UNCORRECTED PROOF REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 5

INQUIRY INTO THE RSPCA RAID ON THE WATERWAYS WILDLIFE PARK

At Sydney on Monday 5 July 2010

The Committee met at 2.35 p.m.

PRESENT

Mr I. Cohen (Chair)

The Hon. R. L. Brown

The Hon. A. Catanzariti

The Hon. R. H. Colless

The Hon. Marie Ficarra

The Hon. L. Foley

The Hon. H. M. Westwood

CHAIR: Welcome to the first public hearing of General Purpose Standing Committee No. 5 inquiring into the RSPCA raid on the Waterways Wildlife Park. The inquiry's terms of reference require the Committee to inquire into and report on matters associated with the RSPCA raid in Gunnedah on 3 February this year. As such, this inquiry is an opportunity for stakeholders to provide evidence about the investigations undertaken by the RSPCA to assess the welfare of the animals at the park, the criteria used to determine that the animals should be removed and the protocols that the RSPCA follows in its investigations. The Committee will also examine the role of the television program *Animal Rescue* and the actions of the Department of Industry and Investment with respect to the licensing of the Waterways Wildlife Park.

Today we will be hearing from Ms Sally Barnes and Mr Ron Haering from the Department of Environment, Climate Change and Water; Ms Cheyne Flanagan of the Port Macquarie Koala hospital; and Mr Steve Coleman, chief executive officer of the RSPCA New South Wales. Tomorrow the Committee will travel to Gunnedah to hear evidence from Ms Nancy Small, the operator of the park, and her daughter Ms Jodi Markwick, as well as from David Amos of the Gunnedah Veterinary Hospital and representatives of the Gunnedah Shire Council.

Before we commence, I would like to make comments on certain aspects of the hearing. Committee hearings are not intended to provide a forum for people to make adverse reflections about specific individuals. The protection afforded to committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of individuals unless it is essential to address the terms of reference.

The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines covering the broadcast of the proceedings are available at the table by the door. In accordance with the guidelines, members of the Committee and witnesses may be filmed or recorded; however, people in the public gallery should not be the primary focus of any filming. In reporting the proceedings of the Committee the media must take responsibility for what it publishes or what interpretation is placed on anything that is said before the Committee.

Witnesses, members and their staff are advised that any messages should be delivered through the attendants or committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person. Finally, I ask everyone to turn off their mobile phones for the duration of the hearing, including mobile phones on silent, as these interfere with Hansard's recording of the proceedings.

SALLY BARNES, Deputy Director General, Department of Environment, Climate Change and Water, and

RON HAERING, Manager, Wildlife Licensing and Management Unit, Department of Environment, Climate Change and Water, sworn and examined

CHAIR: Are you conversant with the terms of reference of the inquiry?

Ms BARNES: I am.

Mr HAERING: Yes, I am.

CHAIR: Should you consider at any stage that certain evidence you wish to give or documents you wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Before the Committee commences to ask questions, if either or both of you would like to make a short statement at this point to clarify your position, that would be very helpful.

Ms BARNES: What I would like to do is give some background to the role of the National Parks and Wildlife Service under the Act. Under section 92 of the National Parks and Wildlife Act the Director General has a legislative responsibility for the care and protection of native fauna and every year many hundreds of wild native fauna are found either injured from accidents or sick from disease or illness, or orphaned. To help us in our work there are approximately 30 groups and 30 individuals who hold licences to rehabilitate sick and injured fauna, so the total number of authorised carers under these groups is between about 4,000 and 4,500 people, and they play a vital role in helping to protect the State's native fauna.

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Under section 8 (7) (b) of the Act, the Director General may enter into arrangements for the carrying out of work necessary for or in connection with the protection and care of protected fauna. In New South Wales it is an offence to possess, harm or release protected fauna without a licence, so what we do is license groups or individuals to assist us with the rescue and rehabilitation of sick, injured or orphaned fauna with the intention that those animals will be returned to the wild as soon as possible. People or organisations seeking a licence apply to the Department of Environment, Climate Change and Water and successful applicants receive a general licence under section 120, 132C and 127 of the National Parks and Wildlife Act to harm—and "harm" in its broader sense—capture or kill; to hold sick, injured or orphaned native fauna for the purpose of rehabilitation and to dispose of them according to the conditions of the licence; to hold for educational or scientific purposes living and preserved specimens and to place tags, bands for individuals' identification of the animal. In licensing people to care for animals, what we do is require that they comply with the department's policy on Rehabilitation of Fauna 2001, and that policy is all about how individual groups may be licensed, how animals should be cared for, the release or retention of protected fauna and euthanasia procedures, if required.

In addition, the department has two other very relevant policies or guidelines for the rehabilitation of prey, including owls, and guidelines of conditions for koala care. We review licences at the end of every financial year, and there are conditions attached to the licences. Licensees have an obligation to report to us the summary of their activities, the species, what they have done, the animals they take care of. Mr Haering, who is with me today, is the Manager of our Wildlife Licensing Management Unit. He is based in Sydney and has the overall responsibility for the administration of the licences and the assistance we give to rehabilitation groups and individuals. He is assisted in the field by our rangers that are based at our area offices. He and his team work carefully with the NSW Wildlife Council, which is the peak group for rehabilitation groups. We provide some funding to local groups. But really the rehabilitation people we licence are generally volunteers. They give their own time and they are very dedicated in caring for the sick and injured animals. That is the background to our role in the rehabilitation of native fauna.

CHAIR: Mr Haering, did you want to add anything at this point by way of a statement?

Mr HAERING: No.

CHAIR: The Committee understands that the Friends of Waterways Wildlife Park is licensed to undertake that rehabilitation as you have clearly described. Could you describe the department's role in issuing a licence to that park, in particular, and any process you would have gone through with that establishment in renewing a licence or refusing the renewal of a licence.

Ms BARNES: We can do that over the last 10 to 15 years, if you like.

CHAIR: If you think that is relevant.

Ms BARNES: I will ask Mr Haering to fill us in on the contact we have had with that group and the licensing activity.

Mr HAERING: The group has been licensed by the department since 1996. The licences are annual. Each year the license is renewed and the licence is renewed on the basis of information being provided back to the department in relation to certain conditions on the licence, such as, a summary of the animals that have come into care each year and have been released, a list of people who have authority under that licence, and for them to maintain a register of animals that are held in permanent care or any preserved specimens that they may have. That is basically the kind of information that we want from them on an annual basis.

CHAIR: Could you describe the information that came to your department about this establishment that got the ball rolling for these extraordinary circumstances to occur? Why did it happen? What prompted it? Could you describe the outcomes so far?

Ms BARNES: Certainly. As part of our regular follow-up on the annual licences and their returns, we had been seeking from Waterways Wildlife Park some information about their rescue statistics, what they were holding in care and any fauna that had been transferred to other facilities. We had required that information since about September 2009. In January 2010, prior to any of this action, we had written to Mrs Small in regard to the information we required. So that was something that had started earlier.

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CHAIR: You say that in 2009 those inquiries were made and you followed up in 2010. Was there anything specific that prompted the follow-up?

Ms BARNES: Yes.

CHAIR: Was there a reply from the establishment or proprietors?

Ms BARNES: No, we had not received the information we had required the previous year as a follow-up to the licence. So we were going about our regular business in following up on non-compliance with licence returns. We wrote a letter on 21 January seeking that information formally. But, as I say, that was mainly around information and low-scale issues. On 1 February we were contacted by the RSPCA regarding a range of issues that, we understand, had been communicated to them by a third party. What they wanted to do was let us know they were going out there to do a check of the facility. Because they know that we licence the facility for some of the activities on site—not all the activities on site but a subset of the activities on site—they asked whether we would come with them on that inspection.

The Hon. ROBERT BROWN: On 3 February when you attended the facility to inspect, I take it, the care part of the subset—

Ms BARNES: The rehabilitation part.

The Hon. ROBERT BROWN: —did your inspectors or rangers provide a report to the department?

Ms BARNES: They did.

The Hon. ROBERT BROWN: Are you able to describe to us what was in that report?

Ms BARNES: I might ask Mr Haering to help here. Our ranger who is based at Coonabarabran went out with the RSPCA and inspected the rehabilitation part of the site and provided a report-back to the department. She had looked at where the animals were and what the plans were for rehabilitation. I might ask Ron to give you a summary.

