Submission No 9

INQUIRY INTO THE RSPCA RAID ON THE WATERWAYS WILDLIFE PARK

Organisation: RSPCA NSW

Name: Mr Steve Coleman

Position: Chief Executive Officer

Date received: 21/06/2010

RSPCA
for all creatures **great** & **small**

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

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17th June 2010

The Director
General Purpose Standing Committee No. 5
Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Director,

The RSPCA welcomes the Inquiry by the General Purposes Standing Committee No. 5 into events at the Waterways Wildlife Park.

The RSPCA looks forward to the opportunity to provide testimony directly to the Committee at its Public Hearings.

In its testimony, the RSPCA will strongly maintain that its actions in the case of Waterways Wildlife Park were fully aligned with its legislative responsibilities for animal protection.

In the interim, I forward several documents that may be of assistance to Committee Members and Committee officers as regards to the established terms of reference and our role in the context of the Waterways Wildlife Park. These include;

1. Fact Sheet - RSPCA investigation of Waterways Wildlife Park
2. Statement - Operations Manager Mathew French
3. Statement - Regional Team Leader Kylie Prowse
4. Certificate of Expert Evidence - Veterinarian Dr Michelle Campbell
5. Certificate of Expert Evidence - Veterinarian Dr Christopher Livingston)
6. Certificate of Expert Evidence - Cheyne Flanagan (Dated 23/2/2010)
7. Certificate of Expert Evidence - Cheyne Flanagan (Dated 2/6/2010)
8. Letter - Chief Inspector David O'Shannessy

If you or the other Members of the Committee, or its officers would like any further information or clarification prior to the public hearings, please feel free to contact me at any time on 9782 4499.

Yours sincerely,

Steve Coleman
Chief Executive Officer
RSPCA NSW

General Purpose Standing Committee No. 5.

Inquiry - RSPCA and Waterways Wildlife Park

RSPCA NSW Submission.

Table of Contents

	Page
Fact Sheet - RSPCA Investigation of Waterways Wildlife Park (28 pages)	1
Statement – Operations Manager Mathew French (14 pages)	29
Statement – Regional Team Leader Kylie Prowse (14 pages)	43
Certificate of Expert Evidence –Veterinarian Dr Michelle Campbell (8 pages)	57
Certificate of Expert Evidence – Veterinarian Dr Christopher Livingston (6 pages)	65
Certificate of Expert Evidence - Cheyne Flanagan (23/2/2010) (7 pages)	71
Certificate of Expert Evidence - Cheyne Flanagan (2/6/2010) (5 pages)	78
Letter – Chief Inspector David OShannessy (2 pages)	83

RSPCA

FACT SHEET

General

WATERWAYS WILDLIFE PARK

1 FACT SH

FACTS:

1. On 22nd January 2010 RSPCA attended Waterways Wildlife Park, located on Mullaley Rd, Gunnedah in response to a complaint lodged by a member of the public. Teena SUTCLIFFE and Jodie SMALL were in attendance and RSPCA was informed that Nancy SMALL was the owner of the park but was not at the park as she had been in hospital.

2. RSPCA walked through the park and noted that there were 8 koalas in an enclosure with 3 on the ground hugging the perches. There were 2 koalas in a separate cage located away from the enclosure. When asked about diet and treatment Teena SUTCLIFFE and Jodie SMALL responded that they did not know but that Nancy would.

3. The dingo enclosure housed 8 dogs, 2 in an emaciated body condition and 6 in light body condition. All dingos appeared to have a skin condition. When asked about their condition and any relevant documentation, RSPCA was told that Nancy would know.

4. RSPCA noted that there was no pasture available to any animal in the park, nor fresh hay. Rotten and mouldy fruit was sighted. Feeding was described as "Well we get unwanted fruit from in town and we get donated the unwanted grain from the mill and buy some hay and just put that out."

5. RSPCA requested contact from Nancy SMALL regarding number and species of animals in the park, respective diets, enclosure details and breeding programs. RSPCA left contact details.

6. On the 1st of February, 2010 Inspector Kylie PROWSE was contacted by the producer for the 'Animal Rescue' program to discuss an unrelated matter. During that conversation the producer enquired if PROWSE had any jobs happening that they may be able to attend. PROWSE told the producer that she was attending the Waterways Wildlife Park on the 3rd February and that if Animal Rescue wanted to attend it was up to them to get there, that we would not wait for them and if the park owners asked them to leave then they would have to do so as per the standard arrangement between the Inspectors and the Animal Rescue Crew in place for the past 3 seasons of filming.

7. On the 3rd February RSPCA Officers, Cheyne FLANAGAN (Port Macquarie Koala Hospital Supervisor), Dr Michelle CAMPBELL (Western Plains Zoo veterinarian, Dubbo), Rebecca CASS (Dept of Environment Climate Change and Water) and 3 crew members from Animal Rescue (AR) attended Waterways Wildlife Park.

Fact Sheet (Continued)
Waterways Wildlife Park

8. Two RSPCA officers entered the park and could not locate any person in attendance at the front reception area. They located Nancy SMALL at the koala exhibit. The AR crew had also entered and were filming. SMALL was informed that RSPCA were attending to examine the animals in the park and that there was also a wildlife vet and wildlife expert in attendance.

9. RSPCA, FLANAGAN and CAMPBELL entered the koala enclosure along with SMALL.

10. In relation to the koalas CAMPBELL stated:

"On initial inspection two koalas were sitting motionless on the floor of the enclosure at the base of the erected branches (an unusual location for healthy koalas to rest in an adequately furnished enclosure). Three koalas were sitting in forks in the branches (normal posture) and the remaining koala was lying in sternal recumbency along a horizontal branch with her limbs hanging limply on either side of this branch. There was little suitable foliage available (most leaves remaining on the browse provided were dry and brittle) and the water in which the food was placed was putrid and soiled with faeces. Large numbers of mosquito larvae were present in this malodorous, brown-coloured water. No clean, fresh water could be found in any of the water receptacles within this enclosure.

Clinical examination revealed that 5 of the 6 koalas were in suboptimal body condition (between 1/5 to 2/5). All of the 6 koalas were dehydrated to varying degrees (from mild to moderate) on the basis of skin tone and tenting over the scapulae and the top of the head. No abnormalities were found on thoracic auscultation.

Two koalas were considered to be in need of urgent medical treatment on the basis of their examination:

- The first (subsequently tagged 206) had a body condition score of 1/5 (i.e. was emaciated), was dehydrated, passing mucoid faeces and had urine-soaked pericloacal fur (raising the suspicion of chlamydial infection). Mucous membranes were pale and dry. There were areas of alopecia (fur loss) on the distal limbs and face. This animal was given intravenous crystalloid fluids to provide immediate rehydration. There was no resistance to the placement of an intravenous catheter in the cephalic vein (an indication of marked debilitation). A blood sample was collected for haematology and biochemistry. A hair pluck was collected from the patch of alopecia on the right fore limb (immediately proximal to digits 3 and 4) for microscopy and fungal culture. A total of 180ml Hartmann's solution was given intravenously on the day of the inspection and within half an hour of this treatment commencing the animal's demeanour started to improve and the koala began eating leaves with some encouragement. Subcutaneous fluids (75ml Hartmann's solution) were administered the following morning to further facilitate rehydration and promote normal feeding. The blood results from this animal revealed a mild anaemia, leukocytosis due to

neutrophilia and monocytosis and hypoproteinaemia due to hypoalbuminaemia. These results are suggestive of a chronic inflammatory process and indicate that the animal's protein levels were below normal at the time the sample was taken. Fungal culture of the hair pluck collected from this animal revealed a growth of *Microsporum canis* (ringworm).

- The second koala of immediate concern had a body condition score of 1.5/5 and was markedly depressed. Despite a largely normal posture, this animal was minimally responsive on initial exam and had pale mucous membranes. This koala readily accepted oral fluids administered by syringe.

One koala (with a body condition score of 2/5 and moderate dehydration) had evidence of soft faeces soiling the coat (an indication of gastrointestinal disease).

The sole koala that was considered to be in adequate body condition (but did show evidence of dehydration), was the only animal in this enclosure that responded to examination in an expected fashion (with some level of resistance). This animal was observed drinking from a bowl of dirty water located on the floor of the enclosure (atypical behaviour in a healthy koala; often seen in dehydrated individuals).

Given the finding that all the koalas were dehydrated, oral electrolyte solution was provided by syringe. All but one of these animals accepted the supportive treatment readily. Rehydration and nutritional support was indicated for all as follow-up care."

11. In relation to the koalas FLANAGAN stated:

"It was approximately 12.30 pm (daylight saving time), there was some cloud cover on the day with an ambient temperature of approximately 33-35 degrees. I observed that it was both hot, very dry with no air flow in the enclosure. One of the koalas was observed sitting on the ground drinking from the water bowl as we arrived – the koala later identified as 206. A temperature reading was taken (using a laser pointer thermometer) at the base of the water bowl, which showed 31.5 degrees. Another koala was lying flat on her stomach around the base of a bucket on the ground while another was sitting on the ground behind the same bucket. The three remaining koalas were on the perches in the leaf (temperature of approximately 33 degrees using laser pointer). They were all breathing quite rapidly (fast respiration). The first thing I observed was their dehydrated state – all had sunken eyes and were exhibiting lethargic behaviour. Some of the koalas were observed to have badly stained, wet perineums and rump areas coated in loose faecal material that had a strong offensive acid urine smell. This smell can be associated with koalas sitting in the same location day after day, with the cage furniture not being replaced. A number of the koalas in this enclosure also had a smell of chlamydiosis.

A quick assessment of the koalas' skin turgor confirmed their dehydrated state as they all exhibited "tenting of the skin". A quick check of body condition was done on all koalas (by feeling muscle condition over the scapula, top of the head, forearms and thighs) and this resulted in three of the koalas exhibiting poor condition, two exhibited fair body condition and the one believed at the

time to be the "oldest" koala (the one in the original photo) to be in an emaciated body condition. This female (koala K206) was also extremely dehydrated and in consultation with the attending veterinarian Michelle Campbell we confirmed that this koala required immediate intravenous fluids.
There was a quantity of eucalypt leaf in the enclosure that I estimated to be at least 2-3 days old. The entire top areas of each bundle of leaf branches was stripped bare (where the leaf quality is usually better and has more leaf moisture). The remainder of the leaf on the branches remained untouched as it was dead to the point where when we tested random handfuls of leaf by squeezing, it literally crumbled and shattered. The leaf had a pale green to white appearance which is typical of dead leaf. The ground was also littered with copious amounts of dead leaf that had fallen from branches. As koalas require over 65% moisture in eucalypt leaf to sustain their daily water needs so that they do not need to source ground water (which is normal in the wild) having eucalypt leaf in the enclosure that was so dry was in my opinion not giving these koalas their normal source of daily water requirements and available nutrients. In my opinion, low eucalypt leaf moisture coupled with the hot dry temperatures of the western plains summers (i.e. condition of animals was result of preceding conditions, not immediate on the day), had been a contributing factor to what I would have no doubt in clinically categorising as chronic dehydration.
I observed that the level of water in the containers in the koala enclosure was not only low but black in colour, full of faecal pellets and odiferous. Consequently the stems would have been unable to utilise this putrid water and hence leaf had died on the branches rendering the moisture level below an acceptable hydration point for the koalas' daily needs.
There was also one container of leaf erected in the open end of the enclosure in full sun which would render this leaf useless in a short space of time.
Of greatest and most urgent of concern was the aged and emaciated female koala's state of health (K206). She was in extremely poor condition with advanced muscle wastage, badly matted fur and was so debilitated that she was unable to groom herself. She had a badly matted rump and perineum area consisting of hard faecal material, fur and discharge. She also had suffered fur loss under the chin, and neck which had packed into a ring of matted material about 15cms long. This old koala was also passing loose to liquid faeces that were mucous coated. This old koala also smelt badly of urine and diarrhoea."

12. In consultation with both CAMPBELL and FLANAGAN, the RSPCA made the decision to seize the 6 koalas in the enclosure in accordance with section 24J of the Prevention of Cruelty to Animals Act, 1979.

13. Nancy SMALL was informed that the koalas were being seized in order for them to be provided with veterinary treatment as recommended by CAMPBELL. It was further explained to Nancy SMALL that RSPCA wished to work with her to resolve the issues, asked her if she was ok to walk with them around the park

and explained that she could ask the film crew to leave at any time. Nancy SMALL replied "No, it's alright, I guess they are here to do a job too."

14. CAMPBELL and FLANAGAN administered treatment to the koalas in the enclosure. Shortly after the group moved towards the 'rehab' area. Nancy SMALL indicated that it housed 2 koalas but could not explain why they were in rehabilitation facilities other than they were under the National parks Licence. When asked about the 2 dingos of particular concern from RSPCA's last visit, Nancy SMALL stated that her husband had shot and buried them. When asked if she had a post mortem procedure done she indicated "No".

15. 2 RSPCA officers, CAMPBELL and FLANAGAN entered the rehab cages. RSPCA made the offer to note any questions to allow Nancy SMALL to rest. SMALL Indicated that she wished to continue. The Animal Rescue producer had a conversation with SMALL and she signed a release form. RSPCA told Nancy SMALL that she could control the crew and if she wanted to take the release form back she could do so.

16. CAMPBELL stated:

"sighted two koalas (one adult female and one subadult female) which were present in a single enclosure. The adult appeared to be in reasonable body condition (3/5) and was adequately hydrated. The subadult, however, was thin (2/5 body condition score), weak and had significant urine soiling of the pericloacal fur.
Further evaluation for each koala was recommended including:

- Full clinical examination
- Haematology
- Serum biochemistry
- Conjunctival and urogenital swabs for Clearview® Chlamydia screening

The subadult animal was in need of immediate rehydration and nutritional support. It was recommended that the animals remain isolated from other koalas pending the results of *Chlamydophila* screening. Following inspection and examination of these two koalas and in light of the likelihood of these animals carrying serious infectious disease, a decision was made to remove them from the property to conduct the aforementioned treatment and diagnostic testing.
Fresh eucalypt browse was present in a large bin containing fresh water adjacent to the rehabilitation aviaries. To maintain access to food during transport, with Mrs Small's permission, some branches from this supply were transferred into the transport containers into which the koalas were placed."

17. FLANAGAN stated:

A second urgent concern related to two young female koalas housed off exhibit in a "quarantine facility". Lying curled up asleep just over the heads of these sick young koalas was a wild brushtail possum and her joey. A quarantine

facility should be such that other animals (wild or domestic) do not have access to the animals so segregated to prevent zoonotic disease transfer. The two young koalas in this "quarantine facility" were observed close together in the corner on a dirty, wet faecal and urine coated timber runner trying to seek some sort of airflow from the window cut into the corrugated iron wall. The enclosure was extremely hot and was about two metres by four metres and two metres high and definitely not adequate to house two koalas that were "sick" as claimed by the owner. The owner appeared to be unable to tell us why these koalas were put in quarantine and said she didn't know "what was wrong with them". If they were sick, then veterinary advice should have been sought from not only from the perspective of animal welfare but also as a requirement of their exhibitors licence. Obviously if they were put "off exhibit" as they were observed to be sick then there must have been some observable clinical signs to document and put into place a plan to manage the problem. I also observed that the eucalypt leaf in this enclosure was dead and shattered when handled. The water in the bucket was the same as the other enclosure being black, putrid and full of faecal pellets, and the top was covered in an oily scum. The floor of the enclosure was covered in urine, squashed faecal material, dead leaf and had obviously not been cleaned for sometime. One of the young koalas was lying flat along the timber runner with the other koala literally sitting on this animal's head, such was the lack of space for them to sit. Both young koalas were dehydrated as evidenced by sunken eyes and exhibiting the classic "tenting" of the skin. Both appeared to be timid and frightened which is not usually the normal behaviour of captive animals who tend to be quite amenable to human contact.

The younger koala (K213) had a strong smell of chlamydiosis, was in very poor body condition and presented with the classic brown staining of the perineum and rump. The older koala (K212) showed minor staining but showed slightly better body condition and slightly more responsive behaviour. Both of them exhibited depressed and flat/timid frightened behaviour. By the appearance of the state of the enclosure it would appear the koalas had been in there for some time.

18. In consultation with both CAMPBELL and FLANAGAN, the RSPCA made the decision to seize the 2 koalas in the enclosure in accordance with section 24J of the Prevention of Cruelty to Animals Act, 1979.

19. The group moved towards the wedge tailed eagle enclosure. Nancy SMALL indicated that they are fed road kill, chickens and fish.

20. The group moved to the top kangaroo yard and it contained red kangaroos and emus. Whole potatoes, pineapples, mandarins and passionfruit were observed on the ground. Emus were seen to attempt to eat whole carrots also. A red kangaroo was identified as having a clouded right eye, a head tilt and to be scratching at the eye. This was obvious from 10 metres. The kangaroo was in poor body condition. This animal was identified as requiring sedation for a closer examination. When asked if she was aware of this Nancy SMALL replied "No".

Fact Sheet (Continued)
Waterways Wildlife Park

21. CAMPBELL stated:

"One male red kangaroo was noted to have a discoloured eye (clearly evident from a distance of approximately 10 metres). This individual had a slight head tilt to the right and was intermittently scratching this side of his head"

"There was a large population of emus present on the property. The bulk of these birds appeared to be in adequate condition. One notable exception was a very thin emu housed with the ostriches. The two female ostriches in the same enclosure had poor feather quality and one was observed open-beak breathing at rest (may be an indication of stress, respiratory disease or hyperthermia). Conversely the male ostrich was bright and in good condition.
In the large series of adjoining enclosures which housed the bulk of the emus (and macropods) the food present was either inappropriate in type or inappropriately prepared. Whole carrots, whole potatoes, whole onions, a whole pineapple, decaying lettuce and a pile of halved rotten citrus fruit were present. In the absence of more appropriate foodstuffs, emus were seen attempting to eat whole carrots and whole potatoes (with obvious difficulty).

22. The group moved to the yard directly below. It contained red kangaroos, emus, and wallaroos. Observed in the yard on the ground was pineapple, turnips, potatoes, ginger, beetroot, ginger, squash, melons, mandarins, oranges and onions. There was rotten food underneath the new food and several rubber bands and plastic clips on the ground. A small Red Kangaroo with patches of hair loss on its rear legs was sighted. It was estimated there was in excess of 100 kangaroos in the yard. There was no live vegetation in the yard.

23. The yard next to this yard contained Parma Wallabies and on a low metal cart there was observed rotten lettuce, celery, onion, leeks and spring onions. A red kangaroo was sighted in this yard in very poor body condition. All of its bony prominences were evident from observation outside of the yard. It also had muscle wastage in its rear legs. Clumps of old lucerne hay were on the ground as well as onions and 7 lemons.

24. CAMPBELL stated:

"Various macropod (kangaroo and wallaby) species were present throughout the property. In the largest macropod enclosure (which also housed a large group of emus) the stocking density was high. The majority of animals appeared to be in adequate condition. Health concerns of note included:

- One red kangaroo (housed with a group of parma wallabies) was very thin.
- Another red kangaroo in the large exhibit had patchy alopecia on both hind legs (indicating some form of skin disease).
- The parma wallabies had rough hair coats but otherwise appeared normal.
- The water in the parma wallaby enclosure was covered by a green slimy film.

Fact Sheet (Continued)
Waterways Wildlife Park

- The food that had been placed in the macropod enclosures was largely inappropriate in type and was of poor quality. For example whole potatoes, large volumes of rotten citrus fruit, whole bunches of celery and onions were observed in piles on the ground. There was no fresh grass for grazing in the areas inspected and I did not see any fresh hay in any of the macropod enclosures. When asked about the provision of hay for macropods Mrs Small replied that "Hay is offered every couple of days". Hay should be available *ad libitum* (at all times) to grazing macropods that do not have access to fresh grass.
- A significant concern was the finding of a large number of elastic bands with attached labels on the floor of one macropod enclosure. These items were the remnants of produce offered with the packaging intact. The potential for the animals to ingest these items was raised. Such items may impede the animal's ability to eat or may cause gastrointestinal obstructions"

25. The group moved to the small bird aviaries and the black cockatoo aviaries. No concerns were identified regarding the body condition of the birds however all aviaries had water that looked to be more than a day old and the seed trays were overloaded to the point of spillage. They looked to contain a large amount of husk (empty seed). Fruit pieces were observed on the ground and were covered in ants. No aviary contained fresh browse.

