

Submission
No 1

**INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH
WALES**

Name: Name suppressed

Date Received: 24 October 2019

Partially
Confidential

19/10/2019

To whom it may Concern,

I wish to address my concerns and stories of myself and friends experiences to the

SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

appointed to the

Inquiry into animal cruelty laws in New South Wales

I sincerely pray that you will actually listen and act, unlike what happened in Victoria.

Example ONE.

Arabians.

Their practices first came to my notice in 1992.

But like you and 99% of the population, I thought the same, "Where there's smoke there's fire"

They never act unless it's necessary and the perp is guilty.

That is until I received the phone call to please come NOW! From my husband's recently retired work mate at Sydney University that awful day.

The story of s horses happened in 1992. They had been removed from a drought property in Lithgow and taken to 's home in . I helped put out Bathtubs for their water, more bathtubs full of hay.. Individual feeders for their morning and afternoon feeds.

She expected someone would be calling the RSPCA , 27 half starved horses is a horrific sight, so when he turned up she was expecting it.. But I don't know what was said but whatever, she was so insulted she ordered him off her land. She said he pulled out his phone and told her, "I will show you what I can do." Made a call and a ten horse truck arrived..... She had called me in panic because she felt so afraid, but when I arrived the truck was leaving...

She was heartbroken, couldn't believe they could just come and take the ten like that.

Ten weeks later she received a court order to appear before a magistrate... interestingly they never came back to check on the remaining 17 still in her care?

I went with her as she was very distressed. The RSPCA barrister told the magistrate he would like to try and settle out of court, so we were taken to a side room and he said if she signed the horses over, they would drop the \$7,000 they wanted for having fed the horses for the past ten weeks.

Knowing she still had the 17 at home feeding back up to weight, if she paid the \$7,000 she would have no money to feed them. So asked "Will you promise to find good homes for them". He assured her, "we will find good homes for them". She was very hesitant and asked two more times the same question and two more times she was assured. "we will find good homes for them."

Also present was the man who took them that day....this is NOT HEARSAY.....I WAS THERE, I SAW HIM THERE IN THAT ROOM WITH ME AND . We then went back to the magistrate where the barrister said has signed them over so please waive the \$7,000... BUT we still want to charge her for failed to worm the horses! The magistrate like the ads on tv at the time said "it's a crime not to worm your" "horses" The add said dogs... He then fined her \$7,000 with three months to pay or three months in jail... we left in a state of shock...still has to pay the \$7,000 and they have her ten horses.

So over the following days I rang to ask to buy some of them as did many of our friends, all of us told "they are not available for sale yet".

When I rang the Saturday morning, I received the same reply and became angry. I told her "I was there when they were signed over... they have been available for sale for a week now!" She then replied. "well I suppose it won't hurt to tell you, they were sent to McGrath's Hill Sales this morning."

I rang every person who had been trying to buy them, to get to McGrath's Hill sales as fast as you can. It was 9am.. I made it just in time to see the very man who had taken them, been with us when they were signed over walk into the ring with Little Raggy the first mare to be auctioned.....

To my horror he turned to the auctioneer and told him looking him straight in the eye..."you are to accept bids only from the dogger's for these horses." Then turned on his heel, finishing with "and they are all mad."

NOT HERESAY, I WAS THERE!

The man beside me began bidding so I knew he was a dogger... I explained there were people coming who wanted to buy them so he could make a profit ... he told me" not to worry, Doug couldn't make it, had rang and I am buying them for him".

Except when the Crenel colt came in he didn't bid, so I asked him why? He said "Doug had only said the mares." So I asked him to buy the colts and the fillies for me.

But the Crenel colt had sold while we were talking; to the Qld dogger.... but he bought all the others for me. Despite my begging him, the Qld dogger wouldn't resell so he went on the semi to Qld and slaughtered a week later.

I was so busy arranging transport and payment I didn't ring _____ to tell her all but one were safe so far, until I was home but she never answered her phone.

I went to _____'s house the next day but she would not answer the door nor speak to me. I knew she was there I could hear her sobbing...

