and completely abandoned, gutted and confused.
183. In addition, three experienced RSPCA officers failed to follow the procedure set out in Section 24C of the *Prevention of Cruelty to Animals Act* which rendered their actions that day illegal. It was they who were the criminals, not me.
184. Our fourth complaint is that the RSPCA brought a film crew with them on 3 February 2010 unannounced and without prior permission from us.

185. Our fifth complaint is that this film crew sought to obtain my signature on a release document by lying to me as to what that document was.
186. Our sixth complaint is that we were lied to as to where the animals were to be housed on the night of 3 February 2010 and thereby denied the opportunity to have our animals inspected by a veterinary surgeon of our choice.
187. Our seventh complaint is that the RSPCA refused to advise our solicitors as the legal grounds upon which they acted as they did on 3 February 2010 despite repeated requests.
188. Our eighth complaint is that the RSPCA refused to advise our solicitors as the legal grounds upon which they issued a Section 24 N notice on 22 February 2010 despite repeated requests.
189. Our ninth complaint is that the RSPCA refused to return the animals that they had illegally seized. Even if the seizure had been legal, they only had 60 days to keep them and they kept them longer than allowed. Even if, as they allege, the koala couldn't be returned earlier than they were because they were getting treatment, there was no explanation provided by the RSPCA as to why the lizards, who were not getting treatment, were not returned within the time specified under the Act.
190. Our tenth complaint is that the RSPCA failed to advise us or our solicitors that the joey had died, apparently in March 2010.
191. Our eleventh complaint is that the explanation given by the RSPCA as to how the joey had died is without basis. The joey, by mid-March 2010, would have been the size of a human child's fist. It would be impossible to miss if it was lying on the ground. Koala do not eat their young and the only support that the RSPCA can find for that spurious assertion is from the very facility where the joey allegedly met its fate.
192. We make no complaint about the D of I&I because we have always been able to work with them in order to achieve the best possible outcome for the animals in our care.

SIGNATURE

Signed *N.P. Small*

18th June 2010