26. CAMPBELL stated:

"The only concern of note within the small bird aviaries was the presence of produce (generally whole pieces of fruit) offered on the floor of many of the enclosures. It is recommended that all foods are offered to aviary birds in an elevated position to limit the potential for faecal contamination. All seed dishes seen were positioned in this way (elevated above the lower parts of the aviaries). No abnormalities in relation to body condition and demeanour were noted in relation to the aviary birds on exhibit.

Several cages housing galahs were situated adjacent to the koala rehabilitation aviaries. The floor of these cages was covered by a thick layer (at least 10mm deep) of broken (eaten) seed and faeces. The level of hygiene in these cages was below acceptable standards".

27. The group moved to the mountain brushtail possum enclosure. There was no fresh leaf in the enclosure and the available browse was brown and dry. There were 2 carrots and a mandarin on the floor of the exhibit.

28. The group moved to the tawny frogmouth exhibit. There were 4 birds in total with one sitting low to the ground.

29. The group moved to a yard containing swamp wallabies and agile wallabies. 1 agile was observed to be in light body condition and rubber bands were noted as being on the ground.

Fact Sheet (Continued)
Waterways Wildlife Park

30. The group moved to a pen that contained shingleback and blue-tongue lizards. 1 shingleback lizard was identified as being in a state where it was cruel to be kept alive. 2 shingleback lizards were identified as being in poor body condition and dehydrated.

31. CAMPBELL stated:

"A group of shingleback lizards and a blue-tongued skink were housed together in a rectangular enclosure. A very large amount of chopped, mixed fresh fruit and vegetables were present near the entrance to this enclosure.

- One of the shingleback lizards was emaciated, minimally responsive, passing liquid faeces and had white mucous membranes. Given the severity of this animal's debilitation, immediate euthanasia was recommended. This animal has subsequently been assigned identification number A25/10. Euthanasia by administration of intraperitoneal pentobarbitone was carried out. Necropsy examination of this animal has been undertaken. Findings included hepatic (liver) disease, a moderate endoparasite burden and the presence of an ingested piece of foreign material (presumed to be rubber or elastic) in the lower colon. Histopathological examination of a selection of tissues from this animal is currently underway. A complete necropsy report will be compiled once that work has been completed and will be forwarded to the RSPCA.
- Two additional shingleback lizards were in poor body condition, were dehydrated (with sunken eyes and dry mucous membranes), had a moderate tick burden and had crusting of the eyelids bilaterally. Faecal samples were collected from these two animals and have subsequently revealed heavy endoparasite (worm) burdens. After inspection and examination it was deemed necessary to remove these animals from the property for further evaluation and treatment. They have subsequently been allocated identification numbers A23/10 and A24/10. They have received anthelmintic treatment, nutritional and fluid support and topical ocular treatment to clear the debris that had accumulated between their eyes. Both animals have since gained a significant amount of weight (A23/10 from 510g to 670g; and A24/10 from 510g to 628g) and their ocular problems are resolving.
- Two shingleback lizards in this enclosure were obese. These animals must be monitored closely as any sudden reduction in appetite may predispose to hepatic (liver) problems.
- The remaining shingleback lizards were in adequate body condition with no overt signs of disease on examination. Given the high stocking density in this enclosure and the finding of significant parasite burdens in 3 of their enclosure-mates, anthelmintic treatment of these animals is recommended (eg. fenbendazole 50mg/kg once daily for 3 consecutive days, with a follow-up pooled faecal flotation test two weeks after treatment).

The blue-tongue skink was in good body condition but this animal had crusty accumulations around both tympanic membranes – veterinary assessment and

treatment of this animal is recommended including topical soaking of the affected skin and microscopy to rule out ectoparasitic disease and local bacterial infection. The above comments regarding endoparasites apply equally to this animal"

32. SMALL was informed that the shingleback lizard needed to be euthanased. CAMPBELL and an RSPCA officer returned to CAMPBELL's vehicle to euthanase the lizard.

33. The group moved to the fallow deer yard.

34. CAMPBELL stated:

"The fallow deer enclosure contained 3 stags, 2 hinds and a juvenile. The sex ratio in this group is considered inappropriate, especially in a confined space. Low grade aggressive interaction between two of the stags was witnessed. The potential for issues related to male dominated aggression should be considered in relation to this group".

35. The group moved to the dingo enclosure. It was difficult to observe all dingos as they adopted a slinking posture with tails tucked between their legs and were reluctant to approach. 1 adult was observed in light body condition as its ribcage was clearly visible. The dingo had fur missing from inside its hind legs, belly, rump and back. The skin appeared red and irritated. This dingo was the only one to approach the fence and it was constantly scratching. It was noted that all the dingoes were observed scratching. The water in the only available water bowl was dark green in colour, had a strong smell and contained mosquito larvae. There was a large amount of faeces in varied states of decomposition near the water bowl. The decomposition ranged from fresh to hard and white. There was a strong smell coming from this area. When asked about flea and worm control Nancy SMALL stated that she would dump flea powder through the yard and put worming tablets in meat and throw them over.

36. CAMPBELL stated:

"The dingo enclosure reportedly contained six animals. Only three animals were seen in relatively close proximity to permit assessment. They were in lean body condition (2.5/5) and one animal was persistently scratching. The pruritic dingo had patchy alopecia along both lateral body walls. Ectoparasites (fleas and/or mites) are the most likely cause of these signs. When asked by an RSPCA inspector about flea or other parasite treatment, Mrs Small replied that she was planning to apply some flea powder to the enclosure substrate. Individual treatment of the dingoes with a flea control product is advised. Whilst environmental control is an important part of flea prevention, it is not sufficient to eliminate flea burdens on infested animals. The discussion that arose regarding the options for treatment of the dingoes highlighted a significant problem in relation to the provision of medical care for these animals – the

large, rectangular enclosure did not provide any options for separation of individuals and the animals were not conditioned for handling or close inspection. This is a common issue for those caring for wild animals in captivity and some forethought should be given to how best to overcome such constraints (for all species).
No fresh water was seen in the dingo enclosure. A large water receptacle was present in one corner and was covered by a thick layer of green slime. A large amount of dried faeces was present near this water receptacle suggestive that the enclosure had not been cleared of faeces for some time".

37. The group moved to the echidna yard. Only 1 echidna was sighted in a log but could not be removed for closer inspection.

38. CAMPBELL stated:

"The echidna enclosure reportedly contained two echidnas. Only one echidna was seen deep within a log. Close examination of this animal was not possible due to its location. Several empty plastic food containers were present within the enclosure. When asked by the inspector about their diet, Mrs Small replied "They receive a special echidna diet of mince, yoghurt, and various other ingredients". When asked if the diet was written down anywhere, Mrs Small indicated that she wasn't sure: "It may be somewhere"".

39. The group moved to the wombat enclosure.

40. CAMPBELL stated:

"The female wombat (with joey) was in her burrow. On initial inspection she had a raised respiratory rate (160 breaths per minute compared to a normal value of 12 -30 breaths per minute). Fresh hay was present at the edge of the enclosure. Fresh (whole) carrots and an apple were also present. There were several layers of damp, stale, malodourous hay at the entrance to the burrow. The odour suggested that the material was soaked in urine. A large volume of a grain by-product was covering approximately 1/5 of the ground around the burrow (to the left of burrow when facing the entrance).
The male wombat was out of his den at the time of inspection and was digging himself a shallow burrow in the available substrate".

41. The group returned to the park and the red kangaroo in the top yard that was previously identified as requiring treatment for its right eye was sedated. The kangaroo was moved into the shade, a towel placed over its head and its forearms were kept wet to aid in cooling.

42. CAMPBELL stated:

"The kangaroo was sedated with 250mg tiletamine-zolazepam (administered intramuscularly by pole syringe – the drug was prepared by myself and

administered to the animal by Cheyne Flanagan from the Port Macquarie Koala Hospital under my supervision). Examination revealed an active right corneal ulcer and associated corneal oedema. The degree of oedema limited intraocular examination. Empirical treatment was administered in the form of topical antibiotics (Tricin® ointment), a subconjuctival antibiotic injection (long-acting pencillin, Benacillin®) and a subcutaneous injection of a pain-killer (meloxicam, Metacam®). The kangaroo was assessed as being in lean body condition (2/5). Some tartar was present on the lower incisors. A blood sample was collected for haematology and biochemistry. The kangaroo was recovering from the anaesthetic at the time the inspection of the property concluded. Mrs Small and her daughter were advised that the kangaroo would be a little unsteady on his feet for a few hours but should make a smooth recovery overnight. Close monitoring of the eye was recommended and it was suggested that veterinary re-evaluation should be sought unless prompt improvement occurred. Blood results from this animal subsequently revealed a marginally low white cell count due to a mildly depressed lymphocyte level, mild hypoalbuminaemia and hypoglycaemia (low blood sugar. The latter was the only result on the blood work that was of significant magnitude to warrant clinical concern. Hypoglycaemia may occur due to reduced food intake, metabolic aberrations or delay in sample processing. This animal's appetite should be monitored closely and repeat blood sampling be considered to repeat the test should follow-up anaesthesia be required".

43. FLANNAGAN returned to the koala exhibit and began preparations to remove the animals by continuing hydration therapy.

44. RSPCA and CAMPBELL caught the red kangaroo in the parma wallaby yard and conducted an examination. CAMPBELL indicated that it had a body condition score of 1/5.

45. CAMPBELL and FLANAGAN were continuing to administer both oral and intravenous hydration with the assistance of RSPCA. 2 RSPCA officers drove into Gunnedah town to collect another RSPCA vehicle. Those officers returned and removed collapsible transport cages from their vehicles.

46. A conversation took place between RSPCA Officer FRENCH and Nancy SMALL, Colin SMALL and several family members. The conversation was to the effect of:

FRENCH SAID:	"I have taken time out to explain what is happening."
C SMALL SAID:	"Just tell me what is bloody happening."
FRENCH SAID:	"We have responded to a complaint."
C SMALL SAID:	"Who?"
FRENCH SAID:	"I cant tell you that."
C SMALL SAID:	"Cause you're a bloody coward."
FRENCH SAID:	"No, I cant disclose that for legal reasons. I have taken the time to explain what is happening, I would appreciate you listening to me as I have other things to do."

Fact Sheet (Continued)
Waterways Wildlife Park

C SMALL SAID:	"Go head then."
FRENCH SAID:	"We have responded to a complaint and found some serious problems in the park. Please understand that no one is suggesting any intentional acts of cruelty. Myself, nor the other people here are accusing you of anything, however we need to remove the koalas and 2 shingleback lizards for them to receive the vet care that they need. At this stage we don't know what has led to this situation but we need to act today in the interests of the animals. The koalas are being taken to a specialist vet centre for koalas. As soon as we know what is wrong with them, you will know. They will be held in custody, they are still technically yours and nothing will happen without you knowing that it happens. You, at any time have the option of surrendering the animals to the RSPCA. This is optional, you do not have to do this but I need to make you aware of the fact that there are costs accruing on these animals while they are in custody on vet treatment and boarding. Again, this is optional, you have every right to seek to get the animals back. We are loading the koalas and need to remove 2 shinglebacks also. You are welcome to see which ones we are seizing."
N SMALL SAID:	"There is nothing wrong with the koalas, just that one old one."
FRENCH SAID:	"I can't argue that point. We brought an expert with us and we are relying on her opinion."
N SMALL SAID:	"You are wrong."
FRENCH SAID:	"You are certainly entitled to your opinion."

47. Five koalas were loaded into transport crates as per koala hospital protocol. This consisted of a washing basket with several towels inside. The koala is placed on these towels and a second washing basket is then placed on top of the first to enclose the koala. The top and bottom baskets are then fastened to each other by elastic straps. Three koalas were loaded into collapsible cages that were in the rear of RSPCA vehicles. The washing baskets had been brought to the site from the Koala Hospital as a measure in case transportation was required.

48. Nancy SMALL allowed RSPCA to source fresh leaf from her property to be used for the transportation of the koalas. This leaf was being stored in plastic drums next to the rehabilitation cages.

49. The shingleback lizards were placed in an RSPCA carry cage and also loaded into an RSPCA vehicle.

Fact Sheet (Continued)
Waterways Wildlife Park

50. Teena SUTCLIFFE signed the RSPCA notice of seizure and was also handed a copy. This notice detailed the number and species of animals that were being seized from the park.

51. RSPCA transported the koalas and lizards to a local veterinary clinic. The eight koalas and two lizards were taken inside the clinic. All animals were examined by CAMPBELL and FLANAGAN prior to being placed in cages with fresh leaf. Koala 206 was given additional hydration fluids by CAMPBELL and the shingleback lizards were injected with hydration fluid.

52. On Thursday 4th February, 2010 RSPCA, CAMPBELL and FLANAGAN attended the local veterinary clinic. CAMBELL and FLANAGAN examined the koalas and Koala 206 was given further hydration fluids. CAMPBELL examined the shingleback lizards. The koalas were loaded in a similar fashion to the previous day and transported to the Port Macquarie Koala Hospital. FLANAGAN accompanied the koalas. On arrival at the hospital all the koalas were given rehydration fluids. The shingleback lizards were transported by CAMPBELL to Western Plains Zoo, Dubbo. They were allocated identification numbers A23/10 and A24/10. They received anthelmintic treatment, nutritional and fluid support and topical ocular treatment to clear the debris that had accumulated between their eyes.

53. CAMPBELL's opinion in relation to the park were as follows:
    - One of the most concerning findings of this visit was the apparent lack of fresh water in many of the enclosures. Additionally, there was evidence of inappropriate dietary provision for many of the species held. Fruits and vegetables appeared to be offered whole (unchopped) to many species, often without the packaging ties removed. Omnivorous lizards appeared to be offered fruits and vegetables only, and the quantity of food offered to them was excessive in relation to the number of animals present.
    - When asked by the RSPCA inspector whether any of the animals were wormed regularly, Mrs Small was heard to say that she did not believe that there was a parasite problem on the property and that treatment was therefore not necessary. I asked her if faecal testing for parasites was ever undertaken and she said "no". Parasitic disease is common in captive wildlife especially under conditions of high stocking density (such as those witnessed on this property). All captive collections should at the very minimum have regular parasite checks performed (with treatment dispensed as indicated by the results). The diagnosis of high parasite burdens in the two confiscated shingleback lizards, tapeworm infestation of the confiscated koalas and the likelihood of ectoparasitic disease in the dingoes (on the basis of their clinical signs) highlight the need to re-evaluate the requirement for parasite control on this property.
    - There was evidence of uncontrolled breeding of groups of animals on the property. This promotes heavy stocking densities and can result in inappropriate demographics, stress and increased susceptibility to disease.

Fact Sheet (Continued)
Waterways Wildlife Park

It is recommended that some consideration be given to contraception (permanent or temporary) of groups including macropods, dingoes and deer.

- No external forms of identification were seen on any of the animals examined. It was not clear whether the animals were microchipped but if not, some method of identifying individuals should be considered to aid in accurate record keeping and health monitoring of the collection.
- A cat was seen walking through one of the macropod enclosures during the inspection. It was not clear whether this animal was a pet or a feral cat. In either case, all efforts should be made to reduce the risk of macropods being exposed to cat faeces. Cat faeces is the source of toxoplasmosis, a serious and relatively common disease in many native species. This potentially fatal disease causes neurological signs and in most cases, affected animals need to be euthanased due to the poor response to treatment and severity of clinical signs.

54. CAMPBELL's opinion in relation to the shingleback lizards were as follows:
    - I estimate the condition of the shingleback lizard A25/10 (the one which was euthanased) to have taken a minimum period of 2 to 3 months to deteriorate. However, the likelihood is that this condition may have been present for significantly longer. The two shingleback lizards which were removed from the property (A23/10 and A24/10) are estimated to have been in the condition described above for at least 6 weeks. Again, this period could conceivably be much longer given the low metabolic rate of reptiles and their comparative resilience to disease and malnutrition (as opposed to mammals and birds).

55. CAMPBELL's opinion in relation to the koalas were as follows:
    - The koala tagged 206 is estimated to have been in the aforementioned condition for many months. The remaining koalas examined on the day were in a variable state of dehydration and poor body condition: based on my experience and the examination performed on 3rd February, I have estimated that these animals had been in suboptimal condition for a period of at least a few weeks, but possibly up to a few months. Continued monitoring of the progress of these animals (shingleback lizards and koalas) may permit a more accurate estimation of the chronicity of their illnesses.

56. Based wholly or substantially on her specialised knowledge CAMPBELL found the following to be true:
    - During the inspection of Waterways Wildlife Park on 3rd February 2010 a number of animals (of various species) were showing signs of significant ill-health and disease; some of these animals were deemed to be in need of immediate veterinary intervention. Additionally observations made during the inspection that raised serious concern in relation to animal health and welfare in some of the enclosures included high stocking densities, uncontrolled breeding, poor hygiene standards, a lack of fresh water and inappropriate dietary provision.

Fact Sheet (Continued)
Waterways Wildlife Park

57. On Friday the 5th February, 2010, Dr Chris LIVINGSTON of the Port Macquarie Koala Hospital conducted examinations on the eight koalas. The koalas were assigned tag number 206- 213 and identified by means of an ear tag. His findings in relation to the subject animals are as follows.

KOALA 206

- Female of advanced age (approx 14 yrs) based on advanced wear of the dentition.
- Large frame koala in emaciated condition (4.5 kg). Very easily palpable skeletal structures due to very minimal overlying musculature. The expected weight for a koala of this size is in the order of 6 to 8 kg.
- She was showing signs of dehydration despite intravenous and oral hydration fluids and had very pale mucous membranes.
- A faecal sample showed a tapeworm burden
- The right and left cheek pouches inside the oral cavity were found to be swollen, with inflamed nodules on the oral mucosa that bled when touched
- The koala was passing loose faeces (rather than firm faecal balls). The cloaca had a large amount of faecal stained fur that appeared to interfere with the passing of faeces
- There was a large matt of fur under the chin which measured approximately 15cm in length. This gently eased away to reveal a large area of alopecia beneath. Similar lesions were evident on the right hand, digits of the left foot and on the dorsal aspect of the left stifle joints. Fungal culture confirmed the presence of ringworm.
- Positive 'Clearview' chlamydial antigen swabs results were obtained from the left eye and the urinogenital tract
- No significant abnormalities of the urinary tract
- Blood results revealed a mature neutrophilia and monocytosis. There was a low blood albumin (protein), which may be due to protein-losing enteropathy, although this was not confirmed. These changes were consistent with chronic (relatively long-standing) inflammatory demand, possibly directly effecting the gastro-intestinal system. An infection of neoplasia (tumour) were distinct possibilities.
- Chlamydiosis appears to be present but this was unlikely to be the sole cause of the disease in this case.
- Treatment was instituted with 2 injectable broad-spectrum antibiotics, enroflaxacin and amoxicillin with clavulanic acid
- 9/2/10 blood work was repeated and revealed ongoing inflammatory demand. There was an improvement on the albumin level, but the koala's general condition had deteriorated.
- 19/2/10 koala had gained 400g. Still in poor body condition. Dull demeanour. Skin lesions improving. Decision made to continue treatment but consider euthanasia if further deterioration occurs.

KOALA 207

- Female approx 6 years in lean body condition (5.1kg) with brown staining of the fur of the perineum and alopecia around the cloaca.

