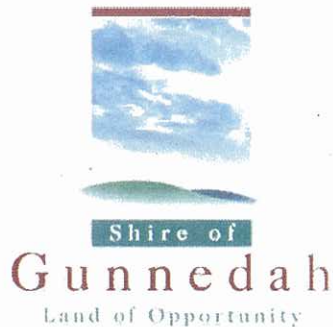


**Submission
No 11**

**INQUIRY INTO THE RSPCA RAID ON THE WATERWAYS
WILDLIFE PARK**

Organisation: Gunnedah Shire Council
Name: Mr Adam Marshall
Position: Mayor
Date received: 17/06/2010



The Chairman
General Purpose Standing Committee No 5
Parliament House
Macquarie Street
SYDNEY NSW 2000

16 June 2010

Dear Mr Cohen

Inquiry into the RSPCA raid on the Waterways Wildlife Park

Council hereby submit the following information in regard to the Inquiry into the RSPCA raid on the Waterways Wildlife Park, Gunnedah on Wednesday, 3 February 2010.

Initially Waterways Wildlife Park commenced as an animal refuge for sick and injured wildlife, including koalas. It evolved as a tourist attraction, featuring koalas that were not able to be returned to the wild and has become a community facility that Gunnedah residents support and are fiercely proud of.

Because of the relative health and increasing population of koalas in the Shire, Council has embraced the koala as the mascot for its *Gunnedah – Koala Capital of the World* tourism promotion. Waterways Wildlife Park is very much part of Gunnedah and the koala experience for visitors. Appreciation for the uniqueness of Australia's fauna is only strengthened by experiences gained at Waterways Wildlife Park. Many coach loads of students and tourists each year are educated and entertained by the animals and dedicated staff at Waterways.

Council first became aware of the RSPCA's raid on 3 February 2010 when two Dutch visitors who had earlier visited the Gunnedah Visitor Information Centre, returned to the Centre reporting that a raid had occurred at the Waterways Wildlife Park whilst they were within the koala compound viewing the koalas.

They were in a distressed state, claiming they were evicted in a very intimidating way, from the compound by an RSPCA officer.

Council subsequently received from the couple a copy of an email they sent to the RSPCA describing their treatment and the "rude, arrogant and respect less behaviour" towards the elderly lady (a volunteer or Mrs Small) who was guiding them through the park.

The couple, Frank van Kraaij and Hanna Brok have granted Council permission to include their email to the RSPCA in this submission. See attached.

The raid by RSPCA officers was viewed by Gunnedah's residents as an attack on Gunnedah's integrity and reputation as a proud, progressive community. The alleged actions by the RSPCA in not transparently establishing the koalas' condition before removal only enhanced the Gunnedah community's contempt for its actions.

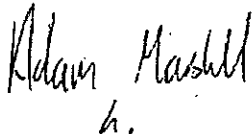
Gunnedah Shire Council
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Council acknowledges the necessity for the Exhibited Animals Protection Act and the Department of Industry and Investment's overseeing of that Act but it is important that there is recognition of the value Waterways Wildlife Park adds to the Gunnedah community, not only in terms of tourism attraction but also in promoting the protection of and education about native wildlife, plus providing care to sick and injured animals.

Council suggests that the 'Animal Rescue' video taken during the RSPCA's raid, if obtainable, may assist the Committee's ability to interpret some of the actions and comments made during the raid.

Council looks forward to the Committee's findings and trusts that the RSPCA's excellent intentions towards the welfare of animals can be supported by strong accountability and code of conduct requirements for the actions of its officers.

Yours faithfully

Handwritten signature of Adam Marshall in cursive script.

Councillor Adam Marshall
MAYOR

From: Frank van Kraaij [mailto:
Sent: Tuesday, 15 June 2010 8:10 PM
To: Frend - Chris
Subject: Re: Waterways Wildlife Park.

Hi Chris,

We never understood the request of Belinda to make a submission to the NSW Parliament. We do not have much time and I am abroad often, so it is time consuming to contact me and get a reaction of me. The deadline being 18 June is in 3 days, therefore we are willing to support the NSW Parliament with our experience via our e-mail. You can use our e-mail. We are aware it might become public, but it is in the interest of the animals in general. We hope that the RSPCA will change their policy in how to act and how not to act. As of today, we never received any response of the RSPCA on our experience after mr. David OShannessy contacted us to give them an update on what we saw and experienced. We do not know why.

Again we are happy the Koalas are back and sorry to find out I did pass away.

Is it possible to get the e-mail address of Nancy? Thank you as well for keeping us updated.

Good luck with the Enquiry.

Kind regards Frank and Hanna

Op 15 jun 2010, om 06:47 heeft Frend - Chris het volgende geschreven:

Hi Frank and Hanna

As you can see below, Belinda at our Visitor Information Centre forwarded your email to me. I am Belinda's manager, being Gunnedah Council's Manager Economic Development & Tourism.

I understand Belinda emailed you recently with an update on the koalas and a request that you make a submission to a NSW Parliamentary Enquiry into the RSPCA's actions at Waterways Wildlife Park. The enquiry Committee is accepting submissions up to 18 June, so we do not have much time left!