Mr HAERING: Our initial understanding was to get a better understanding of what was happening in the rehabilitation component of the site, what animals were being held there and under what conditions.

The Hon. ROBERT BROWN: On a point of clarification: Is the rehabilitation part of the site, as you have described, a separate facility or a distinct area, such as a hospital?

Mr HAERING: No, it is not. It is one large site. The rehabilitation part is differentiated from the rest of it by basically a fence, which you could jump over and look through. The entrances to the rehabilitation part have signs on them saying, "Do not enter". I have been to the site myself and I have seen that for myself. We had one officer there on that day from our Coonabarabran area and we asked her to prepare a report. Basically, in general, the kind of findings that she had was that there were some animals from the exhibited part of the facility in the rehabilitation part of the facility and there was one rehabilitation animal in the exhibited part of the facility. We asked her to look into some of the record keeping. She did not look into it extensively on the day but she was finding that some of the basic information we required from the licence conditions were not able to be provided.

The Hon. ROBERT BROWN: On a point of clarification: Do your records relate to animals as they are moved in and out of care?

Mr HAERING: Yes.

The Hon. ROBERT BROWN: An animal goes into the rehabilitation area it is recorded; an animal comes out of the rehabilitation area but not released to the wild it is recorded?

Mr HAERING: That is right. We went through the animals that she had in care and we spoke to her about the status of those animals. There were a variety of animals there from koalas, boobook owls, corellas and cuckoos. Some of the animals there had been there for a period of time. The licensee told us that she was intending to have them permanently there because they could not be released.

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The Hon. ROBERT BROWN: What do you mean by "released"?

Mr HAERING: Released back into the wild.

The Hon. ROBERT BROWN: Into the wild or into the exhibited area?

Mr HAERING: No, no animals are meant to go into the exhibited part of the facility. They either remain in the rehabilitation part or they are released into the wild. If they cannot be released, then they formally apply to us to have them as a permanent care animal for the purpose of educating other carers or to have them transferred into the exhibition part of the facility, with the permission of the Department of Industry and Investment and our permission. There were some animals there that had not appeared to have gone through that process of approval. With regard to some of the cages that were there, they were generally compliant with our conditions. However, there were some minor issues that we uncovered and we decided to go back at a later date and do a more formal audit of the facility.

The Hon. RICK COLLESS: The report that you referred to after your visit on 3 February, is that available?

Mr HAERING: It is here.

The Hon. RICK COLLESS: Are you prepared to table that to the Committee?

Ms BARNES: Yes, I think it is pretty straightforward.

The Hon. RICK COLLESS: Thank you. On the day you went there, what animals were in rehabilitation? You mentioned koalas, corellas and so on. How many in total were in there?

Mr HAERING: We think there was probably a total of 18 animals in the rehabilitation part.

The Hon. RICK COLLESS: How many koalas were in there at that time?

Mr HAERING: We are not entirely sure. We think there were probably about seven.

The Hon. RICK COLLESS: That is in the rehabilitation unit, as opposed to the exhibition side of the park?

Mr HAERING: In the rehabilitation area. In the rehabilitation area there were also two animals kept behind a laundry, which were not in a cage. So I am including those animals.

The Hon. RICK COLLESS: Were they, in fact, wild animals that just happened to be living there or were they kept?

Mr HAERING: No—two koalas over six months in care, both came in at about 300 grams from their mothers being killed by cars, both to be released soon. There is a photo of them on the washing machine.

The Hon. RICK COLLESS: They will live anywhere, really.

Mr HAERING: Well, they were put anywhere.

Ms BARNES: The other thing to note is that we decided to go back a second time to spend more time talking to the owner and working through some of the issues. In fact, we have had a couple of visits out there. What we wanted to do is assist her and improve the situation and make sure she had the policies, the guidelines and materials there. Altogether we have been there about four times in a guidance and assisting role.

The Hon. RICK COLLESS: Since February?

Ms BARNES: Yes.

The Hon. RICK COLLESS: Given the reports we have heard about the condition of the koalas that were subsequently taken to Port Macquarie, what was the condition of the seven koalas in the rehabilitation part of the park compared to those that were in the exhibition part of the park?

Mr HAERING: I cannot really answer that question. We did not do a formal—

The Hon. RICK COLLESS: You cannot make a comparison?

Mr HAERING: No.

The Hon. RICK COLLESS: Can you tell us about the condition of the koalas in the rehabilitation unit? Would you consider they were in good condition, given that they were under care because they had undergone a trauma of some sort?

Ms BARNES: We were there with the RSPCA. Their role was to look at the condition of the animals. We were there looking at the rehabilitation processes, whether they were being followed, whether the animals were going to be released and the paperwork was there and whether the animals were being looked after with the intention of being released. We were working with the RSPCA. They were the ones following up on the actual care of the animals.

The Hon. RICK COLLESS: Did you do any assessment of the condition of those animals?

Ms BARNES: There is not an assessment of their condition in this report.

The Hon. RICK COLLESS: Did the RSPCA do an assessment of their condition on that day?

Ms BARNES: I understand they did, but I imagine they will be talking to you about that.

The Hon. RICK COLLESS: I am trying to get an idea of your view as professional wildlife carers of those animals that were in the rehabilitation side of the park.

Ms BARNES: We understand that the RSPCA has done that report on behalf of the team that went in to have a look at that. They have sent us a copy of the report, but I think they should be talking to their report. I think they are on next.

The Hon. TONY CATANZARITI: Is a cost involved in the carer's licence?

Mr HAERING: No.

The Hon. TONY CATANZARITI: It is an annual licence?

Ms BARNES: Yes. It is more about knowing who is there, knowing who is doing it and being able to provide advice to the right people, and also having contact so that if there are animals that are found injured, hit by cars or whatever, we know where the groups are and can send the animals there.

The Hon. HELEN WESTWOOD: Is the care of injured and sick animals undertaken by volunteers as well as the holders of the licence?

Ms BARNES: Yes, the licence is around volunteers. There are between 4,000 and 4,500 volunteers looking after sick and injured animals every day and doing a service for the community.

The Hon. HELEN WESTWOOD: Do licensees recruit their own volunteers or are they people directed by the department or the National Parks and Wildlife Service? Have they been directed or trained and referred to the licensee?

Ms BARNES: We generally license individuals and groups. Groups such as WIRES make a valuable contribution and they do a lot of the training and recruiting. They do that work on behalf of the citizens of New South Wales.

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Mr HAERING: We will issue the licence to a group and that group will issue an authority to a range of people to undertake the rescue and rehabilitation of the animals.

Ms BARNES: Our rangers often help with training and provide assistance to the group. We organise training and accreditation and we assist with some administrative tasks. But they are really an army of volunteers helping sick animals.

The Hon. HELEN WESTWOOD: Would you expect any volunteers working with a group—for example, at this park—to have undergone appropriate training accredited by the National Parks and Wildlife Service?

Mr HAERING: We expect the people who have the authority to have some training given to them by the licensee.

Ms BARNES: It is part of the licence.

Mr HAERING: Part of our inspection of the site was to better understand who those people were at Waterways Wildlife Park.

The Hon. HELEN WESTWOOD: You talked about conducting a formal audit later. Has that been conducted?

Ms BARNES: Yes.

The Hon. HELEN WESTWOOD: Do have you have a report of that audit?

Ms BARNES: Ron and his team did a formal audit.

The Hon. HELEN WESTWOOD: What were the findings of that formal audit?

Mr HAERING: A second audit was undertaken on 15 February. That audit was undertaken by the same officer who went to the park on 3 February. On the second occasion we structured the audit a little more formally so that it complied with the conditions of the licence a little more consistently. We again checked what she still had there and then went through the recordkeeping side of things more formally and formally asked her for her records, most of which could not be provided on the day. We gave her seven days to do that. We went through the specific conditions in which each of the animals was housed and checked that against our guidelines. We again verified that the lace monitor was being held in the exhibit area rather than the rehabilitation area.

The Hon. HELEN WESTWOOD: Following that formal audit you determined that some follow-up visits were necessary.

Ms BARNES: We went back to assist Mrs Small with the way she was running the rehabilitation side and made her aware of the policies and programs we had in place to give her some direction and assistance in what she was doing.

The Hon. HELEN WESTWOOD: Was that because there were some areas of non-compliance?

Ms BARNES: Yes.

The Hon. HELEN WESTWOOD: Has your assistance been accepted and are you satisfied with the results?