Fact Sheet (Continued)
Waterways Wildlife Park

- Koala was dehydrated
- A faecal sample showed a tapeworm burden
- An ultrasound examination of the urinary tract revealed multi-located paraovarian cysts. The bladder was within normal limits
- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 gained 800g, bright, alert and eating well. Passing normal faeces. Treatment continued
- 2/3/10 gained 1.0kg bright, alert and eating well, passing normal faecal balls. Treatment continued

KOALA 208

- Female approx 6 years in lean body condition (5.6kg). She was dehydrated and continually passing semi soft to liquid faeces. She had pale mucous membranes and inflamed and enlarged clitoris
- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 gained 400g, bright, alert and eating well. Passing normal faeces. Treatment continued
- 2/3/10 gained 500g bright, alert and eating well, passing normal faecal balls. Treatment continued

KOALA 209

- Female of advanced age (approx 16yrs) based on advanced wear of the dentition-almost to the gum line. She was in poor body condition (5.7kg) and dehydrated
- An unfurred joey, less than three months of age, alive and attached to the teat in pouch.
- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 gained 200g, bright, alert and eating well. Passing normal faeces. Treatment continued
- 2/3/10 gained 800g bright, alert and eating well, passing normal faecal balls. Treatment continued

KOALA 210

- Female of approx 11yrs in poor body condition (5.0kg), she was dehydrated with pale mucous membranes. Ultrasonography of the urinary tract showed a slightly thickened bladder wall and a large para-

ovarian cyst on the left side. There was some mild staining on the rump and perineum

- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 gained 500g, bright, alert and eating well. Passing normal faeces. Treatment continued
- 2/3/10 gained 600g bright, alert and eating well, passing normal faecal balls. Treatment continued

KOALA 211

- Female of approx 10yrs in poor body condition (5.1kg), and dehydrated
- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 gained 400g, bright, alert and eating well. Passing normal faeces. Treatment continued
- 2/3/10 gained 700g bright, alert and eating well, passing normal faecal balls. Treatment continued

KOALA 212

- Small Female of approx 3 yrs and in fair body condition (4.7kg) and dehydrated. There was some staining of the perineal fur beyond that which could be deemed normal
- "Clearview" Chlamydial antigen swabs were performed from both eyes and the urinogenital tract. Positive results were obtained
- This animal was deemed to be sub clinically infected with Chlamydia and treated with Enroflaxacin
- 19/2/10 weight stable, bright, alert and eating well. Passing normal faeces. Treatment continued, staining much improved
- 2/3/10 gained 400g bright, alert and eating well, passing normal faecal balls. Treatment continued, staining resolved.

58. Based wholly or substantially on his specialised knowledge LIVINGSTON found the following to be true:
    - **Koala 206**: this koala was in an emaciated body condition, had advanced tooth wear (and thus advanced age) and was suffering a serious underlying disease process (which had not been specifically elucidated at this stage). The koala was positive to Chlamydia, but this may not be the significant cause of her poor state. This koala was in need of veterinary attention and, in my opinion, would have needed this attention for sometime. The degree of emaciation, dehydration, skin lesions, diarrhoea and matting of the fur would have been clearly apparent for some period of time prior to my examination. These clinical

signs are not the result of age, but the koala's advanced age means that she is less able to cope with disease and was thus in more urgent need of veterinary attention.

- I estimate that this condition would have been present for greater than 1 month. It is likely though that to reach this state of emaciation that she may have been unwell for a period in the order of 6 months

- **Koalas 207-213**: All these koalas presented with dehydration, varying levels of poor body condition (all were well below their ideal weights) several with diarrhoea and all swabbed positive for Chlamydia (a very common contagious pathogen among koala populations, which is routinely screened for among captive populations to eliminate or treat affected animals and prevent spread of disease).
- Without exception, all the koalas have gained significant weight following access to good quality fresh leaf daily, supportive nutrition (in the case of 210) and provision of adequate shelter and space. In the case of 212, a 23% increase in body weight was seen in the space of approximately 3 weeks. This is attributable to both rehydration and increase in body mass, which would be likely to continue in the coming weeks.
- It would appear that, given these facts, the husbandry conditions of these koalas were existing in prior to admission to the koala hospital, were less than adequate.
- I estimate that the poor condition of these koalas is likely to have developed over 1 month or longer

59. FLANAGAN's opinion in relation to the koalas was as follows:

KOALA 206

- Female, approximately 14 years, 4.5kgs, brown dry lustreless coat with very matted fur, a thick matt of fur 15cm long attached to the skin under the neck with alopecia underneath the matt. A matt of fur encrusted with urine and faeces covered the cloaca and perineum area. The koala had a strong greasy stain on the rump and perineum. She had bare patches on the right and left hand digits and bare patches on the right and left digits of the feet and a bare patch on the left stifle joint. The koala had very white and sticky gums and very white conjunctiva. The right and left upper cheek pouches in the mouth cavity were swollen with small red inflamed nodules that bled when touched. The koala was in an emaciated condition (3/10) with very poor muscle tone, extremely dehydrated showing strong skin tenting and sunken eyes. The behaviour of the koala was lethargic, flat and disinterested in her surroundings. She had very loose faeces with intermittent diarrhoea which showed evidence of tapeworm segments. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. The ultrasound showed slightly thicken bladder wall above 5 cm with no evidence of paraovarian

cysts. Unable to sight kidneys as the fur on the belly was so matted that contact was difficult and we were reluctant to shave the belly fur due to the ill health of the animal. Eye and uro genital swabs were taken and showed positive reaction to Chlamydiosis.

KOALA 207

- Female, approximately 6 years, 5kgs, with slight brown coat, lean body condition (5.5/10), evidence of dehydration with tenting of the skin. Slight brown stain on rump and perinum with a patch of alopecia around the perinum. The ultra sound showed a normal bladder but multi loculated paraovarian cysts on the left side. Eye and uro genital swabs were positive for Chlamydiosis.

KOALA 208

- Female, approximately 6 years, 5.6kgs, lean body condition (6.5/10), dehydrated showing tenting of the skin. The koala had a stained perineum with intermittent diarrhoea and loose faeces. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. She also had pale gums which were sticky. Eye and uro genital swabs were positive for Chlamydiosis.

KOALA 209

- Female, approximately 16 years, 5.7kgs, poor body condition (6/10), she had a brown dry coat and was dehydrated showing tenting of the skin. This koala was of a large body frame. Tooth wear was so advanced that the pre molar was worn to the gum line with molar wear flat on the occlusal surface. No ultra sound was performed as an unfurred pouched young, less than 3 months of age was located attached to a teat in the pouch. Eye and uro genital swabs were positive for Chlamydiosis.

KOALA 210

- Female, approximately 10 years, 5kgs, poor body condition (5/10), dehydrated showing evidence of skin tenting and sunken eyes. She had pale gums and her chin was cyanose. She had a slight brown stain on the rump and perineum. Her pouch was totally flat with an immature appearance, the teats were virtually non existent suggesting that she has never had pouched young. Ultra sound showed slightly thickened bladder 5.2cm, with evidence of a large parovarian cyst, possibly mid line (unable to determine right or left side). Eye and uro genital swabs were positive for Chlamydiosis.

KOALA 211

- Female, approximately 10 years, 5.1kgs, poor body condition (5/10), dehydrated showing skin tenting and pale gums. Eye swabs were positive for Chlamydiosis.

Fact Sheet (Continued)
Waterways Wildlife Park

KOALA 212

- Female, approximately 3 years, 4.7kgs, lean body condition (6/10), slight brown stain on the rump, very dehydrated with sunken eyes. Eye and uro genital swabs were positive for Chlamydiosis.

KOALA 213

- Female, approximately 2.5 years, 3kgs, poor body condition (4.5/10), brown dry coat, dehydrated showing skin tenting with sunken eyes. She had brown staining on the rump and perineum. Eye and uro genital swabs were positive for Chlamydiosis.

60. Based wholly or substantially on her specialised knowledge FLANAGAN found the following to be true:
    - **Koala 206** to have been in an emaciated body condition, exhibiting advanced tooth wear, suffering from chronic diarrhoea, chronic dehydration, tapeworm burden, skin lesions and in such a weakened state that she was unable to groom herself resulting in the matted faecal encrusted fur. It is likely (pending histology results from the Sydney University post mortem) that 206 has been suffering from some sort of underlying disease for sometime. Her clinical signs were very obvious and thus easily observed and therefore veterinary intervention and assessment should have occurred some time ago. Being an aged koala does not necessarily mean that they will automatically be emaciated and suffering from chronic diarrhoea. An aged koala has the potential to succumb more easily to disease due to the reduced uptake of nutrition via poor mastication of leaf etc. 206 also was positive for chlamydiosis.
    - Her emaciated condition would have been present for more than one month and possibly could have been for more than 6 months

    - **Koala 207 -213**: All of these koalas exhibited dehydration from severe to mild. All of the koalas were well below the body weight to be expected of their frame size, and most of them exhibited very loose faeces to diarrhoea. Some of the koalas had tapeworm segments evident in their faeces. Koalas are known to exhibit "stress behavior" through looses faeces and/or diarrhoea. This stress behavior can result from overcrowded enclosures (too many koalas in one area) where the more dominant animals fight with the lower ranking animals to get the best position etc. All of the koalas also appeared to be quite lethargic, and heat stressed. All of the koalas were positive for chlamydiosis. Two of the koalas 210 and 207, had paraovarian cystic structures on their reproductive tracts which results from some sort of reproductive tract disease, usually chlamydiosis. Current research considers that paraovarian cystic structures usually take a number of weeks to months to initially arise on the reproductive organs and thus could easily have been in place for years. Screening of this contagious disease is commonly done in both

captive and wild populations of koalas to not only prevent spread of the disease but to ensure the koalas receive veterinary treatment of the disease. One of the koalas 209 who is the oldest koala in the group (the most advanced tooth wear) has an unfurred pouch joey attached to a teat. There were no male koalas found in the park on the 3/2/10.

- It is my opinion that all of the koalas 206-211 were housed in less than adequate conditions and were offered substandard husbandry. The enclosures did not offer the koalas enough "space" from each other. The enclosures did not offer good air flow, or quality ambient temperatures within a comfortable range that can be achieved by directed shade, misting, airflow and quality moist leaf. The browse offered was old to dead, and thus would have been well below the 65% moisture level that eucalypts must have to sustain the water requirements of koalas. The browse was also located in not only poorly designed water containers but as it had not been cleaned out and replaced with fresh water the eucalypt leaf was unable to draw up the water requirements to make the eucalypt leaf palatable and to give the koalas the daily water requirements they need. It is my opinion that as the clinical conditions of these animals were easily observed and it appears nothing had been put in place to correct the clinical conditions, then they were not receiving both the correct daily husbandry needs that captive koalas require, and regular veterinary screening and treatment that should have occurred sometime ago.
- The below average weights of all of these koalas would more than likely have been present for more than one month and possibly could have been for more than 6 months. The reproductive tract disease of 210 and 207 would have been present for more than one month, and more than likely more than 6 months.

61. On Monday 22nd February RSPA attended Waterways Wildlife Park, located on Mullaley Rd, Gunnedah. RSPCA served Notice of Care instructions on Nancy SMALL as per section 24N of the Prevention of Cruelty to Animals Act, 1979. Peter LONG, a solicitor from Slater and Gordon, was also in attendance and read and signed the instructions. He also signed RSPCA's notebook entry.

62. On 23rd February, 2010 koala 206 was deemed cruel to be kept alive and subsequently humanely euthanased.
    - LIVINGSTONE stated: koala had lost 200 g (4.7kg), had become depressed and diarrhoea had worsened. It was deemed necessary to humanely ethanase the koala to avoid undue suffering. The koala was euthanased with intravenous lethabarb. The body was transported to the University of Sydney Veterinary Pathology Department for post mortem
    - Post mortem conducted by Mark KROCKENBERGER. His comments were as follows: The most significant findings on gross examination are the advanced degree of tooth wear, emaciated body condition

and skin and pelt changes, in addition to diminished gut contents and abnormal liquid consistency of rectal faeces. The hemipneumothorax is of interest, but no obvious gross perforation to the thoracic wall, the airways or lung parenchyma was evident. The duration and cause of this lesion is still unresolved

- FLANAGAN stated: Koala 206 was deemed cruel to be alive as she had lost further weight, was passing severe diarrhoea, had cold extremities indicative of "organ shutdown" and was moribund. Please note that during the first ten days after admission K206 gained 300 grams and appeared to be improving and by the third week there was a pronounced deterioration in her condition and was humanely euthanased

63. On 15th April, 2010 RSPCA attended the Port Macquarie Koala Hospital. RSPCA collected koalas 207, 208, 210, 211 and 213. Each koala was placed in a large transport crate fitted with a tree fork. Fresh leaf was also placed in each crate. Prior to loading each koala was weighed with the results being the following:

KOALA	Weight (kg) on 15/4/10
213	4.4
207	6.0
208	6.3
210	6.0
211	6.3

64. FLANAGAN stated:

- **Koala 207** had had a weight gain of 1.3 kgs, was bright, alert and showing no signs of dehydration or distress. Coat lustre and colour improved with good grey flecking appearing all over the pelt. Within seven days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and having an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.
- **Koala 208** had a weight gain of 700 grams, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing on the back. All evidence of diarrhoea had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.
- **Koala 210** had a weight gain of 1 kg, was bright, alert showing no signs of dehydration or distress. Coat lustre improved. Within seven days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at

the end of treatment showed a negative reading, with blood tests also being clear.

- **Koala 211** had a weight gain of 900 grams, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with some grey flecking occurring. Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.
- **Koala 213** had a weight gain of 1kg, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing on the body. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

65. A two day supply of fresh leaf was also loaded. The koalas were transported in an air-conditioned van and the crates were securely fastened. RSPCA stopped five times during the trip to check on the wellbeing of the koalas. RSPCA met with Steven COLEMAN prior to arriving at Gunnedah and collected the two shingleback lizards which he had collected from Western Plains Zoo, Dubbo.

66. RSPCA arrived at Waterways Wildlife Park and transferred the koalas into the exhibit area. It was noted that the exhibit had been improved, fresh leaf was available and in suitable containers and fresh, clean water was available on the ground. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

N SMALL SAID:	"See, we have done what you asked."
FRENCH SAID:	"I can see that you have made changes and that is great. I have some paperwork with all of their updated weights. All the koalas have put on a least a kilo. That is a very serious weight gain for animals that weigh between 3-5 kilos. We have brought 2 days worth of leaf, the leaf they have been eating so slowly introduce that into what they will get here to wean them off it."
N SMALL SAID:	"That's great. I know we had some issues, I don't think they were as bad as what you said but I know we were in a bit of a rut, things were a bit down, it's hard when you're away. It got on top of us a bit, the dingos were a bit poor I know but they're getting better slowly."
FRENCH SAID:	"How is the worming going?"
N SMALL SAID:	"Yeah, getting it done. Now that I'm back up and around things are getting back on track."
FRENCH SAID:	"Nancy, what I would like to do is take a walk around before we leave to see the changes and look at some of the animals that we still had concerns about when we were here last."
N SMALL SAID:	"Yeah, you are welcome to."
FRENCH SAID:	"Would you like to walk with us?"

Fact Sheet (Continued)
Waterways Wildlife Park

N SMALL SAID: "Yep, I'd like to show you what we've done."

67. RSPCA and Nancy SMALL proceeded to walk around the park in the company of a representative from Slater and Gordon Solicitors. RSPCA noted the lack of browse in the bird aviaries. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

FRENCH SAID: "Nancy, the only thing I'd say is that fresh browse would be good in these aviaries."

N SMALL SAID: "The guy who usually does that had to shoot off, his mum was in hospital. I hope the mice don't play up, when the DPI fellas were here, 1 poked its head out of a nest box if you could believe it."

68. RSPCA and Nancy SMALL moved to the dingo enclosure. It was noted that the group had improved in body condition but that they still appeared to have red, irritated skin and were observed to be constantly scratching. The dingo's water was improved but still green. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

FRENCH SAID: "How did you resolve your flea issue."

N SMALL SAID: "We give them a sentinel tablet in chicken and they take it that way."

FRENCH SAID: "They look like they have put on some weight but the skin is still a problem. How is David planning to deal with it?"

N SMALL SAID: "We're going to build a bit of a crush up this end so we can handle them."

FRENCH SAID: "How did you go with the water?"

N SMALL SAID: "It should be alright."

FRENCH SAID: "Nancy, who was looking after the park while you were in hospital?"

N SMALL SAID: "My daughter, Tina. I know the dingos weren't too good. It all just got a bit much for us over that time. I know we were in a bit of a rut but we are getting out of it now and things will be better."

FRENCH SAID: "How are you going to manage the flea treatment?"

N SMALL SAID: "Oh you know, get the crush done and we'll be right then."

69. Generally the kangaroos appeared to have improved or remained stable. Ad Lib hay was available. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

N SMALL SAID: "You know that roo with the eye? We had him euthanased and David did an internal examination of him but there was nothing wrong at all, he was healthy and no worms at all."

FRENCH SAID: "If there was nothing wrong, why was he put down?"

N SMALL SAID: "Oh, I don't know, you know."

Fact Sheet (Continued)
Waterways Wildlife Park

FRENCH SAID: "I am happy to see these improvements. I hope they keep up. This is really what we wanted to achieve, just as I told you on the day."

70. RSPCA approached the wedge tail eagle enclosure and observed white and yellow feathers on the ground inside. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:
    FRENCH SAID: "Nancy, what happened here?"
    N SMALL SAID: "We gave them a dead cockatoo."
    FRENCH SAID: "One of yours?"
    N SMALL SAID: "No, just found it."

71. RSPCA and Nancy SMALL then returned to the koala exhibit. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:
    FRENCH SAID: "Nancy, we still need to bring the other 2 koalas out but would also like to come out from time to time to see how you are getting on."
    N SMALL SAID: "No worries, you can come out and have a look anytime. Like I said we got into a bit of trouble but I think things will be good now."

72. On Thursday the 20th May RSPCA attended the Koala Hospital located on Lord Street, Port Macquarie. RSPCA collected koalas 209 and 212. Each koala was placed in a large transport crate fitted with a tree fork. Fresh leaf was also placed in each crate. Prior to loading each koala was weighed with the results being the following:

KOALA	Weight (kg) on 20/5/10
209	6.3
212	6.3

73. FLANAGAN stated:
    - **Koala 209** had a weight gain of 1.1 kgs, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing over the entire body. Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Palpation of the foetus externally on the pouch showed movement on 4th March, 2010. At the weekly check of the foetus on 11th March, 2010 there was no sign of movement. A full internal examination of the pouch showed it was empty and the teats had ceased lactation. No sign of the foetus was found in the enclosure and thus it is more than likely that the mother had consumed the foetus (which is not uncommon in mammalian species) or she had ejected it and it had been eaten by a bush rat. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Fact Sheet (Continued)
Waterways Wildlife Park

- **Koala 212** had a weight gain of 1.3 kgs, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with some grey flecking occurring. Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

74. RSPCA stopped several times to check on the koalas during the travel. RSPCA met with Nancy SMALL. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

FRENCH SAID: "Nancy, do you have a set of scales?"
N SMALL SAID: "No, not yet."
FRENCH SAID: "Well, I've brought some"
N SMALL SAID: "Is that all you need."
FRENCH SAID: "Yep, that's all. You could get a set of scales like these from a produce store or even a fishing or camping store. A good bag like this will do to put the koala in"
N SMALL SAID: "Wow, gee I never thought it would be that simple."

KOALA	Weight (kg) on 15/4/10	Weight (kg) on 20/5/10	Difference (g)
213	4.4	4.5	+100
207	6.0	6.5	+500
208	6.3	6.5	+200
210	6.0	5.4	-600
211	6.3	5.4	-900

75. RSPCA weighed each koala and recorded the weights as follows:

76. It was noted that koalas 210 and 211 had both lost weight.. Koalas 209 and 212 were released into the exhibit. RSPCA Officer FRENCH had a conversation with Nancy SMALL to the effect of:

FRENCH SAID: "Nancy, koalas 213, 207, 208 have all held or gained weight. That is really good but 210 has lost 600 grams and 211 has lost 900 grams. Has she been eating ok?"
N SMALL SAID: "Yeah, she's been good. They all have been."
FRENCH SAID: "The weight loss concerns me. Has David Amos been out?"
N SMALL SAID: "He was out after you came the first time and he will be out this afternoon to check on them."
FRENCH SAID: "He needs to keep a close eye on these two. Considering that they have gone back you will need to have them vet checked?"