It took me three months to finally arrive as she was walking down from the shops and she couldn't run from me..... I finally learned she had received a phone call that Saturday of the sale to advise her all ten had been slaughtered for dog meat.... She found homes for the other 17 and no one had ever come to check them...

She never recovered she still won't answer a phone, she lives with her sister now and her sister answers the phone.

As for the inspector, he is now CEO OF RSPCA NSW!

Example TWO.

Rspca and bull.

Not sure of the year

My friend had a young stud/show bull.

He was lame in one foot and was being treated for the injury, he had also decided the grass on the main road was nicer than in his paddock and began jumping the fence, so while was building a bull yard for him, he was tethered on a 30 foot chain with access to a stable/shed in which was both food and water.

His foot healing well.

fired an employee; next she gets a phone call from the RSPCA inspector in Tamworth.

Both and the bull live in

At no time did the RSPCA INSPECTOR come to the property herself. She phoned and told her she had received a complaint.

That the bull was to be released immediately as being on a chain was cruel.

explained he had to remain on the chain until the bull yard was finished as he could easily be killed on the highway and might kill whoever hit him.

She was given 24 hours to release the bull.

The next day two police can to property. They had been told by the RSPCA Inspector in Tamworth to make sure the bull was turned loose. If he was not, both and were to be arrested.

The two police being raised on the land understand the problem, but they advised she had two options; they had to enforce what the RSPCA idiot had told them to do.

So, if and did not let him go, they would be arrested and taken back to the Police station and charged, more than likely they would be remanded on bail and once they had paid the bail could go home.

But by then the bull could be dead, either hit on the highway, or as it had recently rained and the paddocks were now knee deep in clover, which being chained meant he had no access to the clover and was being hard fed on his show ration, in preparation for the shows he was entered in.

So, even if he stayed home there was a very high risk he could be dead from bloat before and could get back home.

Their suggestion. "Turn him loose as the twit in Armidale was demanding.....She obviously knew nothing about cattle, traffic or clover. Wasn't interested in the opinion of the police she had given her orders to either"

Then kept him moving so he couldn't eat enough to bloat and she could keep him away from the fences as well while finished the bull yard that was nearly completed.

So they did as the two police suggested and by 4am the yard was finished and the bull safe in his bull paddock, safe from the road and the clover.

What was very cruel about this was was 74 and was 80.

They had to walk in case from 10am that day to 4am the next morning without food or rest to keep the bull safe, while worked to finish the fencing and electric fencing inside it.

Example THREE**Stringy's story.**

My turn came in November 1999

For many years, ANKC members have been extorted to eliminate backyard breeders and or puppy farmers from their ranks, pity there wasn't and still is not any actual point specific parameters that actually, outline just what constitutes this criminal element to be eradicatedso all that is required is anyone who feels they are "ethical/responsible" can point the finger... To me no different to witch hunts, Accusation without evidence. (The human race seems incapable of learning from the past's mistakes/ injustices)

my fellow Chihuahua club member/friend, feeling justified (she decided I was breeding pets and not showing often enough, exactly the same charge laid against my show secretary friend who showed every weekend yet was still targeted and the calls made , the bullying is not just verbal sadly) in dialling the phone for that almost fatal call to the RSPCA that saw the seizure of my little 1.2kg dog, Stringy, he did survive his 13 days incarceration thanks to his wonderful vet who treated his torn trachea, pneumonia and dehydration the day I was finally allowed to pay their demanded fee's to take him home and straight to _____ for immediate treatment of his injuries, sustained during those 13 days they had him.. Yes I lost it, yes I ended up in Nepean hospital and locked up as a suicide risk, the stress became too much (it's one thing to be unable to protect yourself, it is unbearable to discover there is nowhere to turn to protect your innocent little dog) so now live with what was finally diagnosed to be PTSD, something I thought only war veteran's developed and had to deal with for the rest of their lives?.....

The hardest part to deal with was so many discoveries, firstly, how insulting I could be spoken to by the RSPCA, with no one to appeal too.