Mr HAERING: It is a little early to tell, to be honest. One of our main concerns is the keeping of records—the recordkeeping is very poor. We provided her with a folder with all the templates and information she needs to do that for the next 12 months. We went through a couple of the issues about putting animals in the exhibit area and tried to understand better why she did that. We reminded her that it is not in the interests of the animals to do that. We had somebody there on Thursday last week to see how she was going. We talked to her about some of the individual animals that were perhaps taking longer to rehabilitate. We asked whether her

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intention is to have them for permanent care or release. We reminded her that the process is to consult with us when undertaking that assessment.

CHAIR: Thank you very much for appearing before the Committee.

(The witnesses withdrew)

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CHEYNE FLANAGAN, Hospital Supervisor, Koala Hospital, sworn and examined:

CHAIR: Thank you for attending the hearing today. In what capacity are you appearing, as a representative or as an individual?

Ms FLANAGAN: I am a wildlife biologist employed by the Port Macquarie Koala Hospital and I am appearing as a representative.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms FLANAGAN: Yes.

CHAIR: Should you consider at any stage that evidence you wish to give or documents you wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. Before we ask questions, would you like to make a short statement about your interest in this matter?

Ms FLANAGAN: I am a wildlife biologist and have been employed for the past 10 years by the Port Macquarie Koala Hospital as the full-time hospital supervisor. I have worked with wildlife life in various capacities since 1973. The hospital takes in up to 300 wild and sometimes captive-bred animals from anywhere in New South Wales.

Working with wildlife is not a static field but one where it is vital to continually strive to improve protocols and treatment methodology. This can occur through research, updating training and interacting with other institutions' findings and by networking with other wildlife groups. The koala hospital is a research centre working alongside the Department of Veterinary Pathology of the University of Sydney's Koala Infectious Diseases Research Group, the Australian Research Council and other industry partners. We are a training facility for undergraduate veterinarians and veterinary nurses, and we conduct training for the TAFE New South Wales captive animal management zoo-keeping course. We also conduct training workshops on koala rehabilitation work throughout New South Wales and Victoria.

It is because of our vast and current experience in working with koala care and treatment that we were called in as the independent koala experts by the RSPCA. Even though we are often called to give advice on koala matters, the koala hospital has never worked with the RSPCA prior to 3 February this year. Apart from Inspector Prowse, whom I have seen at a few interagency meetings over the years, I had not met any of the personnel who attended on 3 February before that date.

When the RSPCA requested us to attend the Waterways Wildlife Park as the independent koala experts we did not hesitate to attend. The koalas we saw at the park were in grave trouble and needed immediate intervention. The decision to remove the koalas from the park on 3 February was made unanimously by wildlife veterinarian Michelle Campbell, myself and the RSPCA inspectors in attendance. The shingleback lizards were examined by Michelle Campbell and were also deemed by her to require immediate attention—an opinion we all agreed with. The bottom line of this whole event is that our focus on 3 February was completely and utterly what was best for these animals. I remain to this day 100 per cent confident that we did the right thing.

Never in my wildest dreams did I imagine it would blow up into the huge media frenzy that has occurred over the past five months or that we would end up where we are today. If the koalas in question or any other animal were in trouble again right now and the RSPCA asked us to attend, even knowing another vitriolic attack might occur, I would go without hesitation. I also know that I would have 100 per cent support and the backing of every person at the koala hospital. I am absolutely floored at the unbelievable amount of misinformation and incorrect statements that have been bandied around by the media over the past five months about events which were supposed to have occurred on the day but which most definitely did not—everything from us storming onto the property to the whole thing being a big stunt for *Animal Rescue*. Do these critics genuinely believe that internationally recognised institutions such as Taronga Western Plains Zoo and the koala hospital would be party to seizure of perfectly healthy koalas just for good footage? Unfortunately, the old adage of "never let the truth get in the way of a story" has been the backbone of this whole sorry saga.

I am shocked about the amount of fabrication in so many submissions. For example, no koala was anesthetised nor were they ever sedated at any point in time at the zoo, or for the trip home the following day as

stated in a number of submissions. We have transported wild koalas all around New South Wales over the past 37 years and find that they travel extremely well as long as they are comfortable and have eucalypt leaves to chew on. They will sleep the entire journey. We believe that the car motion mimics the swaying of trees. Not one koala screamed when treated and handled as reported in three submissions. In fact, they were all pretty submissive and very quiet. Chlamydia is most definitely in the wild koala populations of Gunnedah and the surrounding areas. That is well documented in published scientific papers. Gunnedah's koalas are not chlamydia free as stated in some submissions.

I did not witness Inspector Prowse yelling at or abusing Mrs Small or any of the volunteers at any point while we were at the zoo as stated in some submissions. On 3 February I witnessed Inspectors Prowse, Makeham and French to be well mannered, polite and calm. They dealt with the park owners and volunteers in a dignified fashion. Their behaviour was nothing short of professional for the entire time we were at the park, which is at total odds with what is stated in submissions. I fail to understand why there has been such a huge attack on the RSPCA's actions at Waterways Wildlife Park. These experienced and well-trained RSPCA inspectors acted on a complaint of animal cruelty and they removed the animals with the full diagnostic support of an independent wildlife veterinarian and an independent koala expert.

Dr Michelle Campbell and I are both professionals in our fields and are at the forefront of current research and captive animal management practices. Yet these professional opinions have been readily dismissed or ignored by critics in the media, politics and elsewhere. As a result of the Waterways Wildlife Park investigation, all the staff and volunteers at the koala hospital have developed a great respect for the RSPCA inspectorate and admire their professionalism in what is an extremely difficult, stressful and often thankless job.

CHAIR: Thank you for your forthright position on these matters. Can you enlarge on your description of the koalas being in grave trouble? What were your observations and what were the reasons for the removal on health grounds?

Ms FLANAGAN: The broad term of "stressed" was used. It encompassed a number of factors. They were all very dehydrated, they were heat stressed, and they had diarrhoea. Some of them smelt of chlamydiosis, which is a chlamydia bacteria that affects them. One koala was in what we class as a moribund state, which means that she was close to death. They were very unhappy koalas that really required treatment.

CHAIR: This was a diagnosis that you and other officers were able to make on site?

Ms FLANAGAN: Veterinarian Michelle Campbell made the diagnosis.

The Hon. RICK COLLESS: Thank you for appearing before the Committee today. Why were those animals in that stressed state? You mentioned dehydration. Did they not have access to water?

Ms FLANAGAN: They have access to water, but the Aboriginal term "koala" means "no drink" or "little drink". The majority of their water consumption comes via eucalypt leaves. Provided the leaf has good moisture content—it should be more than 65 per cent moisture—they do not need to drink water. It is very rare for them to have to drink. The quality of the leaf was the big failure—it was well below 65 per cent moisture—and it was a chronic condition; it did not happen overnight.

The Hon. RICK COLLESS: What were the climatic conditions at that time? I have lived in Gunnedah; I know it can be very hot there in the summer time. Was it unusually hot to provide those conditions, or was it a failure on the park to provide adequate leaf?

Ms FLANAGAN: It was a warm day but it was not as hot as some days have been. But in a captive animal situation you have control over their environment. Therefore, you should always be able to provide optimal conditions for the animals, be it hot or cold.

The Hon. RICK COLLESS: In your professional opinion how long would those koalas have been subject to those conditions in order to be in the condition they were in?

Ms FLANAGAN: Probably long term. More than weeks. Chronic dehydration does not come about in a matter of days; it takes quite a period of time. They also had quite a bit of diarrhoea as well, which added to the whole situation.

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The Hon. RICK COLLESS: What causes that in koalas?

Ms FLANAGAN: Usually a stress situation. It can be a tapeworm infestation, which they did have but it was not enough to warrant the diarrhoea they had. Koalas exhibit stress by diarrhoea as one of the classic signs.

The Hon. RICK COLLESS: With the wild population of koalas in very hot conditions, how do they get extra water when they need it?

Ms FLANAGAN: They will come to ground but when they come to ground seeking water it puts them at risk of predation, so that is why it is not a common thing. There is the situation that was occurring in Victoria during the 2009 fires; koalas were coming to the ground because the leaf moisture was well below 65 per cent. Koalas have lived here for a very long time. They have adapted to dry conditions and they cope well. They reabsorb a lot of their water.