Fact Sheet (Continued)
Waterways Wildlife Park

77. RSPCA was approached by Leon MILLS and was questioned regarding the joey. RSPCA Officer FRENCH had a conversation with Nancy SMALL and Leon MILLS to the effect of:

MILLS SAID:	"My name is Leon Mills, a local councillor. You said that you would talk to Nancy about the baby."
FRENCH SAID:	"Yes. Nancy the baby is no longer alive. It was 60 grams in size and considering the poor state of her health very unlikely to have survived."
N SMALL SAID:	"I thought that was what you were going to tell me. I know these things can happen."
MILLS SAID:	"Nancy's solicitor Peter Long has told me to get the documents about the baby. Do you have them?"
FRENCH SAID:	"You may advise Peter that he is welcome to write to us and we will respond accordingly."
N SMALL SAID:	"You didn't know it had a baby on the day did you?"
FRENCH SAID:	"You certainly didn't tell us and what confuses us is how she got pregnant in the first place, there were no males in the park."
N SMALL SAID:	"Yes there was."
FRENCH SAID:	"Not on the day we were here."
N SMALL SAID:	"There was one here 3 weeks before you arrived but he died of heat stress."
FRENCH SAID:	"Before I go can we have a quick walk through?"
N SMALL SAID:	"OK."

78. RSPCA, Nancy SMALL and Leon MILLS then walked past the rehabilitation cages. RSPCA noted that the cages appeared to have been prepared to house animals. RSPCA Officer FRENCH had a conversation with Nancy SMALL and Leon MILLS to the effect of:

FRENCH SAID:	"What's going in here Nancy?"
N SMALL SAID:	"2 of those koalas you brought back are under the National Parks License and need to come back down."
FRENCH SAID:	"Which 2?"
N SMALL SAID:	"The small one from today and the smallest one from last time."

79. SMALL, MILLS and RSPCA walked through the park. It was noted that the dingos looked to be in general improved body condition and had their winter coats growing through, that there was still no fresh browse in the Brushtail Possum enclosure. Ad lib hay was available for the kangaroos and no poor animals were sighted. Shortly after RSPCA departed the park.

M. French

Matt French
Operations Manager-Inspectorate
RSPCA NSW

RSPCA

STATEMENT

(Witness)

29. STATEME OPERATI MANAG MATTHE FREN

Statement in the matter of: WATERWAYS WILDLIFE PARK

Date: 18/06/2010 **Page:** 1 of 14

Place: Chullora

Name: Matthew Paul FRENCH

Address: 201 Rookwood Road, YAGOONA NSW 2199

Telephone: 02 8666 0123

Occupation: RSPCA NSW Inspector.

States;

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

1. I am 32 years of age.

2. My full name is Matthew Paul FRENCH. I am a Special Constable, under the provisions of the Police (Special Provisions) Act 1901 number 5, appointed with the approval of the Commissioner of Police. The RSPCA N.S.W employs me as an Inspector within the Investigations Department. I have worked as an Inspector for 5 years and hold the position of State Operations Manager. I also hold a Prescribed Authority issued under the provisions of the Prevention of Cruelty to Animals Act of 1979 as amended issued with the approval of the Minister for the Department of Primary Industries. I have previously worked as Education Officer and Zookeeper at the Australian Wildlife Park for 3 years.

3. On Wednesday the 3rd February, 2010 about 12:05hrs I attended the Waterways Wildlife Park located on Mullaley Road, Gunnedah. I was in the company of RSPCA Inspectors Kylie PROWSE and Michael MAKEHAM, veterinarian Michelle CAPMBELL from Western Plains Zoo, Dubbo, Cheyne FLANAGAN from Port Macquarie Koala Hospital and Rebecca Cass from Department of Environment, Climate Change and Water, Coonabarabran Branch. Also in attendance were 3 members of 'Animal Rescue' film crew.

Witness: ..... Donna Stockton **Signature:** ..... M. French

4. I observed PROWSE and MAKEHAM enter the park. A short time later they both came back out to the carpark. It was my understanding that that PROWSE had located the owner of the park.

5. I then entered the park with PROWSE, MAKEHAM, FLANAGAN, NPWS and the film crew. PROWSE directed us to the koala exhibit and I saw a female person who I now know to be Nancy SMALL. I went up to SMALL and introduced myself as Inspector Matt French, Operations Manager RSPCA. I saw that MAKEHAM was filming with a digital video camera.

6. PROWSE than had a conversation with Small to the effect of:
PROWSE SAID: "What can you tell me about the koalas?"
SMALL SAID: "All born at the park, I've not had much to do with them in the last 6 weeks. I've not been well"

7. FLANAGAN and CAMPBELL entered the koala enclosure. I noted that there were three koalas on the ground. 1 koala was moving and 2 were sitting at the base of their respective trees. I noticed that the leaf available to the koalas appeared dry and withered and that there was no tip left on any branches that I could see. I saw that the water pots in which the branches sat were full of water that was dark brown in colour, and koala faeces was floating in all pots.

8. I saw FLANAGAN and CAMPBELL examining the koalas.

9. PROWSE than had a conversation with Small to the effect of:

PROWSE SAID:	"We have concerns about the koalas being on the ground."
SMALL SAID:	"It's a natural behaviour, they do come down to drink, they do it in the wild."
PROWSE SAID:	"How old are these koalas?"
SMALL SAID:	"I don't know."
PROWSE SAID:	"What licence are they held under?"
SMALL SAID:	"The DPI one."
PROWSE SAID:	"What licence are they held under?"
SMALL SAID:	"The DPI one."
FLANAGAN SAID:	"These koalas are in very poor condition and in dehydration"
CAMPBELL SAID:	"Yes, they are very poor."
PROWSE SAID:	"Nancy, I will inform you that we will be removing some animals and taking them into custody."
FLANAGAN SAID:	"When do you change the leaves?"
SMALL SAID:	"Yesterday."
FLANAGAN SAID:	"When was the water last changed in the pots?"
SMALL SAID:	"we were due to change it all today."

Witness: ..... Donna Stanton **Signature:** ..M.French.....

FLANAGAN SAID: "You should do it every day?"

10. I observed a koala on the ground that had a cloacal area that appeared dirty as I could see what appeared to be brown staining to the fur and what looked to be soft faecal matter.

11. PROWSE than had a conversation with Small to the effect of:

PROWSE SAID: "This koala enclosure needs potentially to be shut down-it is below standards. The vet has indicated to me that all the koalas need to be removed today so that they can receive vet treatment. We need to look at the koalas in quarantine. What are they in for? We may leave the koalas in the park overnight to rehydrate and then return in the morning to remove them."

SMALL SAID: "They are just rehab animals."

PROWSE SAID: "Who is your vet?"

SMALL SAID: "David Amos."

PROWSE SAID: "When was he last out here?"

SMALL SAID: "Not for a while."

12. FLANAGAN and CAMPBELL continued to examine the koalas in the enclosure.

13. SMALL approached me and we had a conversation to the effect of:

SMALL SAID: "What is happening?"

I SAID: "Nancy, there are some serious health issues with the koalas. What we need to do is get them hydrated, and then transport them to a specialist clinic for care. We will need to look at all the animals in the park today and what we want to do is work with you to sort out the problems. I'm sure you agree that whatever has happened, the important thing today is the animals. Are you ok to walk around the park with us?"

SMALL SAID: "Yes, I'll be fine."

I SAID: "I know that you are not long out of hospital, would it be easier for you if I noted questions as we go that I could ask when we finish? That way you could stay at the house?"

SMALL SAID: "No, I'll come, I'll be right."

I SAID: "Do you need to take any medication?"

SMALL SAID: "No, it's OK."

I SAID: "In regards to the TV crew, it's totally up to you if they stay. You have that control. If you don't want them here I will get them to leave"

SMALL SAID: "No, it's alright, I guess they are here to a job too."

I SAID: "Just so long as you know, if you don't want this you can let me know."

14. We then moved towards the off display area to view koalas. SMALL directed a question at PROWSE:

SMALL SAID:	"What was the other complaint?"
PROWSE SAID:	"We need to look at everything, there is concern about the dingos."
SMALL SAID:	"I know, I put them down already."
PROWSE SAID:	"When?"
SMALL SAID:	"Week and a half ago."
PROWSE SAID:	"Do you have records?"
SMALL SAID:	"No."
PROWSE SAID:	"Who put them down?"
SMALL SAID:	"My husband."
PROWSE SAID:	"Did you have a post mortem done?"
SMALL SAID:	"No."

15. About 12:35hrs we arrived at the rehab koala cages. PROWSE and MAKEHAM entered followed by FLANAGAN and CAMPBELL. MAKEHAM continued filming. I had a conversation with SMALL to the effect of:

I SAID:	"How are you going? Are you sure you want to walk around? Again, I can note questions to ask you later."
SMALL SAID:	"No, no, no, it's OK I can do it."

16. I saw the producer from the Animal Rescue Film crew show SMALL a white piece of paper and also have a conversation with SMALL. Shortly after I saw SMALL write on that same piece of paper.

17. I had a conversation with SMALL to the effect of:

I SAID:	"Remember Nancy, this is up to you, you control this and you can take that back."

18. PROWSE then informed SMALL that the 2 koalas in the rehabilitation area would also need to be seized.

PROWSE SAID:	"What section does the rehab fall under?"
SMALL SAID:	"The National Parks one."

19. The group then moved to the top of the park and stopped at the Wedge-tailed Eagle enclosure. I observed that there were 2 individuals. PROWSE than had a conversation with Small to the effect of:

PROWSE SAID:	"Nancy, who owns the animals?"
SMALL SAID:	"I guess me and my husband but I don't really know. I guess Australia does."
PROWSE SAID:	"What is the diet of the raptors?"
SMALL SAID:	"They get a good diet. My husband is a truck driver and so he

brings home a lot of roadkill. Chickens from the hatchery, fisherman drop in fish, people give us chickens."

I SAID: "Does it depend on what you get?"

SMALL SAID: "No, I have a standing order at the chook shop. I can get chicken any time."

20. The group moved into the top kangaroo yard. I observed Red Kangaroos and a number of Emus. I moved towards what appeared to be a feeding area. I could see remnant signs of lucerne hay on the dirt. I also observed whole potatoes, pineapple, mandarin and passionfruit. I observed emus trying to eat whole carrots and there was evidence of grain on the ground. MAKEHAM indicated a Red Kangaroo near the fenceline. I moved closer and observed that the kangaroo was male and in poor body condition as I could clearly see its ribcage, hip and spine protuberances at a distance of approximately 10 metres. I also noted that it appeared to have muscle wastage in its hind limbs. I saw that the kangaroo's right eye was clouded in appearance and that the animal was scratching at the eye. It was decided that the animal would need to be sedated later in the day to examine the eye thoroughly.

PROWSE SAID: "Nancy, did you know this kangaroo had a problem?"

SMALL SAID: "No."

21. About 13:11hrs the group moved from the top kangaroo yard to the one below it. The gate was shut between the two to isolate the identified Red Kangaroo tat required treatment. I observed feed on the ground that consisted of pineapple, turnips, potatoes, ginger, beetroot, ginger, squash, melons, mandarins, oranges and onions. There appeared to be rotten food underneath the new food. I saw several rubber bands and plastic clips on the ground. I looked over the fence into a yard containing Parma Wallabies and saw a low metal cart that contained rotten lettuce, celery, onion, leeks and spring onions. In the Red Kangaroo yard I sighted a small Red Kangaroo with patches of hair loss on its rear legs. I estimated there to be in excess of 100 kangaroos in the yard and was unable to determine the number of emus. There was no live vegetation in the yard.

22. About 13:20hrs the group moved to the Parma Wallaby yard. I observed 7-8 Parma Wallabies and 1 Red Kangaroo. The Red Kangaroo was in very poor body condition as all of its bony prominences were evident from observation outside of the yard. It also had muscle wastage in its rear legs. I saw clumps of old lucerne hay on the ground as well as onions and 7 lemons.

23. The group then moved to a set of bird aviaries. Aviary 1 contained Eastern Rosellas, Aviary 2 contained Budgerigars and assorted Finches, Aviary 3 contained quails and Superb Parrots and Aviary 4 contained Eastern Rosella and Pale Headed Parrots. All aviaries had water that looked to be more than a day old and the seed trays were overloaded to the point of spillage. They looked to contain a large amount of husk. Fruit pieces were observed on the ground and were covered in ants. No aviary contained fresh browse.

24. Aviary 5 contained 2 Yellow tail Black Cockatoos and 1 Red tail Black Cockatoo. I noted that the water was dirty and that the aviary perching structure appeared unsafe.

25. We moved to an enclosure that held a Mountain Brushtail Possum. There was no fresh leaf in the enclosure, the browse available was brown and dry. I sighted 2 carrots and a mandarin on the floor of the enclosure.

26. We next moved to the Tawny frogmouth exhibit. I counted 4 in total with 1 bird sitting low to the ground.

27. We then moved to a yard that contained Swamp Wallabies and Agile Wallabies. I saw rubber bands on the ground. I noted that 1 agile looked to be in light body condition as I could clearly see its rib cage at a distance of approximately10 metres.

28. We moved across the park to the Shingleback Lizard pen. FLANAGAN entered and reported that the pen held 12 lizards. She showed me 1 Shingleback Lizard that was in very poor body condition. I could see its spinal ridge and the depression on either side along the entire length of the spine. I noted that the tail was significantly reduced in size. The animal was presented to CAMPBELL. She opened its mouth and I saw that the membrane inside were white in colour. She indicated to me that she considered the animal in a state where it was cruel to keep it alive.
PROWSE SAID: "Nancy, this lizard has been deemed cruel to be kept alive. It needs to be euthanased today."

29. PROWSE and CAMPBELL left the park with the identified shingleback lizard in order to humanely euthanase it using the equipment in CAMPBELL'S vehicle.

30. About 14:00hrs I returned to my vehicle to have a drink and something to eat. NPWS accompanied me.

31. About 14:10hrs I re-entered the park and located PROWSE, MAKEHAM, CAMPBELL, FLANAGAN and SMALL at the Ostrich enclosure. I sighted 1 male Ostrich and 2 females. CAMPBELL indicated an emu in PBC as the outline of the hips was visible through plumage. I noted stagnant, green water in the catchment area of the exhibit.

32. We moved to the dingos. It was difficult to see all the dingos as they would not come near the fence. They adopted a slinking posture with tails tucked between their legs. I observed 1 adult in light body condition as I could clearly see its ribcage from the outside of the enclosure. The dingo had fur missing from inside its hind legs, belly, rump and back. The skin appeared red and irritated. This dingo was the only one to approach the fence and I saw tat it was constantly scratching. I also noted that all the dingos were observed scratching. I walked towards the rear of the exhibit along the fenceline and located the water bowl. The water in the bowl was dark green in colour, had a strong smell and

contained mosquito larvae. There was a large amount of faeces in varied states of decomposition near the water bowl. The decomposition ranged from fresh to hard and white. There was a strong smell coming from this area.

PROWSE SAID: "What is your flea control?"
SMALL SAID: "I'll get flea powder in buckets and dump it through the yard."

33. Observed several more bird aviaries and the echidna pit. Unable to remove an echidna for exam. Shortly after this the group returned to the car park to have lunch.

34. About 15:23hrs PROWSE, MAKEHAM, FLANAGAN, CAMPBELL and I re-entered the park and returned to the top kangaroo yard. FLANAGAN administered a sedative by use of a pole syringe to the Red Kangaroo identified as needing examination of its right eye. Shortly after this the kangaroo laid down. It was moved into a shaded area and its face covered with a towel. Its forearms were wetted with water. CAMPBELL informed me that the kangaroo had a body score of 2/5 and had an ulcer under the cornea of its right eye. CAMPBELL administered a painkiller, antibiotics and cream into the conjunctiva of the right eye. CAMPBELL also took blood.

35. PROWSE, MAKEHAM, CAMPBELL and I moved to the Parma Wallaby yard whilst FLANAGAN attended to the koalas. We caught the Red Kangaroo of concern and CAMBELL examined it. She indicated that it had a body score of 1/5.

36. A short time later we returned to koala exhibit. FLANAGAN was orally and intravenously re-hydrating the koalas. More persons had arrived at the park and I understood them to be family members.

37. I drove MAKEHAM back into Gunnedah town to collect his vehicle to enable us to transport the koalas. A short time later we returned to the park.

38. I was approached by several of the people who I understood to be family members. I then had a conversation with Nancy SMALL, Colin SMALL 2 female persons and a male person to the effect of:

I SAID: "I have taken time out to explain what is happening."
C SMALL SAID: "Just tell me what is bloody happening."
I SAID: "We have responded to a complaint."
C SMALL SAID: "Who?"
I SAID: "I can't tell you that."
C SMALL SAID: "Cause you're a bloody coward."
I SAID: "No, I cant disclose that for legal reasons. I have taken the time to explain what is happening, I would appreciate you listening to me as I have other things to do."
C SMALL SAID: "Go head then."
I SAID: "We have responded to a complaint and found some serious

problems in the park. Please understand that no one is suggesting any intentional acts of cruelty. Myself, nor the other people here are accusing you of anything, however we need to remove the koalas and 2 shingleback lizards for them to receive the vet care that they need. At this stage we don't know what has led to this situation but we need to act today in the interests of the animals. The koalas are being taken to a specialist vet centre for koalas. As soon as we know what is wrong with them, you will know. They will be held in custody, they are still technically yours and nothing will happen without you knowing that it happens. You, at any time have the option of surrendering the animals to the RSPCA. This is optional, you do not have to do this but I need to make you aware of the fact that there are costs accruing on these animals while they are in custody on vet treatment and boarding. Again, this is optional, you have every right to seek to get the animals back. We are loading the koalas and need to remove 2 shinglebacks also. You are welcome to see which ones we are seizing."

N SMALL SAID: "There is nothing wrong with the koalas, just that one old one."
I SAID: "I can't argue that point. We brought an expert with us and we are relying on her opinion."
N SMALL SAID: "You are wrong."
I SAID: "You are certainly entitled to your opinion."
I left the family and returned to the koala exhibit.

39. MAKEHAM drove his car down the service entrance and koalas were loaded into his vehicle. I then brought my vehicle into the park and koalas were loaded into the rear of it. All koalas were housed in transport crates or in 2 washing baskets as per Koala Hospital protocol. Fresh leaf that was stored in drums of water near the rehabilitation cages was taken to provide food for transport.

40. About 18:00hrs we departed the park and transported the koalas to the Saleyards Veterinary Clinic, Gunnedah located at Boggabri Road, Gunnedah. The koalas were unloaded and placed into overnight accommodation with fresh leaf. All koalas were examined again by CAMPBELL before being placed in cages. The shingleback lizards were also checked and I saw CAMPBELL administer hydration fluids into the lizards.

41. About 19:00hrs I completed duties.

42. On Thursday the 4th February, 2010 about 07:15hrs I attended the Saleyards Veterinary Clinic, Gunnedah located on Boggabri Road, Gunnedah. I met with MAKEHAM, PROWSE, FLANAGAN and CAMPBELL and assisted to load the koalas in MAKEHAM'S and PROWSE'S vehicles. All koalas were examined by CAMPBELL prior to transport as were the Shingleback Lizards. 1 koala was provided with further intravenous

fluids by CAMPBELL.

43. I departed Gunnedah about 07:50hrs.

44. On the 15th April, 2010 about 08:30hrs I attended the Port Macquarie Koala Hospital located on Lord Street, Port Macquarie. I met with PROWSE and Inspector Andrew KELLY. I assisted to load 5 koalas into the rear of the air conditioned van that I was driving. Each koala was placed in an individual crate that contained a fixed fork branch and fresh leaf. I saw an amount of leaf loaded into the rear of KELLY'S vehicle.

45. About 09:30hrs I checked the koalas in the rear of the van. All were sitting on their perches and appeared relaxed. I departed the Koala Hospital a short time later.

