

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

Name: Ms Coralee Blanchard

Date Received: 28 November 2019

Partially
Confidential

To Whom It May Concern

My name is Coralee Blanchard. I have worked for several years as a regular volunteer at Happy Paws Haven, a no kill animal rescue and adoption shelter on the NSW North Coast. I am also a Committee member of HPH. My background is that I am a retired high school teacher and a retired Registered Nurse, both long careers.

This is to be a personal submission based on my observation of, and involvement with, the manner in which the charitable organisation, NSW RSPCA, has conducted itself ,as an enforcement agency, in relation to HPH since 2 June 2016.

In no way is this submission meant to be scholarly. However, I have maintained email records and these form the basis of my recollections.

By sheer chance, I happened to be at HPH when the RSPCA conducted their first 'raid'. (2 June, 2016). I also attended a 'post raid' meeting with RSPCA Inspectors and was present at the Court mentions and hearings in Grafton which came about as a result of charges laid by the RSPCA. Another 'raid' was conducted on 31 July, 2017 and again I was at the HPH property. This was followed up by an unannounced RSPCA visit by two Inspectors on 10 Dec, 2017, again when I was there! Following the July 'raid', charges were laid and I have been present for the mentions and the on going hearings of a case still in progress.

Prior to the first raid' I was, like many Australians, a supporter of RSPCA, both emotionally and financially. However, my support came to an abrupt end, once having learned that not only is the RSPCA a charity but that it is charged with the administration and enforcement of the NSW laws for the protection of animals from cruelty. To my utter dismay I watched as a body I respected, use means that were heavy handed, wasteful and punitive without any thought or regard to possible alternative methods. Nor it appears are they accountable or answerable as an enforcement agency. Yet, as a very polished charity, they solicit for and receive large donations from the public, as well as receiving funding from the public purse. And their CEO is paid a very large salary.

Certainly an agency should be charged with looking after vulnerable animals by administering and , if required, enforcing the law as appropriate. This agency needs to be a well trained, highly skilled and mature unit ie a specialist group that undertakes their role within careful guidelines and full accountability. The RSPCA does not match this job description.

Never having written a submission before, I shall attempt a time line approach which I believe will adhere to the Terms Of Reference.

On 2 June , 2016 I arrived at HPH to go to a scheduled meeting in Coffs Harbour with Sally Rogers, Founder and Public Officer of HPH. Instead I walked in to the presence of several 4wd vehicles, at least 3 RSPCA officers (there may have been 4), and 2 vets. (there may also have been vet nurses). My first thought was what terrible event had occurred that required so many personnel and vehicles. It reminded me very much of an SAS raid, with people moving efficiently and self-importantly from place to place, ignoring everyone and concentrating on getting a serious job done.

I managed to find out that HPH had been accused of animal cruelty, specifically cats, and there was also a story of bush rats having been burned in a fire. (I immediately knew who had made these accusations, namely a very disgruntled woman who had lived in the adjoining HPH property. Not adhering to the conditions of her tenancy she and her family were duly asked to vacate and 6 months later, the Sherriff was finally able to evict her). The 'raid' was RSPCA's response to her accusation.

In charge was Inspector Scott Meyer. I asked him if Sally had been given any notice of the 'raid' and he replied in the negative, stating that Sally could have hidden the animals if warned. Possibly a more ludicrous explanation could not have been offered, given the knowledge Scott had of the physical set up of HPH, its location and of the integrity of Ms Rogers herself.

The most important outcome of the 'raid' was that the RSPCA found no necessity for seizing any animals. Instead, Ms Rogers was given a time frame to have the cats vet checked, some immediately, others at her vet's discretion. Ms Rogers complied at once and completely.

I entirely appreciate that the job of RSPCA Inspectors can be harrowing and confronting. However, 'raiding' HPH was not one of those jobs and nor was it ever going to be. If a complaint is made, the RSPCA as the law presently stands, is rightly obliged to investigate. However, given that the RSPCA knew Ms Rogers and HPH, the manner in which they went about this should have been in a more professional, courteous and far less costly way. Not only were RSPCA personnel present, but a specialist vet had been especially flown up from Sydney. None of the people involved were local, so the cost of airfares, vehicles, personnel, equipment and testing materials would have been significant. Yet not ONE animal was seized

It would have been more prudent for the RSPCA to take a more considered approach and for wiser heads to prevail, but when you are part of an organisation that is given powers without accountability, the need for a considered approach becomes compromised. This was the case here.....no accountability for actions, costs or consequences.