Secondly. The trauma doubled when I received a reply to my letter to the then Minister for Agriculture Richard Amery.....he assured me I "had nothing to fear, from the RSPCA, as long as I conformed to the code of practice of the POCTA"

Excuse me but Stringy had none of the conditions listed on the POCTA as grounds for immediate seizure and "forming the opinion" the dog had "a skin condition" was not on the conditions listed as grounds for immediate seizure?

He completely ignored the fact all the tests proved my vet was correct in his diagnosis, He then assured me that the “whole turn of events was due to a breakdown in communication”.

Considering the dogs vet had phoned EVERY day demanding his return, there was no lack of communication from the dogs vet?

The next really shocking statement by Richard Amery was that the dog had been “seized due to the absence of adequate records of the dogs vet”.....??

Since the seizing inspector had entered my property that Sunday at 1pm, had not at any time contacted or spoken to the dogs vet. How on earth could the seizing inspector have “due to the absence of adequate records of the dogs vet formed the opinion Stringy’s best interests would be served by being taken to their Yagoona facility, ”

How can that inspector “form an opinion” let alone act on information he had never had?

Let alone have the gall to commit perjury to justify his actions to a government Minister?

NOTE:

The catch of course is all three of these stories are from people accused of cruelty by the RSPCA....so we have had a choice....stay quiet so no one knows..... or speak up.....to speak up is to be pilloried for the rest of your life with....."BUT, WHERE there's smoke, there's fire ! ".....it has now been 20 years since I lost the life I once had,I was gagged by the moderator of Dogzonline for a year.

He only allowed me to be able to comment on topics on the forum pages if I promised I would never talk about the rspca.....Only this year has anyone been allowed to post some of the excesses the rspca is subjecting their targets too. It has taken 20 years for to realise maybe, just maybe the targeted are telling the truth.....and remember, my dog was returned.....I was never chargedyet my name and my reputation is still subjected to the "where there's fire" charge by my fellow members who still think they are pureuntil it's their turn one day

Example FOUR

Leon Mills.....

This man is pure and unsullied by even a hint of either fire or smoke.....So far I suspect only people like him have a ghost of a chance of being paid any attention to their opinion.... trouble is so few not affected have a clue what's going on.

In his case being a Public Prosecutor he saw exactly what best practice used to be. and the unaccountable monsters that they have been allowed to become by our lax politicians to have now morphed into.....

3rd June 2010

The Honorable Members

General Purpose Standing Committee No.5

Inquiry into the R S P C A raid on the Waterways Wildlife Park

Dear Members,

My full name is Leon Andrew Mills and I have resided in Gunnedah since 1982, I moved to Gunnedah as a result of my applying for the Police Prosecutors position for the Gunnedah Local Court Circuit. I continued in that position until my retirement in 2006. In 2008 I stood in the Local Government elections and was successful in gaining office as a Gunnedah Shire Councillor. I am still in that position today.

The two submission I would like the Honorable Committee to consider are that the compliance section of the RSPCA (RSPCA Inspectors) be disbanded and that all the duties that they try to perform in relation to the investigation and brief preparation for alleged offences under the Prevention of Cruelty to Animals Act 1979 (the Act), be given to sworn Constables of the NSW Police Force in particular the Rural Crime Unit. My second submission is that all prosecutions under the Act be done by Police Prosecutors in the Local Court jurisdiction.

RSPCA Inspectors obtain their powers as a result of being issued an Authority under section 4D(2) of the Act. In relation to this Inquiry it is clear that Inspectors Prowse and French have no idea of their powers. I say that on this basis, the Act is clear in relation to what an inspector can do and is set out in Division 2 of the Act. On the Friday following the taking of the Koalas a report was broadcast on the 6.30am local A B C News that Officer Prowse said the reason for taking the Koalas was that

they were "stressed". There is no power under the Act to take an animal that is stressed. It alledging distress, as referred to in Section 24H subsection (5) of the Act, there is no evidence at all that any of these animals were suffering debility, exhaustion or significant physical injury. To support what I am submitting, the Honorable Committee would note that the Officers examined the Koalas at about 10.30-11am. They gave no treatment to these Koalas from that time until after 4.30pm, why? There was nothing wrong with them, and of course we are talking about Officers that would be expected to take immediate action if an animal was suffering debility, exhaustion or significant physical injury. These two Officers had to do something and they illegally removed these Koala for the sole purpose of the T V show R S P C A Animal Rescue. To further support this submission the head of the R S P C A Mr Steve Coleman said no proceedings would be taken against Nancy Small as a result of community outrage. I completely reject this statement. As a former Police Prosecutor of 28 years both in the city and country on rare occasions there is community outrage when some proceedings are taken. I have never before heard of proceedings for a criminal matter being abandoned or not brought because of community outrage. The reason there were no proceedings brought was that there was nothing wrong with these animals.