The Hon. RICK COLLESS: In your professional opinion were the temperature ranges and humidity combinations in the weeks leading up to this incident severe enough to impact on the koala population or not?

Ms FLANAGAN: We are talking captive animals so it is a different scenario altogether because you can control their environment. You can give them moist leaf.

The Hon. RICK COLLESS: If you can get the moist leaf.

Ms FLANAGAN: But you can create that moist leaf. Even if you get it as a dry leaf you can bring it in and have it sit in fresh water and that will bring the moisture content back. When you cut eucalypt leaf the first thing it does is suck water viciously. Therefore if you offer that leaf good fresh water it will come up to above the 65 per cent quite easily. Dry as it may be if it is harvested in bush, it does not matter.

The Hon. RICK COLLESS: But in the weeks leading up to it the local wild population of koalas—and as you would be aware, there are a lot of koalas in that region—

Ms FLANAGAN: Yes.

The Hon. RICK COLLESS: Do you think they would have been under stress because of the conditions?

Ms FLANAGAN: Could have been. I do not know. I cannot comment. They could have been. But these are captive animals. There is a different scenario altogether.

The Hon. RICK COLLESS: You mentioned the Chlamydia. I was under the impression that Gunnedah was essentially Chlamydia free also.

Ms FLANAGAN: No.

The Hon. RICK COLLESS: What proportion of the wild population is affected by Chlamydia? Do you have any idea on that?

Ms FLANAGAN: Yes. There are studies being done by Dr Jeff McKee from the University of Queensland, Dr Steven Phillips of Biolink Proprietary Ltd, and Dr Dan Lunney from the National Parks and Wildlife Service, and I have some information here. There are two species of Chlamydia that are found in Gunnedah populations and probably have been around for a very long time.

The Hon. ROBERT BROWN: My predecessor, John Tingle, is a great fan of yours and the koala hospital. In your opening submission you spoke about the degree of publicity that has surrounded this particular exercise. One of the terms of reference for this inquiry states:

e) the involvement of the television program "Animal Rescue" at the Waterways Wildlife Park.

As a professional working in the wildlife field, what is your view on an organisation like the RSPCA using a relationship with a commercial television station? Do you think it is good or bad?

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Ms FLANAGAN: I think it is fine. I cannot see a problem with that. In fact, it is a great way to highlight when the issues are going wrong.

The Hon. ROBERT BROWN: You do not believe there could be any public impression of perhaps trying to drive one organisation's charitable exercise by the use of television?

Ms FLANAGAN: No. I think they are trying to highlight problems that happen with animal cruelty and bring it to light.

The Hon. ROBERT BROWN: We have had a previous witness discuss the inspection of the care facilities at the wildlife park, and he described them as being just within the general park. What sort of facilities do you have at Port Macquarie? It is a proper hospital, is it?

Ms FLANAGAN: Yes it is.

The Hon. ROBERT BROWN: How would you regard the care facilities at the Gunnedah wildlife park compared to others that you have seen around the State?

Ms FLANAGAN: Are we talking rehabilitation?

The Hon. ROBERT BROWN: The rehabilitation side only I am talking about.

Ms FLANAGAN: I did not really see the rehabilitation.

The Hon. ROBERT BROWN: You did not?

Ms FLANAGAN: No. Well, only a very small little corner of it.

The Hon. ROBERT BROWN: So it does not really compare with what you have at Port Macquarie?

Ms FLANAGAN: I cannot comment because I did not see it.

The Hon. HELEN WESTWOOD: Have you had other experience of attending inspections such as this?

Ms FLANAGAN: Never.

The Hon. HELEN WESTWOOD: Over the years you would have had a number of koalas brought into your hospital?

Ms FLANAGAN: Yes.

The Hon. HELEN WESTWOOD: Have you seen other animals in similar condition to these? If so, under what circumstances were those animals being kept?

Ms FLANAGAN: I have certainly seen plenty of old koalas in the state of what we name as 206. I have seen koalas like that before, but probably not seen dehydrated koalas with diarrhoea in that sort of situation.

The Hon. HELEN WESTWOOD: In captivity?

Ms FLANAGAN: No.

The Hon. HELEN WESTWOOD: So that would be fairly rare, from your experience, for animals held in captivity to be in such a poor condition?

Ms FLANAGAN: We work mainly with wild koalas but the captive ones I have come across, no, they have never been like that.

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The Hon. RICK COLLESS: The licence conditions that you operate under at Port Macquarie, would the rehabilitation part of the wildlife waterways park operate under similar licence conditions?

Ms FLANAGAN: Yes.

The Hon. RICK COLLESS: How often is your facility inspected by the National Parks and Wildlife Service?

Ms FLANAGAN: Our property is on National Parks land. We run in a National Parks reserve. We have National Parks officers popping in all the time.

The Hon. RICK COLLESS: Is there a legislative requirement that they carry out a regular inspection regime—

Ms FLANAGAN: No they do not.

The Hon. RICK COLLESS: —and review your conditions and so on?

Ms FLANAGAN: No. They do not do that in New South Wales as far as I know.

The Hon. RICK COLLESS: So they would not do it to the Gunnedah park either?

Ms FLANAGAN: No.

The Hon. MARIE FICARRA: In your submission you are very critical of Industry and Investment New South Wales. What action do you think the department should have taken in this situation to prevent this from happening to the degree it did?

Ms FLANAGAN: It would have been fantastic if they were there on the day. That would have been great. I think their problem is they have a lack of inspectors. If they had had more inspectors to be able to do this work on a regular basis, yes, that would have been a great help.

The Hon. MARIE FICARRA: Are there any other incidents such as this one where animals have been found in a condition such as this that you have been involved in?

Ms FLANAGAN: This is the first time I have ever been involved in this sort of thing. I do not know.

The Hon. MARIE FICARRA: Has your hospital been requested by the department at all for any involvement in the past in any relationship?

Ms FLANAGAN: No, never.

CHAIR: You mentioned in your submission that the waterways wildlife park owners have continually been able to disregard licence regulations without being prosecuted. Can you expand on that?

Ms FLANAGAN: It is just in the events that have happened and we know they have not met a lot of the requirements and just seem to be getting away with it. I find that very hard to understand.

CHAIR: In terms of inspection in general, you had an expert. You are an expert out there to look at that situation. How difficult would it be for general veterinarians or National Parks officers, or even the wildlife carers themselves in that particular establishment, to recognise the conditions that you obviously have readily recognised and acknowledged? Is that something that needs specialist ability or it is something that should be generally obvious?

Ms FLANAGAN: Are you talking like dehydration, diarrhoea, et cetera?

CHAIR: They are the main things you have raised, unless there is anything else that was an issue.

Ms FLANAGAN: No. Pretty well any koala wildlife carer I know can easily pick dehydration, diarrhoea, Chlamydia and I think any carer would pick up a koala that is in a moribund state. It is pretty easy to see.

The Hon. RICK COLLESS: Would any veterinarian be able to pick that up?

Ms FLANAGAN: One hundred per cent, yes, definitely.

CHAIR: You mentioned that this level of chronic dehydration does not appear overnight; it takes quite some time. Do you have any idea of what period of time these animals are likely to have been in this dehydrated stress situation? Is there any way of assessing that, just from your experience?

Ms FLANAGAN: Very difficult to know. The fact they were also in very poor condition was all coupled. It is all tied in together. Probably reasonably long term. It is very hard to say.

CHAIR: Are we saying months?

Ms FLANAGAN: Probably, but particularly K206. She had been in that state for a very long time.

The Hon. HELEN WESTWOOD: In your submission it appears that on the day of the inspection you went from enclosure to enclosure and as there were animals that were observed that were in a poor condition, treatment actually occurred there and then. Is that correct?

Ms FLANAGAN: We sort of had to walk around all of them but the red kangaroo was treated.

The Hon. HELEN WESTWOOD: And it says in your submission that you understand that that kangaroo was shot after you left.

Ms FLANAGAN: I do not know whether it was on the day or not long after but that was my understanding, yes.

The Hon. HELEN WESTWOOD: Where did you get that information?

Ms FLANAGAN: The RSPCA.

The Hon. HELEN WESTWOOD: And the shingleback lizard, was it Dr Campbell who euthanased that lizard?

Ms FLANAGAN: Yes, that was done on site.

The Hon. HELEN WESTWOOD: And that was because its condition was so poor?

Ms FLANAGAN: It was deemed too cruel to be kept alive, yes.