46. About 10:30hrs I stopped driving. KELLY pulled over also. We checked on the koalas in the rear of the van. The rear compartment was cool and all koalas appeared relaxed. The koala in the timber box was asleep.

47. About 11:30hrs I stopped driving. KELLY pulled over also. We checked on the koalas in the rear of the van. The rear compartment was cool and all koalas appeared relaxed.

48. About 12:27 KELLY and I stopped driving and met Steven COLEMAN. COLEMAN transferred the 2 shingleback lizards from his vehicle into the rear compartment of the van. All the koalas appeared relaxed and the rear compartment was cool.

49. About 13:40hrs I stopped driving. KELLY pulled over also. We checked on the koalas in the rear of the van. The rear compartment was cool and all koalas appeared relaxed.

50. About 14:45hrs KELLY and I arrived at Waterways Wildlife Park located on Mullaley Road, Gunnedah. I met with Tina SMALL at the service gate. She unlocked the gate and I drove the van into the park. I proceeded to drive to the koala exhibit and backed the van to the gate. I noted that the exhibit had been painted, new water pots installed and a concrete trough filled with water was available. I met with Nancy SMALL and KELLY began unloading the koalas. I had a conversation with N SMALL to the effect of:

N SMALL SAID:	"Are they all back."
I SAID:	"5 are here today. The vet feels that 2 of the koalas are not healthy enough to travel. We did send that advice through to Peter Long, has he told you?"
N SMALL SAID:	"No, I don't know anything."
I SAID:	"I have your 2 lizards as well. They have been inside under heat lamps so it would be best not to put them outside straight away."
N SMALL SAID:	"Yeah, we'll put them up at the house."

51. I then assisted KELLY to unload the koalas whilst N SMALL entered the enclosure. I then

had a conversation with N SMALL to the effect of:

N SMALL SAID: "See, we have done what you asked."

I SAID: "I can see that you have made changes and that is great. I have some paperwork with all of their updated weights. All the koalas have put on a least a kilo. That is a very serious weight gain for animals that weigh between 3-5 kilos. We have brought 2 days worth of leaf, the leaf they have been eating so slowly introduce that into what they will get here to wean them off it."

N SMALL SAID: "That's great. I know we had some issues, I don't think they were as bad as what you said but I know we were in a bit of a rut, things were a bit down, it's hard when you're away. It got on top of us a bit, the dingos were a bit poor I know but they're getting better slowly."

I SAID: "How is the worming going?"

N SMALL SAID: "Yeah, getting it done. Now that I'm back up and around things are getting back on track."

I SAID: "Nancy, what I would like to do is take a walk around before we leave to see the changes and look at some of the animals that we still had concerns about when we were here last."

N SMALL SAID: "Yeah, you are welcome to."

I SAID: "Would you like to walk with us?"

N SMALL SAID: "Yep, I'd like to show you what we've done."

52. KELLY and I finished unloading the koalas. I gave the food for the shingleback lizards that was supplied by Western Plains Zoo, Dubbo to Tina SMALL. I than began a tour of the park with KELLY, N SMALL and a representative from Slater and Gordon.

53. All bird aviaries improved with seed bowls cleaner, fruit up off the ground and spiked to branches, water clean. I noted that fresh browse was not available. I then had a conversation with N SMALL to the effect of:

I SAID: "Nancy, the only thing I'd say is that fresh browse would be good in these aviaries."

N SMALL SAID: "The guy who usually does that had to shoot off, his mum was in hospital. I hope the mice don't play up, when the DPI fellas were here, 1 poked its head out of a nest box if you could believe it."

54. We moved on to the dingos. All the dingos seemed to have improved in body condition but still generally appeared to have irritated, red skin and I observed them to be constantly scratching. I then had a conversation with N SMALL to the effect of:

I SAID: "How did you resolve your flea issue."

N SMALL SAID: "We give them a sentinel tablet in chicken and they take it that way."

I SAID: "They look like they have put on some weight but the skin is still a

problem. How is David planning to deal with it?"

N SMALL SAID: "We're going to build a bit of a crush up this end so we can handle them."

I SAID: "How did you go with the water?"

N SMALL SAID: "It should be alright."

I walked down the fence line and located the water bowl. I noted that it still had a green colour but generally the quality was improved.

I SAID: "Nancy, who was looking after the park while you were in hospital?"

N SMALL SAID: "My daughter, Tina. I know the dingos weren't too good. It all just got a bit much for us over that time. I know we were in a bit of a rut but we are getting out of it now and things will be better."

I SAID: "How are you going to manage the flea treatment?"

N SMALL SAID: "Oh you know, get the crush done and we'll be right then."

55. We moved on to the Ostrich yard. I noted that ad lib hay was available. I then had a conversation with N SMALL to the effect of:

I SAID: "Nancy, I can see that there has been a lot of work done, I just hope that the community continues to support you in the long run."

N SMALL SAID: "Yes, I know they will."

56. We moved to the deer yard and I observed ad lib hay available.

57. I inspected the various parrot aviaries adjacent to the deer yard and again noted the lack of fresh browse.

58. Moved to the large kangaroo yard and observed a large amount of ad lib hay available. I did not sight evidence of inappropriate food stuffs. I moved to the Parma wallaby yard and located the Red Kangaroo that was a matter of concern at the last visit. I noted that the kangaroo had improved significantly in body condition.

N SMALL SAID: "You know that roo with the eye? We had him euthanased and David did an internal examination of him but there was nothing wrong at all, he was healthy and no worms at all."

I SAID: "If there was nothing wrong, why was he put down?"

N SMALL SAID: "Oh, I don't know, you know."

I SAID: "I am happy to see these improvements. I hope they keep up. This is really what we wanted to achieve, just as I told you on the day."

59. We moved to the wombat enclosures. I saw that there was old food on the ground. Nancy indicated that they were constructing concrete troughs to put feed in.

60. We moved to the Wedge tail Eagle enclosure. I noted white and yellow feathers in the front

left corner of the enclosure. I then had a conversation with N SMALL to the effect of:

I SAID:	"Nancy, what happened here?"
N SMALL SAID:	"We gave then a dead cockatoo."
I SAID:	"One of yours?"
N SMALL SAID:	"No, just found it."

61. We moved back to the koala exhibit. I noted that the koalas were all up in perches and appeared settled. I then had a conversation with N SMALL to the effect of:

I SAID:	"Nancy, we still need to bring the other 2 koalas out but would also like to come out from time to time to see how you are getting on."
N SMALL SAID:	"No worries, you can come out and have a look anytime. Like I said we got into a bit of trouble but I think things will be good now."

62. I then wrote the following on page 22 of my official notebook A 0465 – 5 x koalas and 2 x shinglebacks "I Nancy Small acknowledge the return of the above animals on the 15/4/2010" I showed this to the Slater and Gordon representative. I then read this aloud to Nancy SMALL. Her glasses were brought to her from the house and she appeared to read it. I then saw her sign below the entry on page 22.

I NOW PRESENT THAT DOCUMENT

We proceeded to the office and a copy of this entry was made for Slater and Gordon.

63. KELLY and I departed the park about 16:45hrs.

64. On Thursday the 20th May, 2010 about 09:00hrs I attended the Port Macquarie Koala Hospital located on Lord Street, Port Macquarie. There I collected koalas 209 and 212. I departed the hospital about 10:30hrs.

65. About 11:42hrs I stopped on the Oxley Highway to check the koalas. I noted that they were both alert and responsive.

66. About 13:20hrs I stopped at Tamworth to check the koalas. I noted that they were both alert and responsive.

67. About 15:00hrs I arrived at Waterways Wildlife Park located on Mullaley Road, Gunnedah. On arrival the gates were opened and I drove to the koala enclosure. I met with SMALL and had a brief conversation.

68. I unloaded the koala crates and transferred them to the koala exhibit. I indicated to SMALL that I wished to keep the koalas in their crates until we had weighed the 5 in the exhibit. I

had a brief conversation with small to the effect of:

I SAID: "Nancy, do you have a set of scales?"
N SMALL SAID: "No, not yet."
I SAID: "Well, I've brought some"
I got a set of scales, a bag and rope from my vehicle.
N SMALL SAID: "Is that all you need."
I SAID: "Yep, that's all. You could get a set of scales like these from a produce store or even a fishing or camping store. A good bag like this will do to put the koala in"
N SMALL SAID: "Wow, gee I never thought it would be that simple."

69. I began to set up the scales and was asked a question by a reporter. I indicated that I would be speaking to Nancy SMALL first. I then weighed each koala and the results were as follows as transcribed from my official notebook A0465 page 55:

KOALA	Weight (kg) on 15/4/10	Weight (kg) on 20/5/10
213	4.4	4.5
207	6.0	6.5
208	6.3	6.5
210	6.0	5.4
211	6.3	5.4

70. I had a conversation with SMALL to the effect of:

I SAID: "Nancy, koalas 213, 207, 208 have all held or gained weight. That is really good but 210 has lost 600 grams and 211 has lost 900 grams. Has she been eating ok?"
N SMALL SAID: "Yeah, she's been good. They all have been."
I SAID: "The weight loss concerns me. Has David Amos been out?"
N SMALL SAID: "He was out after you came the first time and he will be out this afternoon to check on them."
I SAID: "He needs to keep a close eye on these two. Considering that they have gone back you will need to have them vet checked?"

71. I packed up the scales, bag and rope and released the koalas from their crates. I loaded up my vehicle and moved it away from the exhibit. I was approached by SMALL and a male person who I now know to be Leon MILLS. We had a conversation to the effect of:

MILLS SAID: "My name is Leon Mills, a local councillor. You said that you would talk to Nancy about the baby."
I SAID: "Yes. Nancy the baby is no longer alive. It was 60 grams in size and considering the poor state of her health very unlikely to have

survived."

N SMALL SAID:	"I thought that was what you were going to tell me. I know these things can happen."
MILLS SAID:	"Nancy's solicitor Peter Long has told me to get the documents about the baby. Do you have them?"
I SAID:	"You may advise Peter that he is welcome to write to us and we will respond accordingly."
N SMALL SAID:	"You didn't know it had a baby on the day did you?"
I SAID:	"You certainly didn't tell us and what confuses us is how she got pregnant in the first place, there were no males in the park."
N SMALL SAID:	"Yes there was."
I SAID:	"Not on the day we were here."
N SMALL SAID:	"There was one here 3 weeks before you arrived but he died of heat stress."
I SAID:	"Before I go can we have a quick walk through?"
N SMALL SAID:	"OK."

72. SMALL, MILLS and I walked past the rehab cages. I noticed that one of the cages has straw on the floor and looked ready for an animal. I had a conversation with SMALL to the effect of:

I SAID:	"What's going in here Nancy?"
N SMALL SAID:	"2 of those koalas you brought back are under the National Parks Licence and need to come back down."
I SAID:	"Which 2?"
N SMALL SAID:	"The small one from today and the smallest one from last time."

73. SMALL, MILLS and I walked through the park. I noted that the dingos looked to be in general improved body condition and had their winter coats growing through. I noted that there was still no fresh browse in the Brushtail Possum enclosure. I observed ad lib hay out for the kangaroos and no sighting of poor animals.

74. A short time later I departed the park.

M French

Matthew FRENCH
Inspector, RSPCA NSW

Witness: ..... Donna Stockton

Signature: ..... M French .....

RSPCA

STATEMENT

(Witness)

Statement in the matter of:
Waterways Wildlife Park

Date: 30/02/2010

Name: Kylie PROWSE

Page: 1

43 STATEMENT REGIONAL TEAM LEADER KYLIE PROWSE

Address: 201 Rookwood Road, YAGOONA NSW 2199

Telephone: 027824473

Occupation: INSPECTOR RSPCA NSW

States:

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

1. I am 43 years of age.

2. My full name is Kylie Prowse. I am a Special Constable, under the provisions of the Police (Special Provisions) Act 1901, appointed with the approval of the Commissioner of Police. I also hold Prescribed Authority under the provisions of 2A of the Prevention of Cruelty to Animals Act of 1979 as amended. I am employed by the RSPCA as an Inspector for the RSPCA's Investigation Department for the Lower North Coast. I have been employed in that capacity since 25th February 2002.

3. At approximately 12.30pm on the 22nd January 2010 as a result of information I received I attended Waterways Wildlife Park, Oxley Highway, Gumnedah. Upon arrival at this address I had a conversation with a woman.

4. I said "My name is Kylie Prowse and I am an RSPCA Inspector and we have received a concern for welfare for a number of animals at this Park. What I would like to do is look

Witness: ..... **Signature:** .....

around.

5. She said "My name is Teena Sutcliffe and my mother in law Nancy Small owns the Park but is in hospital as she has just had her hip replaced. I am a volunteer here but Nancy's daughter Jodie is looking after the Park while Nancy is in hospital. Jodie is in town getting the fruit and veg but should be back soon.

6. I said "What formal training do you have with captive animals?"

7. She said "oh none really just what Nance shows us."

8. Jodie arrived back and I said "My name is Kylie Prowse and I am an RSPCA Inspector, we have received a concern for welfare for a number of animals here. What I would like to do is have a look round and ask some questions along the way."

9. Jodie said "ok then"

10. I said "Can you please tell me the size of each enclosure, what species are in there and what the stocking density is?"

11. Jodie said "No I don't know that sort of thing but Nancy would."

12. We walked into the koala enclosure and I sighted 8 koalas with 3 on the ground hugging the water bowls.

13. I said "This doesn't seem right that these koalas are on the ground around the water bowls."

14. Jodie said "This is normal behaviour but we should have turned on the sprinklers a while ago."

Witness: ..... **Signature:** .....

15. I then watched Jodie switch on the sprinklers.

16. I was then taken to another area which was stated to be the isolation area. Within this area were 2 koalas.

17. I said "What is the nature of the problem with these koalas?"

18. Jodie said "I'm not sure"

19. I said "If they are sick how do you know how to treat them, you must have some documentation on the status of these animals."

20. Jodie said "Nancy would know"

21. I said "Can you please tell me what the diet is for the various species within the park and what amounts you are feeding out?"

22. Jodie said "no, I can't as only Nancy knows that."

23. I said "Well how do you feed them?"

24. Jodie said "Well we get unwanted fruit from in town and we get donated the unwanted grain from the mill and buy some hay and just put that out."

25. As we walked around the Park I noticed there was absolutely no pasture available in any enclosure, there was no fresh hay for grazing. I did sight plenty of rotten fruit and mouldy hay in the wombats' enclosures.

Witness: ..... **Signature:** .....

26. We arrived at the dingo enclosure and I sighted approximately 8 dingos, all appeared to in light body condition with 2 in emaciated condition.

27. I said "These dingoes are not in very good condition; they are emaciated and appear to have some sort of mange."

28. Jodie said "I think they are old but Nancy would know."

29. I said "Can you show me any documentation about any of these animals here at the Park?"

30. Jodie said "No Nancy would know where everything is."

31. I said "Can you please get Nancy to contact me and provide details on what species are in the Park, how many are in each enclosure, the size of the enclosures, what the diets are for each species and what the breeding programs are."

32. Jodie said "I will let her know."

33. I then left the Park.

34. On Wednesday 3rd February 2010 about 12.10pm I attended Waterways Wildlife Park located on the Oxley Highway, Gunnedah. Also in attendance were RSPCA Inspectors Michael Makeham and Mathew French, Dubbo Zoos Wildlife Veterinarian Michelle Campbell, Cheyne Flanagan from Port Macquarie Koala Hospital and Rebecca Cass from National Parks and Wildlife Services. Also present were 3 film crew persons from the show "Animal Rescue".

35. Michael Makeham and I entered the Park and approached the admittance building to notify our arrival and intentions. No one was inside but as we were walking around the building

Witness: ..... **Signature:** .....

we came across a female person.

36. I said "My name is Kylie Prowse, and this is Michael Makeham and we are RSPCA Inspectors. We would like to speak with the person in charge please."

37. She said "My name is Nancy Small and this is my Park"

38. I said "I attended this Park recently and after that visit I had a number of concerns about the animals, there living arrangements, diet, medical conditions and the general condition of the Park. With me today I have a Veterinarian, another wildlife expert, another RSPCA Inspector and there is a film crew. What we would like to do is look around the Park and if suitable ask you a series of questions."

39. Nancy said "There are no problems here, that's fine."

40. Nancy indicated she had just had surgery and was a bit slow. I asked her if she needed anything and or felt up to accompanying us. She indicated at this time she was ok.

41. Michael and I then proceeded back out to the front of the Park and spoke with the others and we entered the Park.

42. Myself, Michael Makeham, Matt French, Michelle Campbell, Cheyne Flanagan, Rebecca Cass and Nancy Small proceeded to the Koala enclosure. The film crew were behind us and I saw them have a conversation with Nancy. Michael was photographing and filming as we worked. Matt was transcribing any questions which I asked Nancy and also his own conversations.

43. I entered the enclosure and saw 6 koalas, two off them were sitting motionless on the floor, three were in forks of the branches and the remaining koala was lying recumbent along a

horizontal branch with her limbs hanging limply at her sides. I saw that the leaf available was dry and withered and that there was no tip on any of the branches. The water pots in which the branches sat was putrid and brown coloured liquid was in the bottom. On the ground was lots of dry and dead leaf matter. I couldn't find any fresh water in this enclosure.

44. I saw Vet Michelle Campbell and Cheyne Flanagan examining the koalas and having a conversation.

45. I went over to Nancy and said "What can you tell me about these Koalas? It is not natural behaviour for them to be on the ground."

46. Nancy said "It is natural behaviour they come down to drink, that's what they do in the wild."

47. I said "How old are these koalas?"

48. Nancy said "I'm not really sure"

49. I said "What license are these koalas held under?"

50. Nancy said "I think the DPI one"

51. I then had a conversation with Vet Michelle Campbell and Cheyne Flanagan.

52. I spoke with Nancy and said "These animals are in urgent need of Veterinary treatment and will be taken into the RSPCA's custody so we can provide them with that treatment. This enclosure needs to be closed as it below standard. The Vet has indicated to me they need to be removed to receive the treatment they need. We need to look at the two koalas which

Witness: ..... **Signature:** .....

are in your isolation area. Can you tell me why they are there?

53. Nancy said "Those two are just rehab animals"

54. I said "What is wrong with them"

55. Nancy said "ummmm"

56. I watch the Vet and Cheyne examine both the koalas.

57. I approached Nancy and said "After advise from the Vet both these koalas will also be seized and receive immediate vet treatment. What license do these koalas come under?

58. Nancy said "The National Parks one."

59. I observed Matt French having a conversation with Nancy.

60. Nancy Small approached me and said "What else was complained about"

61. I said "We need to look at all the animals in each enclosure. Another major concern is the two emaciated dingoes."

62. Nancy said "Oh Colin shot those a week and a half ago."

63. I said "Did you record this?"

64. Nancy said "No"

65. I said "Did you have a post mortem done?"

Witness: ..... **Signature:** .....

66. Nancy said "No but there buried over there if you want to dig them up."

67. We then proceeded over to the raptor enclosure. Inside were 2 wedge tail eagles.

68. I approached Nancy and said "Can you tell me what the diet is for the raptors?"

69. Nancy said "My husband is a truck driver and brings home road kill. They also get chicken from the hatchery, fisherman drop in fish and other people give us chickens."

70. I said "So is there diet dependant on what you are given?"

71. Nancy said "No, I can get chicken from the chook shop anytime."

72. From there we walked to the top yard which contained numerous red Kangaroos and a number of emus. The paddock was dirt with absolutely no pasture available. I sighted whole potatoes, pineapples, mandarins and other rotten fruit and vegetables. I watched as these animals attempted to eat the whole fruit and vegetables. There were piles of some sort of grain husks on the ground. While in this area we became aware of a large Red kangaroo which appeared to be in very poor body condition and its right eye was completely blue and clouded over.

73. I approached Nancy and said "Nancy are you aware that this Kangaroo appears to need Vet treatment and is in very poor condition?"

74. Nancy said "No"

75. I had a discussion with Vet Michelle Campbell and it was decided to sedate animal a little later to examine it thoroughly.