Offences under the act are Criminal. Officers French and Prowse were supposed to be "investigating" this matter. It is interesting to note the quality of this so called investigation. No interview with Nancy Small or any other carers of these Koalas. No exhibits such as, stool samples, feed provided in the Koala enclosure, photos for identifications of each Koala, no tagging for identification. When one looks at the R S P C A Seizure Notice re this matter S N 010 16 the Officers have not even identified the Koalas to the extent of their sex. This so called investigation is absolutely pathetic and shows the quality of how RSPCA inspectors carry out their duties.

The N S W police have a branch now called the Rural Crime Unit these branches operated both in the city and country. They are staffed by sworn Police who have been fully trained in investigation techniques. Many of these Officers are fully trained Detectives. It would be my respectful submission that these officers should take over the compliance section of the R S P C A. Of course it would require extra staff and resources. It would be my suggestion that appropriate funding could be transferred from the funding the State Government gives to the R S P C A to the Police Budget.

Another benefit of a transfer to Police is that all Police investigations are

subject to review by independent authorities such as the Ombudsman or I C A C. This is not the case with R S P C A inspectors, they answer to no one other than themselves. On the 18th of February last I attended the local branch meeting of the R S P C A as the head of the organization Mr Steve Coleman was attending. During the course of the meeting he answered a number of questions re the Waterways incident. Mrs. Dodd asked him a question being, "who can I complain to", Mr Coleman's response was "the Chief Inspector of the R S P C A". From a community point of view in this day and age it is totally unacceptable that we have an organization such as this that when a complaint comes in they investigate themselves.

The subject Koalas were living in a happy well cared for environment when they were illegally removed by Inspectors French and Prowse. One of the females had a baby Koala in her pouch that Mrs Small was aware of. I have been told that the R S P C A Inspectors became aware of this fact over the 48 hours following their removal. One of the other Koalas was an elderly female that Mrs Small has described as the "Old Lady". Mrs Small has never denied that this Koala was elderly and whilst ever in good health could live out her days in the Koala Enclosure. Both these Koalas that were supposed to being cared for by Inspectors French and Prowse are now dead so I ask this question what investigation has the RSPCA done in relation to the deaths of these Koala or am I correct in assuming that when an animal dies because of the ignorance or lack of care by that inspector no investigation takes place. This is another example as to why the Police should take over these responsibilities so that when this type of incident occurs it can be properly investigated or reviewed by an appropriate authority.

I referred earlier in this document to the fact that prior to my retirement I was the police Prosecutor for the Gunnedah Court Circuit. During the 1980's and 1990's and in some cases still to this day besides representing Police informants in Court Police prosecutors represent many other entities, for example, Probation and Parole, National Parks and Wildlife, D O C S, Roads and Traffic Authority and the RSPCA. Over the years until about 2000, every so often I would receive a brief from an RSPCA Inspector who would be the informant usually in more than one information. If the matter was a "not guilty" plea I would present the case on behalf of the informant. If the offence or offences were proved some costs would be sought by the Informant that would usually be for witness expenses and any fodder that may have been required to give to the animals in question. No Legal professional costs were ever sought. In addition a fact I feel is relevant is that Police Prosecutors DPP Prosecutors

and Crown Prosecutors have a duty to place all the evidence before the Court. Each carries a custodial penalty of 2 years imprisonment. True there is a difference in the monetary penalty but goal is the most severe penalty for a Criminal Offence. A common assault is one where the victim suffers no serious injury. For some reason the Parliament does not view aggravated cruelty as a serious offence at law.

The RSPCA since about 2000, to my knowledge, have been engaging private solicitors to conduct their prosecutions and one might ask why did they move to this system.