I emailed Mr Coleman, CEO of RSPCA on 24 Sept, 2016, voicing my concerns as outlined above. This email went unacknowledged, despite being copied and received by others. I emailed him again on 26 Oct, 2016 saying that no reply had been forthcoming. This email he did acknowledge but stated "Given this matter is now before the Court, it is inappropriate for me to engage with you at this time". On 27 Oct, 2016, I replied saying that I would appreciate a considered reply and "that regardless of the outcome, it does not change my concerns as to the manner in which this process had been conducted by the RSPCA, nor the use of publicly donated money in pursuing an action for which a more reasonable approach should have been taken".

Please note that at the conclusion of the Court case, I wrote again, pointing out that the case was over and I would appreciate a reply to my original concerns (27 Oct,2017). This time Mr Coleman replied with "At this time it is not appropriate for me to elaborate on the basis there are matters on foot". (This was well before charges had been laid following a second 'raid' on 31 July,2017.) Mr Coleman does not feel it necessary to be on any way accountable to the public.

Following this first 'raid' the RSPCA offered Ms Rogers a meeting with the Inspectors. I also attended this as a 'silent' witness. Ms Rogers, in agreeing to this meeting specifically asked that a certain RSPCA Inspector NOT be in attendance due to the intimidation she felt from him in previous encounters. She

had also complained of his behaviour to his boss. Mr Coleman and Inspector Scott were well aware of this but chose to ignore Ms Roger's request. The way in which the meeting was to be conducted was not properly explained except to tell me that I was not to say anything. I agreed, expecting that the same would apply to the second Inspector. However, Ms Rogers was goaded, harassed and intimidated by the second RSPCA Officer until I finally demanded that Inspector Scott reign in the other man. These actions were nothing short of bullying. All of this is available on the transcript recorded that day.

Apart from this behaviour, the meeting consisted of a litany of incorrect information.... incorrect cat names, incorrect colours, incorrect gender, incorrect diagnoses, incorrect findings. Such poor attention to detail hardly engenders a feeling that a competent professional agency is in charge of administering and enforcing the laws and a strict code of conduct with complete transparency and accountability. Interestingly, following this unfortunate meeting, a second was offered but declined. It would have been foolish to attend such a meeting without the services of a solicitor.

Charges were brought against Ms Rogers and found to be proven. However, in her summing up Magistrate Denes was unequivocal in her opinion that there had been no intentional cruelty perpetrated by Ms Rogers and that she had found Ms Rogers, over the course of several mentions and hearings, to be a caring person. Further she said that the term "neglect" would be more appropriate than "cruelty" and that this neglect was a reflection of not having in place a system that allowed for the documentation and timely checking of all animals. The Magistrate also refused the RSPCA suggestion that the entire feline population be removed.

Since that time, a more effective system has been implemented at HPH and cat numbers have been halved through adoption.

It is ironic that the RSPCA, as a wealthy charity, has high kill rates of the animals in its "care", whereas HPH (without any government funding and relying entirely on donations) with a very successful rehoming rate and an active no kill policy has received such punitive treatment, without any attempt by RSPCA to offer help or education.

Unfortunately, a second 'raid' was conducted on 31 July 2017. And again, in the same aggressive manner as the first time. I asked Scott what was the complaint this time and he said they had reports of a dead dog, cruelty to dogs and to cats. I asked if the complainant was the same person as previously and Scott said no, that this time the complainant was more credible! That said, there was no justification found for a complaint of a dead dog or cruelty to any dogs whatsoever. So much for the credible complainant. I think that the body charged with investigation should at least make some effort to check their sources. Without such checks, the process is wide open to abuse from any person with a grudge.

Without the dog complaint holding up, the RSPCA team turned to the cats. But they did not have a specific complaint about a particular cat or cats. So their method was to enter the cattery in numbers, Inspectors, (3) vets (2) and vet nurses (2) and then proceed to sedate all the cats. Naturally this was very disturbing and traumatic (to say nothing of being cruel) to the cats who are used to only one or two regulars in their enclosures, and are certainly not used to being forced into a sedated state.

For we volunteers it was very distressing to see these poor animals being treated as they were.

And, at the end of this awful experience not one animal was seized. Simply, orders were given for some cats to undergo a non-immediate vet check. And this was done.