76. We then moved to the adjacent yard and shut the gate to lock the Red Kangaroo that needs treatment in. As we walked through this enclosure I sighted more rotten whole fruit which consisted of pineapples, ginger, garlic, beetroot, squash, mandarins, oranges and onions. There was a mix of fresh whole fruit and the rotten fruit. I sighted in several areas elastic bands with attached clips on the ground. These appeared to be the remnants from the packaging of the fruit and vegetables. In this yard there were approx. 100 kangaroos and numerous emus. There was no available pasture.

77. We then walked to the Parma Wallaby enclosure where I sighted approximately 8 Parma Wallabies and 1 Red kangaroo which was in emaciated condition. There was no available pasture. I sighted rotten whole fruit and remnants of some sort of grain product.

78. We then proceeded to the bird aviaries. The first aviary contained Eastern Rosellas, the second aviary contained Budgerigars and assorted Finches, the 3rd aviary contained quails and Superb parrots and the forth aviary contained Eastern Rosellas and Pale Headed parrots. All the water in the aviaries had a film across the top, slimy bottoms and appeared not to have been changed for a period of time. The seed trays were overloaded and spilling onto the ground and there appeared to be a large amount of husks mixed in with it. Also on the ground were whole pieces of fruit which were covered in ants. There was no fresh browse in any cage. In the fifth aviary there were 2 yellow tail Black Cockatoos and 1 Red Tail Black Cockatoo. The water was dirty and the perching structure appeared unstable.

79. We then proceeded to the enclosure which held a Mountain Brush tail Possum. There was no fresh leaf in the enclosure, the browse which was available was dry and brown. I sighted 2 carrots and a mandarin on the floor of the enclosure.

80. We next went to the Tawny frogmouth exhibit. I counted 4 birds in total with one bird sitting low to the ground.

Witness: ..... **Signature:** .....

81. We then moved on to a yard in which contained Swamp Wallabies and Agile Wallabies. I sighted several rubber bands on the ground. I sighted one Agile which appeared to be in light body condition. all ribs were visible.

82. As we were walking to the lizard pen I sighted a cat and kittens walking through the macropod enclosure.

83. We arrived at the Shingleback and Bluetongue lizard pen and Cheyne Flanagan entered the pen and stated that the pen held at least 10 lizards. I was shown a Shingleback lizard which was emaciated, non responsive and passing liquid faeces. This was presented to Veterinarian Michelle Campbell for assessment. After assessing the lizard Michelle indicated that it was cruel to keep this animal alive and euthanasia was necessary.

84. I approached Nancy and said "Nancy this lizard is very sick and needs to be euthanased immediately."

85. Nancy said "Oh Ok"

86. I then proceeded back to the car park with Vet Michelle Campbell and the lizard was humanely euthanized.

87. We then proceeded back to the lizard enclosure. While examining the lizards we came across 2 Shinglebacks who were emaciated, eyes closed, had tick burdens and appeared to be in poor health. Vet Michelle Campbell examined both and a decision was made to seize both lizards.

88. In this enclosure there were lizards ranging from emaciated to obese. There were large amounts of chopped fruit and vegetables. The enclosure appeared to be overstocked with

lizards.

89. We then proceeded to the deer enclosure where there were 2 stags and 3 does. No available pasture and the water was green and slimy.

90. We then approached the Ostrich enclosure where there were 1 male Ostrich and 3 females. Also some emus running free. The water in the dam was green and stagnant. Veterinarian Michelle indicated to me that one of the emus was in poor condition as the outline of the hips was visible through its plumage.

91. We continued on to the dingo enclosure which reportedly contained 6 dingoes. I was only able to see 3 in close proximity. They were in poor body condition, with hair loss and were scratching continuously. At the rear of the enclosure there was a water bowl which was green and stagnant.

92. I said to Nancy "Can you tell me what you do for flea and worm control?"

93. Nancy said "I will throw some flea powder around the enclosure and for worming will just put some tablets in meat and throw into the enclosure."

94. We then proceeded past some other bird aviaries which seemed to be in order and proceeded to the echidna enclosure. I saw Inspector Matt French enter the pit but was unable to remove the animal from its log.

95. We then proceeded to the wombat enclosure where one enclosure held a female and a Joey. I watched Vet Michelle Campbell take her respiratory rate and then comment that it was significantly raised. In the enclosure was wet, urine soaked hay and infested with flies. At the side of the burrow was a grain by product husk, whole carrots and an apple. In the adjacent burrow was a male who was out of his den digging himself a shallow burrow.

Witness: ..... **Signature:** .....

96. All off us then proceeded to the car park to have lunch and fluids.

97. Cheyne Flanagan returned to the Koala enclosure to begin treatment while we returned to the yard where the Red Kangaroo was and Cheyne Flanagan administered a sedative with a pole syringe. Myself, Cheyne Flanagan and Matt French moved the kangaroo to a shaded area where Vet Michelle Campbell could examine it. We kept the kangaroo cool by wetting down its forearms. Vet Michelle Campbell informed me that the kangaroo had a body score 0f 2/5 and an ulcer under the cornea of its right eye. I watched Vet Michelle Campbell administer a pain killer, antibiotics and cream into the conjunctiva of the right eye. I then watched as blood was taken from the kangaroo.

98. We then proceeded back to the Parma Wallaby enclosure where we caught another red kangaroo which was emaciated. Vet Michelle Campbell examined the kangaroo and stated it had a body score of 1/5.

99. We then returned to the main koala enclosure where I sighted both Cheyne Flanagan and Vet Michelle Campbell orally and intravenously hydrate the koalas.

100. I saw Michael Makeham and Matt French leave to go into town to pick up another vehicle and some cages. They returned approximately 45 minutes later.

101. I rang Michael Makeham while he was getting his vehicle to request he ring Saleyard Vet clinic and ask permission for animals to be boarded there over night.

102. I saw Michael Makeham and Matt French arrive back at the park and enter through the service road, and then assisted with loading 5 of the koalas into Michael's car and 3 koalas into Matt's car.

Witness: ..... **Signature:** .....

103. At approximately 5.45pm Teena Sutcliffe signed my seizure book detailing what animals had been removed. A copy was also given to Teena Sutcliffe.

104. At approximately 6.00pm I left the park with Michael Makeham, Matt French, Vet Michelle Campbell, Cheyne Flanagan and Michelle Cass. I also so the film crew depart. We proceeded to Saleyard Veterinary Clinic where the animals were unloaded and examined by Vet Michelle Campbell. One of koalas was given intravenous fluids.

105. I then proceeded to a motel and ceased work duties.

106. On Thursday 4th February 2010 I attended Saleyards Veterinary Clinic, Gunnedah with Michael Makeham, Matt French, Veterinarian Michelle Campbell and Cheyne Flanagan where I sighted Vet Michelle Campbell examine all koalas and Shingleback lizards. I sighted Vet Michelle Campbell give intravenous fluids to one koala. The koalas were then placed in mine and Michael Makehams' vehicles.

107. At approximately 7.50am Michael Makeham, Cheyne Flanagan and I departed Saleyards Veterinary Clinic and proceeded to The Koala Hospital, Lower Lord Street, Port Macquarie. The shingleback lizards were placed in a cage and into Veterinarian Michelle Campbell's vehicle.

108. We arrived at Port Macquarie Koala hospital at approximately 2.00pm and unloaded all the koalas where I sighted Cheyne Flanagan weigh and identify each Koala with an ear tag...

109. I then left the Koala Hospital and ceased duties for the day.

110. On the 5th February at approximately 8.30am I attended the Koala Hospital and met with Veterinarian Chris Livingstone who examined all the koalas. We then had a conversation

Witness: ..... **Signature:** .....

and he told me something.

111. On the 22nd February I faxed through a set of 24n notices for Michael Makeham to serve on Nancy and Colin Small.

KYLIE PROWSE
INSPECTOR RSPCA NSW
LOWER NORTH COAST REGION

Witness: .....

D. HAWKINS
Inspector

Signature: .....

CERTIFICATE OF EXPERT EVIDENCE

Section 177, Evidence Act 1995 No. 25

NAME: Dr Michelle Campbell

ADDRESS: Taronga Conservation Society Australia
Taronga Western Plains Zoo
Obley Road, Dubbo

DATE: 11/02/10 **PHONE:** 02 6881 1400

OCCUPATION: Veterinarian

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.

2. I am 35 years of age.

3. I hereby certify that I am a registered veterinarian. I have specialised knowledge based on my training, study and experience as a veterinarian for the past 9 years. I hold the following qualifications: Bachelor of Science from the University of Sydney, Bachelor of Veterinary Science with First Class Honours from the University of Sydney, Certificate in Zoological Medicine from the Royal College of Veterinary Surgeons and Diploma in Zoological Medicine from the Royal College of Veterinary Surgeons (RCVS). I have been awarded RCVS Recognised Specialist Status in Zoo and Wildlife Medicine.

4. At approximately 12 noon on the 3rd February 2010 I attended Waterways Wildlife Park at the request of the RSPCA to do an animal welfare inspection on a variety of species.

5. We initially proceeded to the koala exhibit enclosure and found six female koalas housed there. On initial inspection two koalas were sitting motionless on the floor of the enclosure at the base of the erected branches (an unusual location for healthy koalas to rest in an adequately furnished enclosure). Three koalas were sitting in forks in the branches (normal posture) and the remaining koala was lying in sternal recumbency along a horizontal branch with her limbs hanging limply on either side of this branch. There was little suitable foliage available (most leaves remaining on the browse provided were dry and brittle) and the water in which the food was placed was putrid and soiled with faeces. Large numbers of mosquito larvae were present in this

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malodorous, brown-coloured water. No clean, fresh water could be found in any of the water receptacles within this enclosure.
Clinical examination revealed that 5 of the 6 koalas were in suboptimal body condition (between 1/5 to 2/5). All of the 6 koalas were dehydrated to varying degrees (from mild to moderate) on the basis of skin tone and tenting over the scapulae and the top of the head. No abnormalities were found on thoracic auscultation.
Two koalas were considered to be in need of urgent medical treatment on the basis of their examination:

- The first (subsequently tagged 206) had a body condition score of 1/5 (ie. was emaciated), was dehydrated, passing mucoid faeces and had urine-soaked pericloacal fur (raising the suspicion of chlamydial infection). Mucous membranes were pale and dry. There were areas of alopecia (fur loss) on the distal limbs and face. This animal was given intravenous crystalloid fluids to provide immediate rehydration. There was no resistance to the placement of an intravenous catheter in the cephalic vein (an indication of marked debilitation). A blood sample was collected for haematology and biochemistry. A hair pluck was collected from the patch of alopecia on the right fore limb (immediately proximal to digits 3 and 4) for microscopy and fungal culture. A total of 180ml Hartmann's solution was given intravenously on the day of the inspection and within half an hour of this treatment commencing the animal's demeanour started to improve and the koala began eating leaves with some encouragement. Subcutaneous fluids (75ml Hartmann's solution) were administered the following morning to further facilitate rehydration and promote normal feeding. The blood results from this animal revealed a mild anaemia, leukocytosis due to neutrophilia and monocytosis and hypoproteinaemia due to hypoalbuminaemia (see Appendix 1). These results are suggestive of a chronic inflammatory process and indicate that the animal's protein levels were below normal at the time the sample was taken. Fungal culture of the hair pluck collected from this animal revealed a growth of *Microsporum canis* (ringworm).
- The second koala of immediate concern had a body condition score of 1.5/5 and was markedly depressed. Despite a largely normal posture, this animal was minimally responsive on initial exam and had pale mucous membranes. This koala readily accepted oral fluids administered by syringe.

One koala (with a body condition score of 2/5 and moderate dehydration) had evidence of soft faeces soiling the coat (an indication of gastrointestinal disease).
The sole koala that was considered to be in adequate body condition (but did show evidence of dehydration), was the only animal in this enclosure that responded to examination in an expected fashion (with some level of resistance). This animal was observed drinking from a bowl of dirty water located on the floor of the enclosure (atypical behaviour in a healthy koala; often seen in dehydrated individuals).
Given the finding that all the koalas were dehydrated, oral electrolyte solution was provided by syringe. All but one of these animals accepted the supportive treatment readily. Rehydration and nutritional support was indicated for all as follow-up care.
Further evaluation for each koala was recommended including:

- Complete clinical examination

- Haematology
- Serum biochemistry
- Collection of conjunctival and urogenital swabs for Clearview® Chlamydia MF testing

It was explained that these tests are likely to require a short period of general anaesthesia which could be undertaken only once hydration and demeanour starts to improve.

Following inspection and examination of this group of koalas, it was deemed necessary to remove these animals from the property to facilitate the provision of supportive treatment and to carry out further medical evaluation.

6. We then proceeded to what was described as the isolation area and sighted two koalas (one adult female and one subadult female) which were present in a single enclosure. The adult appeared to be in reasonable body condition (3/5) and was adequately hydrated. The subadult, however, was thin (2/5 body condition score), weak and had significant urine soiling of the pericloacal fur.
Further evaluation for each koala was recommended including:

- Full clinical examination
- Haematology
- Serum biochemistry.
- Conjunctival and urogenital swabs for Clearview® Chlamydia screening

The subadult animal was in need of immediate rehydration and nutritional support. It was recommended that the animals remain isolated from other koalas pending the results of *Chlamydophila* screening. Following inspection and examination of these two koalas and in light of the likelihood of these animals carrying serious infectious disease, a decision was made to remove them from the property to conduct the aforementioned treatment and diagnostic testing.
Fresh eucalypt browse was present in a large bin containing fresh water adjacent to the rehabilitation aviaries. To maintain access to food during transport, with Mrs Small's permission, some branches from this supply were transferred into the transport containers into which the koalas were placed.

7. Various macropod (kangaroo and wallaby) species were present throughout the property. In the largest macropod enclosure (which also housed a large group of emus) the stocking density was high. The majority of animals appeared to be in adequate condition. Health concerns of note included:

- One red kangaroo (housed with a group of parma wallabies) was very thin.
- Another red kangaroo in the large exhibit had patchy alopecia on both hind legs (indicating some form of skin disease).
- The parma wallabies had rough hair coats but otherwise appeared normal.
- The water in the parma wallaby enclosure was covered by a green slimy film.
- One male red kangaroo was noted to have a discoloured eye (clearly evident from a distance of approximately 10 metres). This individual had a slight head tilt to the right and was intermittently scratching this side of his head. When asked by an

RSPCA inspector if she was aware that this kangaroo had an eye problem, Mrs Small replied "No, I was not aware". The kangaroo was sedated with 250mg tiletamine-zolazepam (administered intramuscularly by pole syringe – the drug was prepared by myself and administered to the animal by Cheyne Flanagan from the Port Macquarie Koala Hospital under my supervision). Examination revealed an active right corneal ulcer and associated corneal oedema. The degree of oedema limited intraocular examination. Empirical treatment was administered in the form of topical antibiotics (Tricin® ointment), a subconjuctival antibiotic injection (long-acting pencillin, Benacillin®) and a subcutaneous injection of a pain-killer (meloxicam, Metacam®). The kangaroo was assessed as being in lean body condition (2/5). Some tartar was present on the lower incisors. A blood sample was collected for haematology and biochemistry. The kangaroo was recovering from the anaesthetic at the time the inspection of the property concluded. Mrs Small and her daughter were advised that the kangaroo would be a little unsteady on his feet for a few hours but should make a smooth recovery overnight. Close monitoring of the eye was recommended and it was suggested that veterinary re-evaluation should be sought unless prompt improvement occurred. Blood results from this animal subsequently revealed a marginally low white cell count due to a mildly depressed lymphocyte level, mild hypoalbuminaemia and hypoglycaemia (low blood sugar)(see Appendix 1). The latter was the only result on the blood work that was of significant magnitude to warrant clinical concern. Hypoglycaemia may occur due to reduced food intake, metabolic aberrations or delay in sample processing. This animal's appetite should be monitored closely and repeat blood sampling be considered to repeat the test should follow-up anaesthesia be required.

- The food that had been placed in the macropod enclosures was largely inappropriate in type and was of poor quality. For example whole potatoes, large volumes of rotten citrus fruit, whole bunches of celery and onions were observed in piles on the ground. There was no fresh grass for grazing in the areas inspected and I did not see any fresh hay in any of the macropod enclosures. When asked about the provision of hay for macropods Mrs Small replied that "Hay is offered every couple of days". Hay should be available *ad libitum* (at all times) to grazing macropods that do not have access to fresh grass.
- A significant concern was the finding of a large number of elastic bands with attached labels on the floor of one macropod enclosure. These items were the remnants of produce offered with the packaging intact. The potential for the animals to ingest these items was raised. Such items may impede the animal's ability to eat or may cause gastrointestinal obstructions.

8. There was a large population of emus present on the property. The bulk of these birds appeared to be in adequate condition. One notable exception was a very thin emu housed with the ostriches. The two female ostriches in the same enclosure had poor feather quality and one was observed open-beak breathing at rest (may be an indication of stress, respiratory disease or hyperthermia). Conversely the male ostrich was bright and in good condition.

In the large series of adjoining enclosures which housed the bulk of the emus (and macropods) the food present was either inappropriate in type or inappropriately prepared. Whole carrots, whole potatoes, whole onions, a whole pineapple, decaying lettuce and a pile of halved rotten citrus fruit were present. In the absence of more appropriate foodstuffs, emus were seen attempting to eat whole carrots and whole potatoes (with obvious difficulty).

9. The only concern of note within the small bird aviaries was the presence of produce (generally whole pieces of fruit) offered on the floor of many of the enclosures. It is recommended that all foods are offered to aviary birds in an elevated position to limit the potential for faecal contamination. All seed dishes seen were positioned in this way (elevated above the lower parts of the aviaries). No abnormalities in relation to body condition and demeanour were noted in relation to the aviary birds on exhibit.

10. Several cages housing galahs were situated adjacent to the koala rehabilitation aviaries. The floor of these cages was covered by a thick layer (at least 10mm deep) of broken (eaten) seed and faeces. The level of hygiene in these cages was below acceptable standards.

11. The fallow deer enclosure contained 3 stags, 2 hinds and a juvenile. The sex ratio in this group is considered inappropriate, especially in a confined space. Low grade aggressive interaction between two of the stags was witnessed. The potential for issues related to male dominated aggression should be considered in relation to this group.

12. The dingo enclosure reportedly contained six animals. Only three animals were seen in relatively close proximity to permit assessment. They were in lean body condition (2.5/5) and one animal was persistently scratching. The pruritic dingo had patchy alopecia along both lateral body walls. Ectoparasites (fleas and/or mites) are the most likely cause of these signs. When asked by an RSPCA inspector about flea or other parasite treatment, Mrs Small replied that she was planning to apply some flea powder to the enclosure substrate. Individual treatment of the dingoes with a flea control product is advised. Whilst environmental control is an important part of flea prevention, it is not sufficient to eliminate flea burdens on infested animals. The discussion that arose regarding the options for treatment of the dingoes highlighted a significant problem in relation to the provision of medical care for these animals – the large, rectangular enclosure did not provide any options for separation of individuals and the animals were not conditioned for handling or close inspection. This is a common issue for those caring for wild animals in captivity and some forethought should be given to how best to overcome such constraints (for all species).
No fresh water was seen in the dingo enclosure. A large water receptacle was present in one corner and was covered by a thick layer of green slime. A large amount of dried faeces was present near this water receptacle suggestive that the enclosure had not been cleared of faeces for some time.

Mrs Small explained during the inspection that two dingoes had been euthanased in the previous week. When Inspector Prowse asked Mrs Small if a post-mortem examination had been carried out, Mrs Small replied "No, why would I want to do that?"

13. A group of shingleback lizards and a blue-tongued skink were housed together in a rectangular enclosure. A very large amount of chopped, mixed fresh fruit and vegetables were present near the entrance to this enclosure.