It is my submission that this practice should cease and that Police Prosecutors should conduct the prosecutions for the RSPCA. I say that on this basis. By engaging private Solicitors or barristers there is no obligation on them to place before the Court evidence that may disadvantage their case. Legal and Professional Costs come into play. If their prosecution is successful they would ask for these costs. It seems unbelievable that recently in one of their prosecutions at Narrabri an amount in excess of a quarter of a million dollars was sought for costs in a matter heard in the Local Court, and as I said before, an offence not serious at law.

In conclusion it is my humble opinion that inspectors French and Prowse have no knowledge in respect to their obligations under the Act and it is clear they see their careers more in the field of TV and to add insult to injury when asked a question by myself about the TV show RSPCA Animal Rescue and their role in this incident when he attended Gunnedah on the 18th February last, Mr Coleman's explanation was and I quote, "the Officers had been on another job with them and when they said they were going to Gunnedah the crew said we might just tag along" end quote. I informed him that I did not accept that explanation at all. It's a sad situation when the head of such an organization is trying to assist the coverup.

Yours faithfully

Leon Mills

Councilor

Gunnedah Shire Council

Example Five

This year RSPCA S.A. achieved a new low.

Seizing and applying to euthanize all a Border Collie breeders dogs on the grounds that his dogs would not met the inspectors eye and therefore could become fear biters.

She formed "the opinion to seize" ten dogs initially. Then when applying to have the ten euthanized extended the application to seize and euthanize all the dogs still in the owner's possession.

Rather than repeat the entire discussion on Dogzonline here, this is the link with video included of the inspection and one of the dogs seized. She comments the dog has short toenails and "forms the opinion" that is from stress?

I contacted RSPCA NSW and

but the reply was to ask S.A.

- S correction you are rspca nsw. I meant rspca sa sought and received permission to kill all ten, not just the 4 they did kill.. Have you seen the videos? I had no idea that now dogs can be seized on the basis of "chronic mental suffering" or that inspectors are trained to make such findings from video evidence like this one posted? many breeds and border collies are a breed, not crossbreds are described as being (in the case of Lhasa a
- Apso's 'chary of strangers" other breeds "wary" or "suspicious" of strangers, is this now to be a valid reason for a dog to now be seized and euthanised? is this now law or in the process of being passed into law that all dogs must respond in a friendly fashion to complete strangers entering their home or be seized and put down? Is it to become law that no breed has the right to be "chary" "wary" or "suspicious" of strangers now or it will be seized and the owner charged?.....here is the video. somehow I suspect this entire question will now be wiped from this thread rather than being answered, or am I just being suspicious?.....here is the video.... your take on what is seen would be appreciated... well if this is answered and not deleted.

-

S I noticed also that if that dog had long toenails her owner could have been charged with neglecting them, in this case the fact the inspector noted they are short is being given as cause of suspicion? so there is another cause for concern, trim their nails and it can be construed the dog is suffering mental issues, leave them long and the dog is suffering neglect, what is the safe length for a dogs toenails then? Also note all seen in that video are in good body condition and coats in good condition

RSPCA NSW Hi S, Please contact RSPCA South Australia if you have any questions in regards to the above case involving Border Collies. You can contact them here: <https://www.rspcasa.org.au/contact/> and here: <https://www.facebook.com/rspcasouthaustralia/> RSPCA NSW were not involved in this case (as it is out of our jurisdiction on New South Wales), so are unable to comment. Thanks.

S Thank you. Although I am concerned that this has set a precedent and "chronic mental suffering" may become used in NSW to describe any dog that is "chary, wary or suspicious" of strangers, as this is a characteristic of many of our purebred and a percentage of x bred dogs as well? Few people realise what great guard and family protection dogs poodles are, so they too could fall foul of this as well if it is to become legislated as a basis for seizure and prosecution, as I am aware new laws are currently being drafted?

I considered my question is valid as they tend to copy each other.

But they chose not to answer if this is coming to NSW.

These inspectors do not even know basic animal handling, let alone how to approach a strange dog, even Dogs NSW has posters on best practice when meeting a strange dog.