The Hon. LUKE FOLEY: We have had a look at the Exhibited Animals Protection Act. Are you familiar with that Act?

Ms FLANAGAN: Reasonably so, yes.

The Hon. LUKE FOLEY: That Act provides for standards of care for animals that are on exhibition, such as at this wildlife park. Do you think that the provisions of that Act are sufficient to safeguard animal welfare at places where animals are exhibited?

Ms FLANAGAN: I think they are pretty good regulations actually.

The Hon. LUKE FOLEY: So in your submission the problem is not a deficiency with the legislation but a lack of inspectors to enforce that legislation. Is that right?

Ms FLANAGAN: Yes. Not enough manpower apparently.

The Hon. ROBERT BROWN: With regard to the question of dehydration of the koalas, was any instruction given to the owners on the day as to how they could immediately rectify that situation, or were all the koalas taken off the site?

Ms FLANAGAN: No, they were not given instructions because we felt they needed immediate veterinary intervention. Some serious attention needed to happen.

The Hon. ROBERT BROWN: Do you have any idea why, if there was adequate water on the ground, the koalas would not have tried to access that water?

Ms FLANAGAN: They did try to drink the water, but the water was dirty. The leaf moisture is the best source for them.

The Hon. ROBERT BROWN: Who tested the leaf moisture?

Ms FLANAGAN: It is easy to see. I picked it up in my hand and crunched it and it just shattered.

The Hon. ROBERT BROWN: You mentioned 65 per cent. That is the required moisture level in the leaves?

Ms FLANAGAN: That is considered the good moisture level.

The Hon. ROBERT BROWN: What would you estimate the moisture level of the leaves were?

Ms FLANAGAN: I am guessing—20 per cent. I do not know. It was crunchy.

The Hon. ROBERT BROWN: You can easily see or feel a leaf that has got 65 per cent moisture, can you?

Ms FLANAGAN: It is pliable and moist and leathery.

The Hon. ROBERT BROWN: To your knowledge did anybody ask the owners on the day whether they understood how to tell whether the leaf had sufficient moisture?

Ms FLANAGAN: I did not hear, no.

The Hon. ROBERT BROWN: Was the leaf moisture discussed amongst the group on the day?

Ms FLANAGAN: It was and we showed her the dirty water in the buckets as well.

CHAIR: Were there any other issues in terms of the actual living conditions for the koalas that were considered to be substandard? We will be going out to the park to have an on-site inspection. When you were there at the time of the inspection was there anything that stood out to be substandard? You described water in buckets that was dirty, you have described the condition of the leaves and we have got evidence and pictures of the park at the time but is there anything that you would like to highlight in terms of size or quartering or the position of both the exhibition area and also the koala hospital or the rehabilitation centre?

Ms FLANAGAN: Koalas are actually solitary animals and they really do not like being near each other, and the area where the koalas were was—you will see it tomorrow—a closed-in tin area down one end and it is very big and open down the other. But it was so hot and they were wanting to get out the sun and the cage furniture were such that they are all quite close together in this covered tin area.

CHAIR: Is that for exhibition purposes?

Ms FLANAGAN: I think that is just how the design was. To me, I would have had branches going out in another covered area so they can get away from each other a little bit. They do not like being so close together, and there was no airflow down the end under this hot tin roof. So there were these animals compacted together there in hot, very still conditions, which was adding to the overall situation. Their enclosure design was not adequate.

CHAIR: So when you say hot, still conditions I can imagine them being out in a tree in the sun in pretty hot, still conditions. You are saying that it is significantly higher than what they would be experiencing in their natural habitat?

Ms FLANAGAN: Most definitely, and also in a tree koalas can fan out, they can pick up the breeze, they spread their limbs out accordingly and they will move down into cooler areas if it is too hot. They have got the ability to control their environment in the bush, where in that enclosure they were locked into a very small area that was very hot and very stifling, which was adding to their hot, heat-stressed state.

CHAIR: Was that similar in the exhibition area?

Ms FLANAGAN: That was the exhibition area, and the other two on the off-area site it was very similar: it was very hot, tin-roofed and they were squashed in together and quite heat-stressed.

CHAIR: There has been mention of one of the koalas carrying a joey. Could you describe anything of relevance there in terms of the condition of that koala, the joey, or anything that happened to the joey around that time?

Ms FLANAGAN: I would love to mention that, because unfortunately that has become another example of media misinformation. I have a picture I would like to show you. On 5 February when we were examining the koalas we found what is called a little pinkie. That is my fingernail in the picture and that is the size of the pinkie: we are talking about something possibly around five grams, maybe less. That was a really new little pinkie. Four weeks later that animal was gone. It was probably no more than 30 grams at time of death. That koala was 16 years old. She was the oldest koala in the mob.

There should be questions raised as to allowing an animal of that age to mate, for starters. Most animals of that age lose pinkies very easily because they are old. It is hard enough for them to survive at the best of times and then to carry young as well, of course they are going to lose them. We did not find that pinkie four weeks after arrival and there is a possibility that she could have eaten it—they do: mammals eat their very small foetuses—or, alternatively, that little foetus has fallen out on the ground and a bush rat has eaten it. It is very common and not an unusual thing. That is the story with that one.

CHAIR: Is there any other issue that we have not raised today that you would like to raise, given that you have had quite extensive experience both in the industry or the overall nursing industry, and also just what you experienced? I think your description of the heat stress conditions is very valuable to the committee and giving us an idea, as lay people, about these issues. Are there any other issues that you would like to explain as part of your evidence here today whilst we have you? I know you have travelled a long distance. Is there anything else you would like to raise as issues or observations that you made at the time and also subsequently when the koalas were in your care?

Ms FLANAGAN: There are a couple of things. One of the first ones—and it is in my report—is that it was mentioned that the male koala in the exhibit died three weeks before 3 February of heat stress, which is really a significant factor in the overall scheme of things because if there is already an animal that has died previously from heat stress and then we come across these animals in the same frame a few weeks later, that is very significant because this is obviously something that has been going on for a while. When the koalas came to the koala hospital most of them within five to seven days of being in care their diarrhoea stopped because they were under far less stress; every single one of them gained weight, and they gained a dramatic amount of weight—some of them 10 to 15 per cent of their body weight, which is significant when you are only a five-kilo animal; and they all looked magnificent.

Some of them arrived with very brown coats. When koalas are sick they have a very brown, dry coat, and as they become well the coats start to turn grey, and when we sent those koalas back to Gunnedah they went back with a huge weight gain and very grey coats. Apparently there were comments that we had sent back the wrong koalas because they sent down brown koalas and they got grey ones back. I think that speaks volumes in itself.

The Hon. ROBERT BROWN: Just given your comments on the design of the facility at Gunnedah and your knowledge of the requirements of the Exhibited Animals Act, I think you made the comment that you thought that the regulations were adequate but that it just needed a bit more work on the compliance issue. Do you think that in issuing licences guidelines should be provided as to how these facilities should be designed?

Ms FLANAGAN: There are guidelines.

Ms FLANAGAN: And they talk about things like heat stress or area per animal and those sorts of issues?

Ms FLANAGAN: Most definitely.

The Hon. ROBERT BROWN: I was going to ask whether you felt that those regulations needed more work on them in that regard.

Ms FLANAGAN: No, they are excellent guidelines.

The Hon. RICK COLLESS: Just following on from that question, when these facilities are licensed are those guidelines taken into account as to whether or not the licence is granted?

Ms FLANAGAN: Definitely. You go through a two-stage thing; it has got to be inspected before you can even put the animals in there.

The Hon. RICK COLLESS: I am not sure when the regulations came into existence but if they have been in existence since 1996, which I think is when the park came into existence, that facility would have been licensed but not meeting the guidelines?

Ms FLANAGAN: I do not know what happened then.

The Hon. RICK COLLESS: Do you know when those guidelines came into existence?

Ms FLANAGAN: No, I do not.

The Hon. RICK COLLESS: So every year when the facility is relicensed, and you mentioned that they need to be licensed every year—

Ms FLANAGAN: We are talking about the exhibited licence?

The Hon. RICK COLLESS: Maybe the National Parks and Wildlife people told us that the care facilities need to be licensed every year. That would be the same for your facility too?

Ms FLANAGAN: Both the exhibited and national parks, yes.

The Hon. RICK COLLESS: So in the exhibited facility, when those licences are renewed would you agree that the park owner should have been made aware that their facilities were not compliant with the guidelines under the licence?