- One of the shingleback lizards was emaciated, minimally responsive, passing liquid faeces and had white mucous membranes. Given the severity of this animal's debilitation, immediate euthanasia was recommended. This animal has subsequently been assigned identification number A25/10. Euthanasia by administration of intraperitoneal pentobarbitone was carried out. Necropsy examination of this animal has been undertaken. Findings included hepatic (liver) disease, a moderate endoparasite burden and the presence of an ingested piece of foreign material (presumed to be rubber or elastic) in the lower colon. Histopathological examination of a selection of tissues from this animal is currently underway. A complete necropsy report will be compiled once that work has been completed and will be forwarded to the RSPCA.
- Two additional shingleback lizards were in poor body condition, were dehydrated (with sunken eyes and dry mucous membranes), had a moderate tick burden and had crusting of the eyelids bilaterally. Faecal samples were collected from these two animals and have subsequently revealed heavy endoparasite (worm) burdens. After inspection and examination it was deemed necessary to remove these animals from the property for further evaluation and treatment. They have subsequently been allocated identification numbers A23/10 and A24/10. They have received anthelmintic treatment, nutritional and fluid support and topical ocular treatment to clear the debris that had accumulated between their eyes. Both animals have since gained a significant amount of weight (A23/10 from 510g to 670g; and A24/10 from 510g to 628g) and their ocular problems are resolving.
- Two shingleback lizards in this enclosure were obese. These animals must be monitored closely as any sudden reduction in appetite may predispose to hepatic (liver) problems.
- The remaining shingleback lizards were in adequate body condition with no overt signs of disease on examination. Given the high stocking density in this enclosure and the finding of significant parasite burdens in 3 of their enclosure-mates, anthelmintic treatment of these animals is recommended (eg. fenbendazole 50mg/kg once daily for 3 consecutive days, with a follow-up pooled faecal flotation test two weeks after treatment).
- The blue-tongue skink was in good body condition but this animal had crusty accumulations around both tympanic membranes – veterinary assessment and treatment of this animal is recommended including topical soaking of the affected skin and microscopy to rule out ectoparasitic disease and local bacterial infection. The above comments regarding endoparasites apply equally to this animal.

14. The echidna enclosure reportedly contained two echidnas. Only one echidna was seen deep within a log. Close examination of this animal was not possible due to its location. Several empty plastic food containers were present within the enclosure. When asked by the inspector about their diet, Mrs Small replied "They receive a special echidna diet of mince, yoghurt, and various other ingredients". When asked if the diet was written down anywhere, Mrs Small indicated that she wasn't sure: "It may be somewhere".

15. The female wombat (with joey) was in her burrow. On initial inspection she had a raised respiratory rate (160 breaths per minute compared to a normal value of 12 -30 breaths per minute). Fresh hay was present at the edge of the enclosure. Fresh (whole) carrots and an apple were also present. There were several layers of damp, stale, malodourous hay at the entrance to the burrow. The odour suggested that the material was soaked in urine. A large volume of a grain by-product was covering approximately 1/5 of the ground around the burrow (to the left of burrow when facing the entrance).
The male wombat was out of his den at the time of inspection and was digging himself a shallow burrow in the available substrate.

16. One of the most concerning findings of this visit was the apparent lack of fresh water in many of the enclosures. Additionally, there was evidence of inappropriate dietary provision for many of the species held. Fruits and vegetables appeared to be offered whole (unchopped) to many species, often without the packaging ties removed. Omnivorous lizards appeared to be offered fruits and vegetables only, and the quantity of food offered to them was excessive in relation to the number of animals present.

17. When asked by the RSPCA inspector whether any of the animals were wormed regularly, Mrs Small was heard to say that she did not believe that there was a parasite problem on the property and that treatment was therefore not necessary. I asked her if faecal testing for parasites was ever undertaken and she said "no". Parasitic disease is common in captive wildlife especially under conditions of high stocking density (such as those witnessed on this property). All captive collections should at the very minimum have regular parasite checks performed (with treatment dispensed as indicated by the results). The diagnosis of high parasite burdens in the two confiscated shingleback lizards, tapeworm infestation of the confiscated koalas and the likelihood of ectoparasitic disease in the dingoes (on the basis of their clinical signs) highlight the need to re-evaluate the requirement for parasite control on this property.

18. There was evidence of uncontrolled breeding of groups of animals on the property. This promotes heavy stocking densities and can result in inappropriate demographics, stress and increased susceptibility to disease. It is recommended that some consideration be given to contraception (permanent or temporary) of groups including macropods, dingoes and deer.
19. No external forms of identification were seen on any of the animals examined. It was not clear whether the animals were microchipped but if not, some method of identifying individuals should be considered to aid in accurate record keeping and health monitoring of the collection.

20. A cat was seen walking through one of the macropod enclosures during the inspection. It was not clear whether this animal was a pet or a feral cat. In either case, all efforts should be made to reduce the risk of macropods being exposed to cat faeces. Cat faeces is the source of toxoplasmosis, a serious and relatively common disease in many native species. This potentially fatal disease causes neurological signs and in most cases, affected animals need to be euthanased due to the poor response to treatment and severity of clinical signs.

I estimate the condition of the shingleback lizard A25/10 (the one which was euthanased) to have taken a minimum period of 2 to 3 months to deteriorate. However, the likelihood is that this condition may have been present for significantly longer. The two shingleback lizards which were removed from the property (A23/10 and A24/10) are estimated to have been in the condition described above for at least 6 weeks. Again, this period could conceivably be much longer given the low metabolic rate of reptiles and their comparative resilience to disease and malnutrition (as opposed to mammals and birds). The koala tagged 206 is estimated to have been in the aforementioned condition for many months. The remaining koalas examined on the day were in a variable state of dehydration and poor body condition: based on my experience and the examination performed on 3rd February, I have estimated that these animals had been in suboptimal condition for a period of at least a few weeks, but possibly up to a few months. Continued monitoring of the progress of these animals (shingleback lizards and koalas) may permit a more accurate estimation of the chronicity of their illnesses.

Based wholly or substantially on my specialised knowledge, during the inspection of Waterways Wildlife Park on 3rd February 2010 a number of animals (of various species) were showing signs of significant ill-health and disease; some of these animals were deemed to be in need of immediate veterinary intervention. Additionally observations made during the inspection that raised serious concern in relation to animal health and welfare in some of the enclosures included high stocking densities, uncontrolled breeding, poor hygiene standards, a lack of fresh water and inappropriate dietary provision.

Michelle L. Campbell
BSc BVSc(Hons I) DZooMed(Mammalian) MRCVS
RCVS Recognised Specialist in Zoo and Wildlife Medicine
Veterinarian – Taronga Western Plains Zoo

WITNESS:

CERTIFICATE OF EXPERT EVIDENCE

Section 177, Evidence Act 1995 No. 25

NAME: Dr Christopher Livingston
ADDRESS: Port Macquarie Veterinary Hospital
159 Gordon Street, Port Macquarie

DATE: 23/02/10 **PHONE:** 02 65831611

OCCUPATION: Veterinarian.

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.

2. I am 34 years of age.

3. I hereby certify that I am a registered veterinarian. I have specialised knowledge based on my training, study and experience as a veterinarian for the past 10 years. I hold the following qualifications:
Bachelor of Veterinary Science with first class honours,
Diploma of Veterinary Clinical Studies,
both from the University of Sydney.
I have been the hospital superintendent at the Port Macquarie Koala Hospital for the past 6 years.

65 CERTIFICATE OF EXPERT EVIDENCE DR CHRISTOPHER LIVINGSTON

4. On the 5th February 2010 at Port Macquarie Koala Hospital I was presented with 8 koalas by RSPCA Inspector Kylie Prowse. Each individual koala was identified with an ear tag and my findings were as follows:

   - Tag 206: 5/2/10 : Female of advance age (approximately 14 years), based on advanced wear of the dentition.

Large frame koala in emaciated condition (4.5kg). Very easily palpable skeletal structures due to very minimal overlying musculature. The expected weight for a koala of this size is in the order of 6 to 8 kg.
She was showing signs of dehydration despite intravenous and oral hydration fluids and had very pale mucous membranes. Dehydration was assessed by determination of reduced skin turgor and dryness of the oral mucous membranes.
A faecal sample showed a tapeworm burden.
The right and left cheek pouches inside the oral cavity were found to be swollen, with inflamed nodules on the oral mucosa that bled when touched.

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The koala was noted to be passing loose faeces (rather than firm faecal balls). The cloaca had a large amount of faecal-stained fur that appeared to interfere with the passing of faeces.
There was a large matt of fur under the chin which measured approximately 15cm in length. This gently eased away to reveal a large area of alopecia beneath. Similar lesions were present on the digits of the right hand, digits of the left foot, and on the dorsal aspect of the left stifle joints. Fungal culture from the skin lesions, taken by Dr Michelle Campbell of Taronga Western Plains Zoo, confirmed the presence of a Microsporum species ie ringworm.
"Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from the left eye and the urogenital tract.
Ultrasonic examination of the urinary tract revealed no significant abnormalities.
Blood results, from blood taken by Michelle Campbell, prior to admission to the Koala Hospital Port Macquarie, revealed a mature neutrophilia and monocytosis. A mild anaemia was also present. There was also a low blood albumin (protein), which may be due to a protein-losing enteropathy, although this was not confirmed. These changes were consistent with chronic (relatively long-standing) inflammatory demand, possibly directly affecting the gastro-intestinal system. An infection or neoplasia (tumour) were distinct possibilities. Chlamydiosis appears to be present, but this was unlikely to be the sole cause of disease in this case.
Treatment was instituted with 2 injectable broad-spectrum antibiotics, enrofloxacin and amoxicillin with clavulanic acid.

9/2/10: Blood work was repeated and revealed ongoing inflammatory demand (similar to the changes described above). There was an improvement in the albumin level, but the koala's general condition had deteriorated.

19/2/10 : Koala had gained 400g. Still in very poor body condition. Dull demeanour. Skin lesions are improving on antifungal ointment (Clotrimazole). Decision made to continue treatment and reassess condition weekly, with consideration given to euthanasia if further deterioration occurs.

23/2/10: Koala had lost 200g to take her back to 4.7 kg. She had become depressed, and the diarrhea had worsened.
In my opinion, the koala was not responding to treatment and her condition was such that euthanasia was deemed necessary to avoid undue suffering of the animal. The koala was euthanased with intravenous lethabarb at this time. The body was transported to the University of Sydney Veterinary Pathology Department for post mortem.

- Tag 207: 5/2/10 – Female, approximately 6 years, in lean body condition (5.1kg), with brown staining of the fur of the perineum and alopecia around the cloaca . She was dehydrated (based on reduced skin turgor and dry

mucous membranes). A faecal sample showed a tapeworm burden. An ultrasound examination of the urinary tract revealed multi-loculated paraovarian cysts. The bladder was within normal limits.
"Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and the urogenital tract.
This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala was noted to have gained 800g since admission. Koala was bright and alert and eating well. She was passing normal faeces. Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 1.0 kg since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. Treatment with Enrofloxacin was continued.

- Tag 208: 5/2/10 – Female, approximately 6 years in lean body condition (5.6kg). She was dehydrated and continually passing semi soft to liquid faecal material. She had pale mucous membranes and inflamed and enlarged clitoris .
"Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and the urogenital tract.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala was noted to have gained 400g since admission. Koala was bright and alert and eating well. She was passing normal faeces. Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 500g since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. Treatment with Enrofloxacin was continued.

- Tag 209 : 5/2/10– Female of advanced age (approximately 16 years), based on advanced wear of the dentition – almost to the gum line. She was in poor body condition (5.7kg) and dehydrated. An unfurred joey, less than 3 months of age, alive and attached to teat in pouch. Ultrasonography was unable to be performed due to joey in pouch.
"Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and the urogenital tract.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala was noted to have gained 200g since admission. Koala was bright and alert and eating well. She was passing normal faeces. Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 800g since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. Treatment with Enrofloxacin was continued.

- Tag 210 : 5/2/10– Female, approximately 11 years, in poor body condition (5kg).

She was dehydrated and had pale mucous membranes. The pouch was undeveloped with involuted teats, suggesting that the koala was not reproductively active. Ultrasonography of the urinary tract showed a slightly thickened bladder wall, and a large para-ovarian cyst on the left side. There was some mild fur staining stain on the rump and perineum.

"Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and the urogenital tract.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala was noted to have gained 500g since admission. Koala was bright and alert and eating well. She is passing normal faeces. Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 600g since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. Treatment with Enrofloxacin was continued.

- Tag 211: 5/2/10 – Female, approximately 10 years of age, in poor body condition (5.1kg) and dehydrated.

Ultrasonographic examination of the urinary tract was within normal limits. "Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and a negative result from the urogenital tract.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala was noted to have gained 400g since admission. Koala was bright and alert and eating well. She was passing normal faeces. Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 700g since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. Treatment with Enrofloxacin was continued.

- Tag 212: 5/2/10 – small female, approximately 3 years, in fair body condition (4.7kg) and dehydrated.

There is some staining of the perineal fur, beyond that which could be deemed normal.

Ultrasonographic examination of the urinary tract was within normal limits. "Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from the right eye and from the urogenital tract. A negative result was obtained from the left eye.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala is noted to have gained 600g since admission. Koala is bright and alert and eating well. She is passing normal faeces.
Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 1.10kg since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls.
Treatment with Enrofloxacin was continued.

- Tag 213 : 5/2/10 – Female, approximately 2 years, in poor body condition (3kg) and dehydrated. There was mild staining of fur of the perineum and rump.

Ultrasonographic examination of the urinary tract was within normal limits. "Clearview" Chlamydial antigen swabs were performed from both eyes and the urogenital tract. Positive results were obtained from both eyes and the urogenital tract.

This animal was deemed to be sub-clinically infected with Chlamydia and treated accordingly with injectable Enrofloxacin daily.

19/2/10: Koala's weight has remained stable since admission. Koala is bright and alert and eating well. She is passing normal faeces. The staining of the perineum is much improved.
Treatment with Enrofloxacin was continued.

2/3/10 Koala was noted to have gained 400g since admission. Koala was bright and alert and seen to be eating well. Passing normal faecal balls. The staining of the perineum had resolved.
Treatment with Enrofloxacin was continued.

5. Based wholly or substantially on my specialised knowledge, I consider the following to be true:

Tag 206: This koala was in an emaciated body condition, had advanced tooth wear (and thus advanced age) and was suffering a serious underlying disease process (which had not been specifically elucidated at this stage). The koala was positive to Chlamydia, but this may not be the significant cause of her poor state. This koala was in need of veterinary attention and, in my opinion, would have needed this attention for sometime. The degree of emaciation, dehydration, skin lesions, diarrhoea and matting of the fur would have been clearly apparent for some period of time prior to my examination. These clinical signs are not simply the result of age, but the koala's advanced age means that she is less able to cope with disease and was thus in more urgent need of veterinary attention.

Tag no's 207 through to 213: All of these koalas presented with dehydration, varying levels of poor body condition (all were well below their ideal weights), several with diarrhea and all swabbed positive for Chlamydia (a very common contagious pathogen among koala populations, which is routinely screened for among captive populations to eliminate or treat affected animals and prevent spread of the disease).
Without exception, all the koalas have gained significant weight following access to good quality fresh leaf daily, supportive nutrition (in the case of 210) and provision of adequate shelter and space. In the case of 212, a 23% increase in body weight was seen in the space of approximately 3 weeks. This is attributable to both rehydration and increase in body mass, which would be likely to continue in the coming weeks.
It would appear that, given these facts, the husbandry conditions that these koalas were existing in prior to admission to the Koala Hospital, were less than adequate.

6. In regard to Tag 206: I estimate that this condition would have been present for greater than 1 month. It likely though that to reach this state of emaciation that she may have been unwell for a time period in the order of 6 months.

   Tags 207 through to 213: I estimate that the poor condition of these koalas is likely to have developed over 1 month or longer.

Christopher Livingston
Port Macquarie Veterinary Hospital

WITNESS:

CERTIFICATE OF EXPERT EVIDENCE

Section 177, Evidence Act 1995 No. 25

NAME: Cheyne Flanagan

ADDRESS: The Koala Hospital, Macquarie Nature Reserve
159 Lord Street, Port Macquarie

DATE: 23/02/10 **PHONE:** 02 65841522

OCCUPATION: Supervisor

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.

2. I am 55 years of age.

3. I hereby certify that I hold a Bachelor of Science Degree majoring in wildlife biology and have over 30 years experience in the management and husbandry of Australian wildlife and have held the position of The Koala Hospital Supervisor for the last 10 years. I am responsible for the health assessments for over 250 Koalas per annum under the supervision and authority of The Port Macquarie Veterinary Clinic. I also work along side the Veterinary Pathology Team at The University of Sydney.

21. CERTIFICATE OF EXPERT EVIDENCE CHEYNE FLANAGAN (23/2/2010)

4. On 22/1/10, RSPCA Inspector Kylie Prowse contacted me regarding the condition of koalas at the Waterways Wildlife Park at Gunnedah in central western NSW. Inspector Prowse also forwarded some photos taken of the koalas during her initial visit on 22/1/10. The photo of female Koala K206 curled up over a water bowl alerted me that this particular koala was not in a healthy state and, on the basis of my professional experience, required immediate veterinary intervention. Other photographs of other koalas lying spread out on the ground was also of concern because in my experience this is not common behaviour of koalas – wild or captive.

5. On arrival at the Waterways Wildlife Park, after Inspector Prowse had made contact with the Park owners on 3/2/10 I went straight to the koala enclosure in the company of Inspector Kylie Prowse, Inspector Matthew French,

SIGNATURE: _____ WITNESS: _____

Inspector Michael Makeham, Wildlife Veterinarian Michelle Campbell and National Parks and Wildlife Service Ranger Rebecca Cass. It was approximately 12.30 pm (daylight saving time), there was some cloud cover on the day with an ambient temperature of approximately 33-35 degrees. I observed that it was both hot, very dry with no air flow in the enclosure. One of the koalas was observed sitting on the ground drinking from the water bowl as we arrived – the koala later identified as 206. A temperature reading was taken (using a laser pointer thermometer) at the base of the water bowl, which showed 31.5 degrees. Another koala was lying flat on her stomach around the base of a bucket on the ground while another was sitting on the ground behind the same bucket. The three remaining koalas were on the perches in the leaf (temperature of approximately 33 degrees using laser pointer) . They were all breathing quite rapidly (fast respiration). The first thing I observed was their dehydrated state – all had sunken eyes and were exhibiting lethargic behaviour. Some of the koalas were observed to have badly stained, wet perineums and rump areas coated in loose faecal material that had a strong offensive acid urine smell. This smell can be associated with koalas sitting in the same location day after day, with the cage furniture not being replaced. A number of the koalas in this enclosure also had a smell of chlamydiosis.

6. A quick assessment of the koalas' skin turgor confirmed their dehydrated state as they all exhibited "tenting of the skin". A quick check of body condition was done on all koalas (by feeling muscle condition over the scapula, top of the head, forearms and thighs) and this resulted in three of the koalas exhibiting poor condition, two exhibited fair body condition and the one believed at the time to be the "oldest" koala (the one in the original photo) to be in an emaciated body condition. This female (koala K206) was also extremely dehydrated and in consultation with the attending veterinarian Michelle Campbell we confirmed that this koala required immediate intravenous fluids.

7. There was a quantity of eucalypt leaf (four containers?) in the enclosure that I estimated to be at least 2-3 days old. The entire top areas of each bundle of leaf branches was stripped bare (where the leaf quality is usually better and has more leaf moisture). The remainder of the leaf on the branches remained untouched as it was dead to the point where when we tested random handfuls of leaf by squeezing, it literally crumbled and shattered. The leaf had a pale green to white appearance which is typical of dead leaf. The ground was also littered with copious amounts of dead leaf that had fallen from branches. As koalas require over 65% moisture in eucalypt leaf to

sustain their daily water needs so that they do not need to source ground water (which is normal in the wild) having eucalypt leaf in the enclosure that was so dry was in my opinion not giving these koalas their normal source of daily water requirements and available nutrients. In my opinion, low eucalypt leaf moisture coupled with the hot dry temperatures of the western plains summers (i.e. condition of animals was result of preceding conditions, not immediate on the day) , had been a contributing factor to what I would have no doubt in clinically categorising as chronic dehydration.