Or have the knowledge to "form the opinion" that means there is nothing in place for the targeted owner to lodge an appeal when they make massive errors, Like the massacre of cows just for one.

You politicians have given these clowns the power to override even the animals own vet with BvSc earned by years of hard work and experience.

My Husband was one of four Senior Technical Officers who drafted and taught the 'Animal Care Course' at Tafe. He approached the Dean of the Tafe he was teaching at, to advise there were four in the class who made

no effort to learn, more interested in disrupting the class, was no way they would be passing. To fail this course if you are a lab technician would mean to lose your job, The lives of the animals is at stake, people need to know their job or they lose it..... To his astonishment The Dean told him, "Don't worry they are RSPCA inspectors, they don't need to pass, they only have to attend."

Yet you politician's give these clowns the power of life and death over our pets?

Why do you deny us the right to an avenue of appeal? Why is there no ombudsman?

"The Truth About Dog Eye Contact

Alexander/Adobe Stock

With so many opinions and misinformation about dog eye contact, it's understandable why people wonder what eye contact means to a dog. Eye contact happens naturally; it's part of normal body language. However, staring is considered rude and it's scary to most dogs. Learn the difference between making eye contact with and staring at your dog, and how your dog perceives both.

Making Eye Contact With Your Dog vs. Staring at Your Dog

Dogs and their humans will make eye contact several times a day. It's normal and natural [behavior](#). Many dogs will make eye contact with their owners when it's dinner time, [treats](#) are nearby or someone is [ringing the doorbell](#). Likewise, some pet owners will look directly at their dog's face when calling them over for a quick [game of tug](#), when arriving home from work or when relaxing on the [sofa](#) at night.

This type of eye contact is fleeting. You and your dog make eye contact, then you both immediately look away and focus on another task. **Polite eye contact lasts 1-2 seconds and moves fluidly with other friendly body language.**

Staring is different, and considered rude to dogs. When a person stares into another dog's eyes, the dog perceives it as a threat. Think about it this way: If someone stares at you, you'd wonder why this person was staring at you or assume the person was upset. When people stare, their bodies freeze in place with still arms, yet their heads follow the dog or person they're staring at while they move away. This body posture not only freaks you out, but dogs too.

What Happens When You Stare at a Dog

Dogs will likely move away from a threat. If they catch someone staring at them, they'll try to disengage from the person staring. Some dogs will:

- Look away from a staring person
- Slowly slink away
- Yawn
- Hold up a [front paw](#)
- Shake it off (looks like he's shaking water off his coat)

If this happens, the person unintentionally staring at the dog should turn sideways and look away from the worried dog. **Intimidation teaches a dog that a person is unpredictable and scary.** It's tough learning from someone who's intimidating, and it's unfair to force a dog to learn this way. Remember, staring is considered rude in

both the human and canine world. “

Example SIX

When my dog Stringy was taken, one of the questions, along with the request for an ombudsman, I asked the Minister for Agriculture Richard Amery, could there at least be suitability testing done, as even my boss who is a psychiatrist noted, this is a job that tends to attract Narcissistic Sociopaths.

Similar problem as paedophiles attracted to jobs giving them access to children. The resulting mental health problems to those targeted is invariably devastating and permanent.

Do not underestimate the mental health costs to the community generated by both.

This tends to be double damage, as surviving paedophile targets tend to heavily rely on their pets as therapy, which then attracts the attentions of the second stage abusers.

I sincerely apologise for the length of this submission.

I worry that being so long will tend to bore you and thus skim over what I have said, I find it very hard to try and edit it to be more succinct, for which I apologise.

This inability, I understand is one of the many problems associated with PTSD, after the Stringy incident and learning the utter helplessness that comes from being utterly unable to protect your pet, I subsequently ended up in Nepean Hospital in 2000.

I was mistakenly treated for Bipolar for the following 14 years, as the condition worsened until finally diagnosed as PTSD which needs entirely different medication and treatment. Unfortunately this damage to the brain I have learned is permanent and the panic attacks can only be managed as they occur, I had hoped they could be stopped but that is not the case unfortunately.

Yours sincerely