Ms FLANAGAN: If they are not compliant, yes, they should be, whichever park it is, whether it is there or elsewhere.

The Hon. RICK COLLESS: Just going back to the issue of the vets, is it a condition of your facility, for example, that it be inspected and authorised by a wildlife veterinarian every year or on an annual basis? Is there a need for a wildlife veterinarian to inspect your animals?

Ms FLANAGAN: We have a vet come once a week.

The Hon. RICK COLLESS: That is as a result of your desire rather than any condition on the hospital?

Ms FLANAGAN: No, it was part of our original licence agreement because we had a C class veterinary hospital. But now it is not a C class and we do not have to anymore, but we have decided to maintain that once a weekly visit.

The Hon. RICK COLLESS: Given the rehabilitation unit at the Waterways Wildlife Park, would they have a requirement to have a regular inspection by a wildlife veterinarian?

Ms FLANAGAN: Not under the National Parks and Wildlife Service Act, no. It is a little bit of a different situation there: they rely on the generosity of a vet.

The Hon. RICK COLLESS: Who may not be a wildlife vet?

Ms FLANAGAN: No. Most wildlife vets do not work a lot with wildlife rehabilitation carers, except with some of the bigger zoos. They are all quite different and you have to rely on the generosity of your vet to often do things for you for nothing.

The Hon. RICK COLLESS: The local vets in Gunnedah would only go to the park when they are requested to, would that be the case?

Ms FLANAGAN: That is under the exhibited.

The Hon. RICK COLLESS: What about the animals in care?

Ms FLANAGAN: Animals in care, usually the animals are taken to the vet because they are not in an exhibited animal situation; they are often in cages or baskets where they can be easily transported to a veterinary facility.

The Hon. RICK COLLESS: I noticed in your submission you were critical of the local veterinarians for not providing the sort of service that you think they should have. Surely it is up to the park proprietors to call the vet if they consider their exhibited animals to be under stress or needing the care of a veterinarian. The vet would not normally drop in there once a week just to see how things are going?

Ms FLANAGAN: If you have got a good relationship with your vet there should be regular inspections. Animals under the Exhibited Animals Act are supposed to have screens done. It is a different situation altogether than the national parks licensing. It is all rather confusing. Especially with animals of that amount, a lot of animals should have regular screening, and that requires a veterinarian.

The Hon. RICK COLLESS: But it is not required by regulation, it is only required by the goodwill of the vet and the park owners?

Ms FLANAGAN: You are supposed to have regular veterinary records and updates of the treatment of animals. That is part of the Exhibited Animals Act. That does not seem to have occurred.

The Hon. RICK COLLESS: But there is no legislative requirement for those animals to be inspected by a vet on a regular basis?

Ms FLANAGAN: I do not know.

The Hon. HELEN WESTWOOD: Just to follow on from Mr Colless' question about veterinary care, the animals that you saw on that day, in your opinion did they look to you to be animals that had received veterinary care recently?

Ms FLANAGAN: No, definitely not.

The Hon. HELEN WESTWOOD: In the last week or two weeks?

Ms FLANAGAN: Not for a very long time.

The Hon. HELEN WESTWOOD: You talked about the very professional and courteous manner in which you found officers dealt with the owners of the park and you also talked about the video of proceedings on that day. Is it your understanding that all those exchanges would have been videoed?

Ms FLANAGAN: No, I do not think all of them were videoed because there were times the film crew were off doing other things. I was in their company pretty well the whole day.

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The Hon. HELEN WESTWOOD: Was the RSPCA doing its own videoing separate to the film crew?

Ms FLANAGAN: Yes.

The Hon. HELEN WESTWOOD: Would the RSPCA have videoed those exchanges?

Ms FLANAGAN: They were actually videoing events with the animals.

The Hon. HELEN WESTWOOD: But not necessarily the interaction between the park owners and officers?

Ms FLANAGAN: I do believe they did, yes.

The Hon. HELEN WESTWOOD: They did?

Ms FLANAGAN: Yes.

The Hon. HELEN WESTWOOD: Another comment of yours in your initial statement was about the hostile campaign by the media. You suggested that it was based mostly on misinformation. Have you any understanding or belief about what was behind such a hostile campaign?

Ms FLANAGAN: I have absolutely no idea. I am just totally puzzled by the whole thing. I do not know.

CHAIR: Thank you for your attendance today. Your evidence will be of great benefit to the Committee in its deliberations. As a result of your evidence there may be some questions on notice that we will forward to you, if you find that acceptable, to answer in writing?

Ms FLANAGAN: Yes.

CHAIR: Answers to those questions will be due in three weeks' time, which is approximately 20 July. We ask you to comply with that deadline?

Ms FLANAGAN: Yes.

CHAIR: Again, thank you very much for your attendance, cooperation and information today.

(The witness withdrew)

STEPHEN JOHN COLEMAN, Chief Executive Officer, RSPCA NSW, sworn and examined:

CHAIR: In what capacity are you appearing today before the Committee? Are you appearing as an individual or a representative of an organisation?

Mr COLEMAN: A representative.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr COLEMAN: Yes I am.

CHAIR: Before the Committee proceeds to questions, if you would like to give a statement please feel free to proceed.

Mr COLEMAN: Thank you. Nothing other than to again reinforce the fact we are grateful for the opportunity to provide and share some facts around this particular matter. I am happy to take questions relevant to the terms of reference.

The Hon. RICK COLLESS: Is it a condition for animals held in a park such as the Waterways Wildlife Park in Gunnedah to be inspected by a wildlife veterinarian?

Mr COLEMAN: It depends on what jurisdiction you are referring to. If it is the Prevention of Cruelty to Animals Act [POCTA], if any person has within their care, control or supervision or, indeed, owns an animal and an animal requires veterinary treatment, then yes, under POCTA they have a legal obligation to ensure that animal receives the appropriate veterinary treatment.

The Hon. RICK COLLESS: Given that the park in Gunnedah has two facilities, the rehabilitation unit and the exhibited animals unit, on the day your inspectors were there did they look at animals in both units or only those in the exhibited animals unit?

Mr COLEMAN: My understanding is that they looked at a number of animals that were referred to by the owner or manager of the park. As to whether or not it was clearly defined as both exhibited and/or rehab areas that I am not sure of. But my understanding is that we looked at what we were told were all of the animals at this particular park.

The Hon. RICK COLLESS: The animals that were held in the exhibited animals area, under the Exhibited Animals Protection Act I gather, to your knowledge is it a condition of the Act that those animals have a regular veterinary inspection?

Mr COLEMAN: Again, outside of POCTA, I cannot answer that.

The Hon. RICK COLLESS: Your inspectors looked at these animals as a result of a third-party report, is that correct?

Mr COLEMAN: If you are referring to a complaint received?

The Hon. RICK COLLESS: Yes?

Mr COLEMAN: Yes, that is my understanding.

The Hon. RICK COLLESS: When was that complaint received?

Mr COLEMAN: Some days before the original inspection.

The Hon. RICK COLLESS: When your inspectors looked at those animals they determined that they were in a degree of stress, is that right?

Mr COLEMAN: Are you referring to the first inspection or the second?

The Hon. RICK COLLESS: Let us start first with the first inspection?

Mr COLEMAN: My understanding is that there were concerns by the inspector having observed a number of animals as a result of the complaint, such that it warranted her making subsequent inquiries to seek some expertise advice about the condition of those animals.

The Hon. RICK COLLESS: What is the normal chain of events when you receive such a complaint? Are you required to contact the appropriate licensing body, be it National Parks or Industry and Investment?

Mr COLEMAN: Once the complaint is received and logged, it is assessed to ensure that there are reasonable grounds to suspect that an offence has, is or is about to be committed. If that can be established, it is then prioritised and despatched to the inspectors, wherever it be in New South Wales, and an investigation proceeds. In terms of it being a requirement for the RSPCA to notify DII or National Parks, no, there is no requirement. But it certainly is a standard practice that we do undertake on a regular basis because we are very much aware that there are overlapping jurisdictions around a park such as this. So, we would, as a matter of course, make contact with those agencies for their involvement.

The Hon. RICK COLLESS: What sort of criteria do you use to determine your next course of action following those inspections?