If you are unwilling to provide a submission, would you allow Gunnedah Council to use your email below in its submission? It is especially usefull as it represents a primary account of your experience and it is important that the Committee gets to see and hear first hand accounts of what went on during the raid. Your experience would be seen as unbiased and valuable. If used, your email would become a public document.

For your information, I have attached the Terms of Reference for the enquiry.

Whatever your decision, I appreciate your consideration and await your prompt answer on the use of your email.

The koalas are back at Waterways, minus one that died and we now await the findings of the enquiry.

Kind regards

Chris

Chris Freund

Manager Economic Development & Tourism
GUNNEDAH SHIRE COUNCIL

From: Hockings - Belinda
Sent: Wednesday, 17 February 2010 9:50 PM
To: Freund - Chris
Subject: Fwd: Waterways Wildlife Park.

FYI

Belinda Hockings
Tourism Promotions Officer
Gunnedah Shire Council

Begin forwarded message:

From: Frank van Kraaij >
Date: 17 February 2010 9:03:22 PM AEDT
To: Jane Mathers <

Subject: Fwd: Waterways Wildlife Park.

Dear Jane (koala foundation Brisbane) and Belinda (tourist information centre Gunnedah)

We thank you both for keeping us updated about the situation of the Waterways Wildlife Park in Gunnedah.

As you can see, Mr David O'Shannessy, the chief of the RSPCA sent us a request to contact him. Well we decided to give him an update by email.

We sent this also to you, so you are updated of our experiences too.

We wish you good luck in solving the situation. Once again thanks for your efforts to keep us updated.

Regards,

Frank and Hanna

Begin doorgestuurd bericht:

Van: Frank van Kraaij

Datum: 17 februari 2010 10:47:34 GMT+01:00

Aan: David O'Shannessy <

Onderwerp: Antw.: Waterways Wildlife Park.

Dear Mr OShannessy,

In a response to your e-mail we will tell you what we did experience during our visit to the Waterways Wildlife Park.

As we live in the Netherlands, with a time difference of 9 to 10 hours, it is difficult to make a phone appointment.

My wife and I were in Gunnedah at the visitors information centre and were told about the existence of this Park. It is a Park run by volunteers, not a Zoo and not a Tourist attraction.

They take care of injured and sick animals. We were interested to visit this Park and support the good work they do.

As we entered the Park, we got a small map of the layout. An elderly Lady, being a volunteer, started to talk with us. She was telling us about the history of the Park.

They had to close down at a certain point because the Park did not comply with the state laws. After seven years of work upgrading the Park, with volunteers, they opened their doors again.

Then we talked about the animals. We were invited to see some of the Koala's. We went to the trees where they were having their daily rest. We saw plenty of food, water and very relaxed animals.

They were fast asleep in the heat of the day. We could take some photo's, without disturbing them and not waking them up. We talked some more about their habits and about the fact that the wild Koala's come and visit them, now and then.

It was a calm and peace full meeting. This also of course, there were no other visitors.

As we were ready to leave the Koala's and start our visit to the rest of the Park, a lady from the RSPCA walked toward us.

She said to us: " What you are doing is illegal!!! Have you been petting the Koala's? What are doing in the Koala shelter? You have to get out of there, The Koala's are stressed out and dehydrated!"

Then she started to shout to the elderly Lady, as if she was her 12 year old daughter. Rude, arrogant and respect less behavior. She was shouting: " From now on the Koala's are the property of the RSPCA".

We felt like criminals not understanding this out rage. What did we do wrong? What did the Park owners do wrong? Is it a crime to help the sick and injured animals? We quietly walked away from the RSPCA lady. Despite all, the elderly Lady tried to comfort us and told us to visit the rest of the Park.

Many doors and fences were closed by the RSPCA. Part of the Park we could not visit anymore, strange we had the impression that the problems were with the Koala's and not with the other animals.

We decided to leave the Park, with a mixed feeling of this visit.

On our way out we saw the owner, Nancy, she was crying her eyes out. It was then that we learned that the Koala's were taken away immediately.

The Koala's were dehydrated and stressed out, according to the RSPCA agent. We could not understand this, but then we are no experts. On the other hand it is hard to believe, they were. We started to leave and saw the RSPCA and film crew walking into the Park with equipment to take the Koala's out. (why only the Koala's and not other animals???) We asked our selfs, why do they do this on such a hot time of the day, and not wait until it cools down a bit, since the Koala's are so stressed, according to the RSPCA lady.

Why don't they ask a vet to come to the Waterways Wildlife Park, to assess the situation in advance before taking such a harsh measurement.

We know the RSPCA does good work and is there for the well being of the animals. But then what about the owners of this Park? We certainly saw and got the impression they too are there for the well being of the animals for over 30 years! A little bit more respect to that would have been nice. Last but not least, we think that a RSPCA agent must have social skills how to address people in general and in stressed situations.

We trust the above makes it clear how we experienced our visit to the Waterways Wildlife Park. We hope the situation will be resolved between your organization and the Park.

If you have any questions left, please let us know. We would appreciate it, if you could send us a followup of what has happened with the Koala's, if they are healthy and if in the future this will be handled differently.

Regards,

Frank van Kraaij and Hanna Brok