8. I observed that the level of water in the containers in the koala enclosure was not only low but black in colour, full of faecal pellets and odiferous. Consequently the stems would have been unable to utilise this putrid water and hence leaf had died on the branches rendering the moisture level below an acceptable hydration point for the koalas daily needs.

9. There was also one container of leaf erected in the open end of the enclosure in full sun which would render this leaf useless in a short space of time.

10. Of greatest and most urgent of concern was the aged and emaciated female koala's state of health (K206). She was in extremely poor condition with advanced muscle wastage, badly matted fur and was so debilitated that she was unable to groom herself. She had a badly matted rump and perineum area consisting of hard faecal material, fur and discharge. She also had suffered fur loss under the chin, and neck which had packed into a ring of matted material about 15 cms long. This old koala was also passing loose to liquid faeces that were mucous coated. This old koala also smelt badly of urine and diarrhoea.

11. A second urgent concern related to two young female koalas housed off exhibit in a "quarantine facility". Lying curled up asleep just over the heads of these sick young koalas was a wild brushtail possum and her joey. A quarantine facility should be such that other animals (wild or domestic) do not have access to the animals so segregated to prevent zoonotic disease transfer. The two young koalas in this "quarantine facility" were observed close together in the corner on a dirty, wet faecal and urine coated timber runner trying to seek some sort of airflow from the window cut into the corrugated iron wall. The enclosure was extremely hot and was about two metres by four metres and two metres high and definitely not adequate to house two koalas that were "sick" as claimed by the owner. The owner appeared to be unable to tell us why these koalas were put in quarantine and said she didn't know "what was wrong with them". If they were sick, then veterinary advice should have been sought from not only from the

perspective of animal welfare but also as a requirement of their exhibitors licence. Obviously if they were put "off exhibit" as they were observed to be sick then there must have been some observable clinical signs to document and put into place a plan to manage the problem. I also observed that the eucalypt leaf in this enclosure was dead and shattered when handled. The water in the bucket was the same as the other enclosure being black, putrid and full of faecal pellets, and the top was covered in an oily scum. The floor of the enclosure was covered in urine, squashed faecal material, dead leaf and had obviously not been cleaned for sometime. One of the young koalas was lying flat along the timber runner with the other koala literally sitting on this animal's head, such was the lack of space for them to sit. Both young koalas were dehydrated as evidenced by sunken eyes and exhibiting the classic "tenting" of the skin. Both appeared to be timid and frightened which is not usually the normal behaviour of captive animals who tend to be quite amenable to human contact.

12. The younger koala (K213) had a strong smell of chlamydiosis, was in very poor body condition and presented with the classic brown staining of the perineum and rump. The older koala (K212) showed minor staining but showed slightly better body condition and slightly more responsive behaviour. Both of them exhibited depressed and flat/timid frightened behaviour. By the appearance of the state of the enclosure it would appear the koalas had been in there for some time.

13. All the koalas were. given rehydration fluids on the 4th February immediately on arrival at the Koala Hospital. On 5th February and the following Monday 8th, all the Koalas were given a full examination at The Koala Hospital. This included weight, body measurements, muscle condition, external examination, aging, blood samples, swabs (eye and uro genital) and ultra sound of their reproductive tract, kidney status and general internal assessment.

14. My findings on the Koalas are listed as follows

- 206 – Female, approximately 14 years, 4.5kgs, brown dry lustreless coat with very matted fur, a thick matt of fur 15cm long attached to the skin under the neck with alopecia underneath the matt. A matt of fur encrusted with urine and faeces covered the cloaca and perineum area. The koala had a strong greasy stain on the rump and perineum. She had bare patches on the right and left hand digits and bare patches on the right and left digits of the feet and a bare patch on the left stifle joint. The koala had

very white and sticky gums and very white conjunctiva. The right and left upper cheek pouches in the mouth cavity were swollen with small red inflamed nodules that bled when touched. The koala was in an emaciated condition (3/10) with very poor muscle tone, extremely dehydrated showing strong skin tenting and sunken eyes. The behaviour of the koala was lethargic, flat and disinterested in her surroundings. She had very loose faeces with intermittent diarrhoea which showed evidence of tapeworm segments. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. The ultras sound showed slightly thicken bladder wall above 5 cm with no evidence of paraovarian cysts. Unable to sight kidneys as the fur on the belly was so matted that contact was difficult and we were reluctant to shave the belly fur due to the ill health of the animal. Eye and uro genital swabs were taken and showed positive reaction to Chlamydiosis.

- 207 – Female, approximately 6 years, 5kgs, with slight brown coat, lean body condition (5.5/10), evidence of dehydration with tenting of the skin. Slight brown stain on rump and perinum with a patch of alopecia around the perinum. The ultra sound showed a normal bladder but multi loculated paraovarian cysts on the left side. Eye and uro genital swabs were positive for Chlamydiosis.

- 208 – Female, approximately 6 years, 5.6kgs, lean body condition (6.5/10), dehydrated showing tenting of the skin. The koala had a stained perineum with intermittent diarrhoea and loose faeces. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. She also had pale gums which were sticky. Eye and uro genital swabs were positive for Chlamydiosis.

- 209 – Female, approximately 16 years, 5.7kgs, poor body condition (6/10), she had a brown dry coat and was dehydrated showing tenting of the skin. This koala was of a large body frame. Tooth wear was so advanced that the pre molar was worn to the gum line with molar wear flat on the occlusal surface. No ultra sound was performed as an unfurred pouched young, less than 3 months of age was located attached to a teat in the pouch. Eye and uro genital swabs were positive for Chlamydiosis.

- 210 – Female, approximately 10 years, 5kgs, poor body condition (5/10), dehydrated showing evidence of skin tenting and sunken eyes. She had pale gums and her chin was cyanose. She had a slight brown stain on the rump and perineum. Her pouch was totally flat with an immature

appearance, the teats were virtually non existent suggesting that she has never had pouched young. Ultra sound showed slightly thickened bladder 5.2cm, with evidence of a large parovarian cyst, possibly mid line (unable to determine right or left side). Eye and uro genital swabs were positive for Chlamydiosis.

- 211 – Female, approximately 10 years, 5.1kgs, poor body condition (5/10), dehydrated showing skin tenting and pale gums. Eye swabs were positive for Chlamydiosis.
- 212 – Female, approximately 3 years, 4.7kgs, lean body condition (6/10), slight brown stain on the rump, very dehydrated with sunken eyes. Eye and uro genital swabs were positive for Chlamydiosis.
- 213 – Female, approximately 2.5 years, 3kgs, poor body condition (4.5/10), brown dry coat, dehydrated showing skin tenting with sunken eyes. She had brown staining on the rump and perineum. Eye and uro genital swabs were positive for Chlamydiosis.

15. Based wholly or substantially on my specialised knowledge, I consider that Koala 206 to have been in an emaciated body condition, exhibiting advanced tooth wear, suffering from chronic diarrhoea, chronic dehydration, tapeworm burden, skin lesions and in such a weakened state that she was unable to groom herself resulting in the matted faecal encrusted fur. It is likely (pending histology results from the Sydney University post mortem) that 206 has been suffering from some sort of underlying disease for sometime. Her clinical signs were very obvious and thus easily observed and therefore veterinary intervention and assessment should have occurred some time ago. Being an aged koala does not necessarily mean that they will automatically be emaciated and suffering from chronic diarrhoea. An aged koala has the potential to succumb more easily to disease due to the reduced uptake of nutrition via poor mastication of leaf etc. 206 also was positive for chlamydiosis.
Koala 207 -213: All of these koalas exhibited dehydration from severe to mild. All of the koalas were well below the body weight to be expected of their frame size, and most of them exhibited very loose faeces to diarrhoea. Some of the koalas had tapeworm segments evident in their faeces. Koalas are known to exhibit "stress behavior" through looses faeces and/or diarrhoea. This stress behavior can result from overcrowded enclosures (too many koalas in one area) where the more dominant animals fight with the lower ranking animals to get the best position etc. All of the koalas also appeared

to be quite lethargic, and heat stressed. All of the koalas were positive for chlamydiosis. Two of the koalas 210 and 207, had paraovarian cystic structures on their reproductive tracts which results from some sort of reproductive tract disease, usually chlamydiosis.. Current research considers that paraovarian cystic structures usually take a number of weeks to months to initially arise on the reproductive organs and thus could easily have been in place for years. Screening of this contagious disease is commonly done in both captive and wild populations of koalas to not only prevent spread of the disease but to ensure the koalas receive veterinary treatment of the disease. One of the koalas 209 who is the oldest koala in the group (the most advanced tooth wear) has an unfurred pouch joey attached to a teat. There were no male koalas found in the park on the 3/2/10.
It is my opinion that all of the koalas 206-211 were housed in less than adequate conditions and were offered substandard husbandry. The enclosures did not offer the koalas enough "space" from each other. The enclosures did not offer good air flow, or quality ambient temperatures within a comfortable range that can be achieved by directed shade, misting, airflow and quality moist leaf. The browse offered was old to dead, and thus would have been well below the 65% moisture level that eucalypts must have to sustain the water requirements of koalas. The browse was also located in not only poorly designed water containers but as it had not been cleaned out and replaced with fresh water the eucalypt leaf was unable to draw up the water requirements to make the eucalypt leaf palatable and to give the koalas the daily water requirements they need. It is my opinion that as the clinical conditions of these animals were easily observed and it appears nothing had been put in place to correct the clinical conditions, then they were not receiving both the correct daily husbandry needs that captive koalas require, and regular veterinary screening and treatment that should have occurred sometime ago.

16. I estimate that this condition would have been present for at least:
For koala 206: her emaciated condition would have been present for more than one month and possibly could have been for more than 6 months.
Koala 206-213: the below average weights of all of these koalas would more than likely have been present for more than one month and possibly could have been for more than 6 months. The reproductive tract disease of 210 and 207 would have been present for more than one month, and more than likely more than 6 months.

Cheyne Flanagan
The Koala Hospital

WITNESS:

NAME:	**Cheyne Flanagan**
ADDRESS:	**The Koala Hospital, Macquarie Nature Reserve** **159 Lord Street, Port Macquarie**
DATE:	**02/06/10** **PHONE:** **02 65841522**
OCCUPATION:	**Supervisor**

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.

1. I am 55 years of age.

1. I hereby certify that I hold a Bachelor of Science Degree majoring in wildlife biology and have over 30 years experience in the management and husbandry of Australian wildlife and have held the position of The Koala Hospital Supervisor for the last 10 years. I am responsible for the health assessments for over 250 Koalas per annum under the supervision and authority of The Port Macquarie Veterinary Clinic. I also work along side the Veterinary Pathology Team at The University of Sydney.

On the 4th February 2010 eight koalas were brought to the Koala Hospital for assessment and treatment.

78 CERTIFICATE OF EXPERT EVIDENCE CHEYNE FLANAGAN (2/6/2010)

206 – Female, approximately 14 years, 4.5kgs, brown dry lustreless coat with very matted fur, a thick matt of fur 15cm long attached to the skin under the neck with alopecia underneath the matt. A matt of fur encrusted with urine and faeces covered the cloaca and perineum area. The koala had a strong greasy stain on the rump and perineum. She had bare patches on the right and left hand digits and bare patches on the right and left digits of the feet and a bare patch on the left stifle joint. The koala had very white and sticky gums and very white conjunctiva. The right and left upper cheek pouches in the mouth cavity were swollen with small red inflamed nodules that bled when touched. The koala was in an emaciated condition (3/10) with very poor muscle tone, extremely

Cheyne Flanagan D Vet

dehydrated showing strong skin tenting and sunken eyes. The behaviour of the koala was lethargic, flat and disinterested in her surroundings. She had very loose faeces with intermittent diarrhoea which showed evidence of tapeworm segments. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. The ultras sound showed slightly thicken bladder wall above 5 cm with no evidence of paraovarian cysts. Unable to sight kidneys as the fur on the belly was so matted that contact was difficult and we were reluctant to shave the belly fur due to the ill health of the animal. Eye and uro genital swabs were taken and showed positive reaction to Chlamydiosis.

207 – Female, approximately 6 years, 5kgs, with slight brown coat, lean body condition (5.5/10), evidence of dehydration with tenting of the skin. Slight brown stain on rump and perinum with a patch of alopecia around the perinum. The ultra sound showed a normal bladder but multi loculated paraovarian cysts on the left side. Eye and uro genital swabs were positive for Chlamydiosis.

208 – Female, approximately 8 years, 5.6kgs, lean body condition (6.5/10), dehydrated showing tenting of the skin. The koala had a stained perineum with intermittent diarrhoea and loose faeces. Her clitoris was very red and swollen and appeared to be irritated from the constant diarrhoea. She also had pale gums which were sticky. Eye and uro genital swabs were positive for Chlamydiosis.

209 – Female, approximately 16 years, 5.7kgs, poor body condition (6/10), she had a brown dry coat and was dehydrated showing tenting of the skin. This koala was of a large body frame. Tooth wear was so advanced that the pre molar was worn to the gum line with molar wear flat on the occlusal surface. No ultra sound was performed as an unfurred pouched young, less than 3 months of age was located attached to a teat in the pouch. Eye and uro genital swabs were positive for Chlamydiosis.

210 – Female, approximately 10 years, 5kgs, poor body condition (5/10), dehydrated showing evidence of skin tenting and sunken eyes. She had pale gums and her chin was cyanose. She had a slight brown stain on the rump and perineum. Her pouch was totally flat with an immature appearance, the teats were virtually non existent suggesting that she has never had pouched young. Ultra sound showed slightly thickened bladder 5.2cm, with evidence of a large parovarian cyst, possibly mid line (unable to determine right or left side). Eye and uro genital swabs were positive for Chlamydiosis.

211 – Female, approximately 10 years, 5.1kgs, poor body condition (5/10), dehydrated showing skin tenting and pale gums. Eye swabs were positive for Chlamydiosis.

212 – Female, approximately 3 years, 4.7kgs, lean body condition (6/10), slight brown stain on the rump, very dehydrated with sunken eyes. Eye and uro genital swabs were positive for Chlamydiosis.

213 – Female, approximately 2.5 years, 3kgs, poor body condition (4.5/10), brown dry coat, dehydrated showing skin tenting with sunken eyes. She had brown staining on the rump and perineum. Eye and uro genital swabs were positive for Chlamydiosis.

On the 23rd February, 2010 Koala 206 was deemed cruel to be alive as she had lost further weight, was passing severe diarrhoea, had cold extremities indicative of "organ shutdown" and was moribund. Please note that during the first ten days after admission K206 gained 300 grams and appeared to be improving and by the third week there was a pronounced deterioration in her condition and was humanely euthanased.

On the 15th April, 2010 five of the koalas were transported back to Waterways Wildlife Park, Gunnedah.

Koala 207 had had a weight gain of 1.3 kgs, was bright, alert and showing no signs of dehydration or distress. Coat lustre and colour improved with good grey flecking appearing all over the pelt. Within seven days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and having an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Koala 208 had a weight gain of 700 grams, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing on the back. All evidence of diarrhoea had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Koala 210 had a weight gain of 1 kg, was bright, alert showing no signs of

dehydration or distress. Coat lustre improved. Within seven days of admission all evidence of loose faecas had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Koala 211 had a weight gain of 900 grams, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with some grey flecking occurring. Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Koala 213 had a weight gain of 1kg, was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing on the body. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

On the 20th May 2010 two of the koalas were transported back to Waterways Wildlife Park, Gunnedah.

Koala 209 had a weight gain of 1.1 kgs , was bright, alert showing no signs of dehydration or distress. Coat lustre improved with good grey flecking appearing over the entire body. . Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Palpation of the foetus externally on the pouch showed movement on 4th March, 2010. At the weekly check of the foetus on 11th March, 2010 there was no sign of movement. A full internal examination of the pouch showed it was empty and the teats had ceased lactation. No sign of the foetus was found in the enclosure and thus it is more than likely that the mother had consumed the foetus (which is not uncommon in mammalian species) or she had ejected it and it had been eaten by a bush rat. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Koala 212 had a weight gain of 1.3 kgs , was bright, alert showing no signs of dehydration or distress. Coat lustre improved with some grey flecking occurring. Within five days of admission all evidence of loose faeces had ceased with the koala having well formed pellets and an excellent appetite. Clearview Chlamydia tests at the end of treatment showed a negative reading, with blood tests also being clear.

Cheyne Flanagan
The Koala Hospital

WITNESS: Peter Young

RSPCA
for all creatures great & small

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

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The Director
General Purpose Standing Committee No. 5
Parliament House
Macquarie Street
Sydney NSW 2000

17th June 2010

Dear Director,

RE: Parliamentary Inquiry – RSPCA and the Waterways Wildlife Park.

My name is David OShannessy and I am the Chief Inspector of the RSPCA NSW.

Following the RSPCA's Investigation and seizure of animals from the Waterways Wildlife Park on 3rd February 2010, I have spoken to and reviewed the witness statements prepared by the RSPCA Inspectors involved as well as the Certificates of Expert Evidence prepared by the independent experts engaged by the RSPCA throughout the course of it's enquiries. Based on the available information I believe that the RSPCA Inspectors have conducted their enquiries in a manner that is consistent with the standard practices and procedures adopted by the Inspectors in the investigation of alleged animal welfare complaints.

In relation to the Waterways Wildlife Park, although there is provision within the Prevention of Cruelty to Animals, section 24G, for Inspectors to conduct routine inspections on premises such as wildlife parks, our involvement on this occasion was in response to a complaint that had been lodged with the RSPCA on the 19th January 2010, by a member of the public alleging that some of the dingoes were very thin, with their back bones and ribs showing, that the park was very run down and that the bird cages needed cleaning.

An RSPCA Inspector (Kylie Prowse) attended the Waterways Wildlife Park on the 22nd January 2010 in response to this complaint. In relation to the dingoes, their body condition was found to vary between light and emaciated body condition and all appeared to be suffering from a skin condition. Whilst at the park the inspector viewed the other animals and enclosures. Although the RSPCA Inspector is not an expert when it comes to native animals, following her inspection, she was concerned about the health and condition of some of the animals on display and the conditions of the park generally. The RSPCA provided contact details and left the wildlife park.

The RSPCA Inspector subsequently made enquiries with both the Primary Industries Division of Industry and Investment NSW and the Parks and Wildlife Division of the Department of Environment Climate Change and Water with a view to conducting a joint inspection of the Waterways Wildlife Park. In addition to these enquiries the RSPCA Inspector also made arrangements for two independent wildlife experts to attend and provide the RSPCA with advice as to the health and welfare of the various animals housed in the Wildlife Park.

Ultimately a second inspection was conducted of the Waterways Wildlife Park on the 3rd February 2010. This inspection involved RSPCA Inspectors, Veterinarian Michelle Campbell (Western Plains Zoo), Cheyne Flanagan (Port Macquarie Koala Hospital Supervisor) and Rebecca Cass (Department of Environment Climate Change and Water). Three crew members from the Animal Rescue Television Program were also present.

As a consequence of this inspection, the RSPCA seized 8 koalas and 3 Shingle back lizards (2 live and 1 deceased) from the Waterways Wildlife Park in accordance with the provisions of section 24J of the Prevention of Cruelty to Animals Act. The seizure of these animals was based on the advice provided to the RSPCA Inspectors by the Independent Experts.

While in the RSPCA's custody, one of the aged Koala's, didn't respond to the provision of veterinary treatment and was assessed by veterinarians to be in a condition in which it was cruel to be kept alive. This Koala was humanely euthanased by the veterinarians in accordance with the provisions of 26AA of the Prevention of Cruelty to Animals Act.

The RSPCA made arrangements for the seized animals to be returned to the Waterways Wildlife Park once authorised by the treating veterinarians following their respective veterinary treatment and the completion of the post treatment veterinary diagnostic tests.

Ultimately, I believe that the RSPCA Inspectors acted appropriately in the interests of the animals' welfare, in accordance with the legislative framework and established guidelines and based on the advice of appropriately skilled, trained and experienced experts.

Yours truly

David OShannessy
Chief Inspector
RSPCA NSW