Mr COLEMAN: The inspector obviously attends in person, to start with, makes some inquiries with, again, the owner or the person in charge, advises that a complaint has been received and then proceeds to look at the animals in question and any other animal that happens to be on that property just to make sure that things are okay. Depending on what they see, depending on the species of animal, depending on what sort of property it might be—a residential home or a place of business—they will then determine what course of events occurs thereafter. In many cases, there is nothing wrong with the animals and if we can satisfy ourselves, having seen the animals and spoken to the owners or the persons in charge, that there are not grounds in relation to a POCTA offence or even close to that, we leave. There are other occasions where there are some obvious issues with some of the animals and some that are not so obvious. If they are not so obvious but the inspector has concerns or reservations either because of their observations and/or discussions they might have with a person, they will and do seek expertise to assist with those inquiries.

The Hon. RICK COLLESS: What qualifications to your inspectors have?

Mr COLEMAN: We have 32 inspectors across the State and they have a range of different expertise. Some have wildlife backgrounds, some have degrees in agriculture, others are former police officers. We have inspectors who have agricultural backgrounds. It is a mix of skills and expertise.

The Hon. RICK COLLESS: Obviously, they are not veterinarians?

Mr COLEMAN: No, they are not.

The Hon. RICK COLLESS: Do you feel confident that they are qualified to make decisions about the health status of an animal, given that they are not qualified vets?

Mr COLEMAN: Yes I am. I am in the sense that if they have concerns, they will engage the appropriate people to then provide that expertise to either confirm their original concerns or issues, or otherwise.

CHAIR: What complaint or appeal processes are available to people who disagree with decisions made by RSPCA inspectors? Perhaps you could relate that to the current issue at hand with the Waterways Wildlife Park. How do they deal with it? Is it reasonable to say that they might feel a bit overrun by the process: being inspected, having a second inspection and having a lot of officers on site? Do they have adequate opportunity to defend themselves in this situation?

Mr COLEMAN: Dealing in any animal welfare matter, be it one animal or a thousand animals, is generally highly emotive. We understand and appreciate the fact that when an RSPCA inspector knocks on someone's door, that in itself can incite emotion, and understandably so. We are very proud of the fact that when our inspectors investigate the thousands of calls they do each and every year, around about 1 per cent of all of those calls end up as a prosecution. There are many interpretations, if you like, of that percentage or statistic, but the fact is that our inspectors on 99 per cent of occasions are able to work with people and negotiate with people

and find an amicable solution to what started out as a legitimate complaint without it necessarily being a prosecution.

Do I understand, or can I understand, when people are confronted by a number of inspectors or a number of law enforcement officers? Yes, I can. In that regard, in terms of an appeal process, clearly, there are discussions that need to occur. The inspectors are well versed on their investigative procedures, including the rights of individuals, one of them being that they do not have to talk to the officers if they choose not to. If a person chooses to talk first and foremost and then proceeds to provide responses to questions by the officers about the animals, again we respect that person's right not to talk to us but, again, if they do, we make decisions and provide direction on some of those responses. If an individual considers they have been dealt with unfairly, we have a grievance procedure in place. That person can elect to make contact with the office of our chief inspector. If that cannot be resolved, it gets escalated to my office. If that is not resolved, it can go as far as a complaint direct to our board.

I guess the other component to that is, as has been clearly explained over the course of this event, that the inspectors receive two authorities. One is from the Department of Industry and Investment and the other is a special constable's authority from the New South Wales Police Force. In essence, there are a number of avenues available to people to appeal or make complaints against either the inspector or the manner in which they were dealt with.

CHAIR: Can you enlighten the Committee as to what qualifications or background inspectors such as those who attended the wildlife park on the occasion in question would have?

Mr COLEMAN: Again, it is mixed—agricultural backgrounds or wildlife backgrounds. I guess that is the extent of it. Between those three officers there would be something in the order of 10 or 11 years experience between them as inspectors. Do we, as inspectors, consider those staff to be experts in every field? No, we do not.

CHAIR: In terms of a decision to invite the *Animal Rescue* television show to accompany the inspectors and others who attended the wildlife park, how does the RSPCA identify a suitable case for that? Were you part of the decision-making, or was it something that was discussed in the bureaucracy of the RSPCA? On what grounds was that decision made?

Mr COLEMAN: The involvement of *Animal Rescue* has been on foot now for some years. In fact, I think this is the fourth series that is tied to a contract between RSPCA New South Wales and Imagination TV, which is the production company. At the outset of their involvement, it was very, very clear to the inspectors in terms of rules of engagement, if you like—that is, the animals always come first before cameras. If there is a particular complaint that is of interest to the production company, that is a discussion that is had generally between the inspector and the crew. Again, it is very well understood from the inspector's perspective that the requirement to seek consent is not the job of the RSPCA; it is the job of the production company. If a person chooses not to allow them onto the property, again, if I can put it this way, that is *Animal Rescue*'s problem, not the RSPCA's problem.

The Hon. RICK COLLESS: What happened in this case, do you know?

Mr COLEMAN: What I am aware of is that a discussion occurred some days before the second inspection. The production company chose to attend, and they did attend on the second occasion. There were, I believe, a number of discussions at which point Ms Small could have asked for the camera crew to leave. My understanding is that she signed a consent form, and it was reiterated by one of the officers that if at any time Ms Small felt uncomfortable or chose not to have the crew continue, she could ask that they be removed. But ultimately, it is a decision that happens between officers and the crew, and ultimately it is the crew that decides whether or not they want to run the risk, if you like, of sending crews along to have a look at a specific job.

CHAIR: To clarify this, Mr Coleman, you are informing the Committee that the owner in question signed a release form on the day that everyone was there, including the television crew, to allow those people onto the site?

Mr COLEMAN: That is my understanding.

CHAIR: That was done on the day of the entry to the property of the various representatives?

Mr COLEMAN: That is certainly my understanding, and that is absolutely in accordance with the terms of engagement that we have with this particular production crew.

The Hon. ROBERT BROWN: I seek a point of clarification, Mr Chair. The date you are referring to as the second inspection is 3 February, is that right?

Mr COLEMAN: Yes, that is right.

The Hon. ROBERT BROWN: To confirm what you were saying earlier, under the Prevention of Cruelty to Animals Act your inspectors have certain rights of entry?

Mr COLEMAN: That is correct.

The Hon. ROBERT BROWN: They are also warranted special constables?

Mr COLEMAN: That is correct.

The Hon. ROBERT BROWN: Do you know whether a person whose property is entered and actions are taken thereafter, as well as the internal review processes, has the right to appeal any decisions to the Administrative Decisions Tribunal because of the fact that they were warranted special constables?

Mr COLEMAN: That is certainly my understanding, yes.

The Hon. ROBERT BROWN: Can you tell the Committee when the original complaint regarding the Waterways Wildlife Park was received, and the substance of that complaint?

Mr COLEMAN: I can advise that it was some days before. I do not have the specific date. But my understanding is that it was actually a complaint about dingoes and a range of other animals. My understanding is that it was not specifically about koalas.

The Hon. ROBERT BROWN: You mentioned that the RSPCA has a contract with the television show *Animal Rescue* and that that has been in place for about four years?

Mr COLEMAN: That is correct.

The Hon. ROBERT BROWN: I asked a previous witness whether the witness felt that the involvement of a commercial television program could in any way be responsible for what is apparently a higher level of public interest in this case. The witness identified it somewhat differently, as hostility. Do you think that the presence of a commercial television station helps the compliance job of the RSPCA, or do you think it might cause concerns for people who may have an RSPCA officer knocking on their door?

Mr COLEMAN: It has been our experience that the involvement of this particular show has brought a higher level of awareness around people's responsibilities with their animals. I guess the other objective as far as the RSPCA is concerned is an opportunity to demonstrate to the general public that it is not just about prosecuting people; it is about trying to work with people and find a reasonable solution to a range of animal welfare issues. Again, I can understand that someone feeling confronted by the mere presence of an inspector could be exacerbated by the presence of a camera. On occasions where that has flared up, there are has been a clear line in the sand, if you like, about the fact that a person or persons were not in agreement in terms of these people being on site, and accordingly they were removed or did not enter the property.

The Hon. ROBERT BROWN: The RSPCA gets most of its funding from donations. You do not get a lot of support from State or Federal governments, do you?

Mr COLEMAN: Our operating budget is funded to the tune of just under 2 per cent by the New South Wales State Government.

The Hon. ROBERT BROWN: With regard to the nature of the contract with this commercial television station, is it such that the commercial television station pays the RSPCA for involvement?