On 10 Dec, 2017, before any charges had been laid or even muted, we had another unannounced visit from the now Deputy Chief Inspector Scott and Inspector . They said that they happened to be in the area and had decided to call in. Scott stressed that they were simply following up as per Magistrate Denes request from the first Court case. Interestingly, this was the first such visit in over two years. Hardly a speedy response. (A request for a visit had been made a couple of weeks earlier but the time was not convenient for us)

I told Scott that Ms Rogers was unavailable and that as the most senior person at HPH, I was happy to assist. He wanted to look at the cats, so I took them in to each enclosure. Scott had his notebook and asked for my surname. I gave this to him and asked that he inform me of his record. He commented on the changes that had taken place and I pointed out further improvements. They wanted cat numbers and after sometime, arrived at an approximate number. Energetic cats in numbers are hard to count! Scott asked me if this figure was correct but as I do not work with the cats, I replied that I did not know and that he should check again in the interests of accuracy. He also commented that the cats looked healthy and happy and that he could see nothing wrong with them.

When I was unsure of an answer, I told Scott that I would ask the appropriate person. Scott did not follow up on any of his specific questions. They also checked the dogs and Scott asked what Vet Surgery we used. I told him and also added that our vet had been at HPH the previous weekend doing his regular vet checks. I told Scott that I could find out specifics but he said that it was unnecessary.

The visit was harmonious and respectful and all the comments made by Scott were positive. However, despite this visit, the improvements noted and the transparency offered, the RSPCA decided to again press charges. But.....not till a full 6 months had elapsed since the July 'raid'. And, at no time during that 6 month period was there any follow up made with our vets regarding whether Ms Rogers had actually taken the cats to the vets as required or to the condition of those cats, which according to the RSPCA ,required attention. Would not this be something pertinent to a Court case?

It is fair to question the lack of duty of care exhibited by the RSPCA. It is reasonable to expect that the body charged with investigating and enforcing NSW animal laws should have, and be capable of following, a set of protocols in order to provide transparency, accountability and fairness to all parties. Yet, the RSPCA has continued to attack HPH, while truly abhorrent practices like puppy farming and back yard breeding continue with little abatement. Has HPH simply been an easy target? And what of those animals that are in need of protection but not receiving it because the RSPCA is intent on pursuing a lesser prey?

And finally we arrive at Court case No 2. This is still dragging on with legal wrangling and with only two cats now the subjects. There have been several mentions, a hearing and another pending.

To what significant end? It begs the question as to the reason WHY Ms Rogers has been pursued so relentlessly and certainly beyond that which a reasonable, mature, wise and intelligent person would consider necessary. The financial cost to both parties has been in the realm of tens of thousands of dollars, what with the raids conducted, the costs of barristers and solicitors, the bringing in of vets to Court to testify. For what appreciable, measurable gain has the RSPCA used its funds (and other people's). Ms Rogers has complied with all RSPCA directives and those of the Court and she has kept

rehoming dumped, abandoned and surrendered animals. The potential fate of these animals in the hands of the RSPCA is well documented.

Also, the length of time these cases have taken in the Courts, given the overloaded state of our justice system is unconscionable, especially when the same ends could have been achieved without the need to resort to the Courts.

Yet the RSPCA continues in its role without checks and balances. And, as an enforcement agency they continue to use only punitive methods rather than put their significant budgets in to assisting and educating other organisations involved in animal welfare. Organisations whose only reason for being is to care for and rehome their charges.

A very high level of stewardship should be expected from the RSPCA and, increasingly, the public is looking to adopt from shelters. As a body the RSPCA seems to have forgotten that it is a charity and, has, unfortunately taken to its unsupervised policing role with a great deal of alacrity but very little understanding.

In summary, I do not believe that a charitable organisation should also be engaged in the potentially conflicting role of enforcement. We need an agency which uses its funding solely to take care of animal welfare. And we need a specialist agency to solely investigate complaints, to have the ability and skills to properly ascertain a situation and only then, to decide on appropriate enforcement.

As it stands at present, the RSPCA does not do both jobs well and it certainly does not have the capability to continue to do both jobs. Consequently, I believe that it is failing in both roles, and is certainly not gaining public support, especially given its high euthanasia rates. And there does not seem to be effective and responsive or responsible, leadership. Rather it seems that there is an entrenched culture of unwillingness to take responsibility, a lack of transparency and accountability, and an acceptance of bullying, simply because there is no accountability.

This needs to change dramatically and I hope that the present inquiry will go a long way to fixing the wrongs for the sake of all creatures, great and small!

Thank you for this opportunity to provide a personal perspective. I wish you well.

Sincerely,

Coralee Blanchard