Mr COLEMAN: That is correct.

The Hon. ROBERT BROWN: Do you feel that the raised awareness level contributes to the ability for the RSPCA to attract donations?

Mr COLEMAN: Since the involvement of *Animal Rescue* we have not been able to track there being a significant increase in donations. What we have definitely been able to track is an increase in complaints by the public to the RSPCA to have an inspector look at a particular issue. If we enter this arrangement on the basis that the RSPCA would in some way, shape or form receive significant funding from it, that is certainly not our understanding and that is not our experience. If the question were asked and I were able to respond, I would be very happy to provide that information in terms of what the production company pays the society for that particular show.

The Hon. ROBERT BROWN: I am not implying any criticism in my questions. The RSPCA also has other commercial arrangements with egg producers and people such as that, does it not?

Mr COLEMAN: That is correct, at a national level.

The Hon. ROBERT BROWN: I do not think any member of this Committee denies the RSPCA every opportunity to get as much money through the doors as it needs. The operation of your standing facilities, such as your animal welfare facilities, must take a big chunk out of your budget?

Mr COLEMAN: This year's financial operating budget is just short of \$37 million.

The Hon. ROBERT BROWN: And all but 2 per cent of that is raised by public donations?

Mr COLEMAN: That is correct.

The Hon. TONY CATANZARITI: With regard to the attendance of your officers on 7 February, when the animals were taken from the park in what condition were they, in your opinion?

Mr COLEMAN: I guess there are two parts to that question. One is the reptiles that were removed by the attending veterinarian from Western Plains Zoo. I am very comfortable with and confident in her abilities to appropriately transport those animals. On the issue of the koalas, it was done under the supervision, guidance and advice of two experts. With that advice in hand, I am comfortable that the animals were transported appropriately.

The Hon. TONY CATANZARITI: Did you seek any independent advice to verify this?

Mr COLEMAN: If you mean, beyond the independent veterinarian from Taronga Zoo and indeed the expert from the koala hospital, no, we did not.

The Hon. TONY CATANZARITI: No advice was provided in writing, or anything like that?

Mr COLEMAN: No, not that I am aware of.

The Hon. TONY CATANZARITI: If the advice of the experts is correct, do you think it would have been cruel to leave the animals in the park in the state they were in?

Mr COLEMAN: I believe that the decisions made on the day, given the advice that was given by two independent experts, were the right decisions in the interests of those animals on the day.

The Hon. TONY CATANZARITI: You do not have any advice in writing from anyone that the Committee could have?

Mr COLEMAN: Advice concerning the transport, or advice concerning the condition of the animals on the day?

The Hon. TONY CATANZARITI: The condition of the animals on the day?

Mr COLEMAN: Nothing other than what was submitted previously in two veterinarian reports and an independent expert's report.

The Hon. HELEN WESTWOOD: One of the terms of reference for our inquiry is to determine whether the protocols adopted by the RSPCA with respect to investigations and prosecutions were the standard protocols that were adhered to in this case. I note in your submission that your chief inspector has submitted that the action that was taken was consistent with the standard practices and procedures. Is that correct?

Mr COLEMAN: Yes, it is. Our structure, if you like, is that within the inspectorate we have a chief inspector, an operations manager and four team leaders, two of which look after the regional inspectors and two of which look after the metropolitan inspectors. We have had in existence, and continue to review regularly, a set of standard operating procedures, not just for our inspectors but right across our organisation. We believe that they are contemporary—they are certainly lawful—and they are done in consultation with a number of training organisations and practitioners of the law. So, having received advice from our chief inspector, I am very confident in his ability, and I am very confident in his ability to understand the practicalities of those operating procedures. In addition to that, I looked at the evidence myself. Having been a former chief inspector, deputy chief inspector and inspector, I, too, am of the view that the procedures were followed both on the first day and on the second day, and in the processes thereafter.

The Hon. HELEN WESTWOOD: Are those standard practices and protocols available to the general public, or are they just held within the RSPCA's own documentation and manuals?

Mr COLEMAN: It is largely an internal document, but we would be more than happy to provide that to the Committee if it saw fit.

The Hon. HELEN WESTWOOD: I think it would be useful for our purposes.

CHAIR: If you could take that on notice and provide that, it would be appreciated.

Mr COLEMAN: Yes.

The Hon. HELEN WESTWOOD: One of our other terms of reference is the criteria used by the RSPCA in determining whether the animals should be removed. Again, are those criteria available to us as an internal document, and do you feel that those criteria were used in these circumstances and were met?

Mr COLEMAN: Yes is the answer to all three questions, bearing in mind that it acts as a guide. Conditions for animals vary immensely, environmental conditions vary immensely, individuals and owners or persons in charge financial capabilities vary immensely, so it would be very narrow for an inspector to solely form a view based on those operating features. We must take into account the environmental components of any inquiry that we undertake, so that it is ultimately a decision that is made objectively with the interest of the animals being I guess the focus point.

The Hon. HELEN WESTWOOD: Does the RSPCA have a strong presence in the Gunnedah community? I assume that officers would have to inspect various farms and properties if there are issues. Is there a good working relationship or mutual respect between the community and farmers and the RSPCA?

Mr COLEMAN: I can tell you that the RSPCA in New South Wales works very hard at ensuring that the relationship with the farming community and industry is as good as it can be or should be. It is in no-one's interests for animals to be neglected—no-one's, including the farming community. We have a fairly new volunteer branch that was established in Gunnedah some 18 months ago and leading up to this particular inquiry my understanding is that it was—and I believe still is—a very strong and mutually supportive relationship between the local branch and the local community. In fact when we initiated the branch I was awarded the koala pin from the mayor that attended our inaugural opening, and we would sincerely hope that beyond this inquiry—it makes no sense not to have a progressive and mutually supportive relationship with community members in Gunnedah.

The Hon. ROBERT BROWN: When you say a volunteer organisation, is there a permanent physical base there? Do you have an animal pound or anything like that?

Mr COLEMAN: No, we do not. It is largely a group of volunteers who meet once a month and run through various aspects of local business, including that of fundraising. There is clearly an inspector that has within his area that particular district.

The Hon. ROBERT BROWN: Where is that inspector located?

Mr COLEMAN: Armidale. Again, it is normal practice for inspectors to ensure that their relationship with people that can influence and impact on animal welfare issues is kept progressive.

The Hon. LUKE FOLEY: Mr Coleman, I think you invited the question, so I will ask it: How much revenue do you receive from the television company that produces the *Animal Rescue* program?

Mr COLEMAN: Within the first two contracts it was the sum total of \$25,000 and in the last two it was the sum total of \$50,000 per series.

The Hon. ROBERT BROWN: You should up that; it is too cheap.

The Hon. LUKE FOLEY: Your operating budget this year is \$37 million?

Mr COLEMAN: Correct.

The Hon. LUKE FOLEY: Where do you see the RSPCA going from here with the Waterways Wildlife Park? What are your plans?

Mr COLEMAN: We still have an outstanding revisit to undertake. Two of the koalas that were returned had lost weight since being returned. That is of concern to us. Clearly emotions are still running high within the community and indeed out at Waterways—and we understand that, that is not unusual—but I think what needs to be remembered is that well beyond this inquiry and well beyond the angst that this has caused some community members, and whilst ever this particular park continues to be licensed, we need to continue being active in our communication with Waterways and ensure that there is no fallback in those conditions and that any support that has been given to Ms Small or Mr Small or indeed Waterways Wildlife Park continues well beyond this particular inquiry because ultimately the RSPCA works with people despite comments from some.

We actually look to try and work with people because in the end we believe that the Smalls have contributed to that particular community over many decades. The RSPCA has never questioned that. The fact that animals were seized on the advice of experts does not necessarily mean that someone would be prosecuted. It is very often the case that animals seized in the interest of those animals, and done lawfully and with the advice of independent experts, can still result in a very amicable solution both in the interests of the animals and the people involved. That would be the path that we would prefer to take and continue to take on this particular inquiry, like 99 per cent of the thousands of complaints that we deal with each and every year.

The Hon. LUKE FOLEY: Given all that you know about this matter, do you wish to make any comment about the fitness of the Waterways Wildlife Park to be licensed on an ongoing basis?

The Hon. ROBERT BROWN: Point of order: I do not think that is an appropriate question to ask in an open forum. We are not *in camera* any more and there are legal proceedings, as I understand it, in train.

The Hon. LUKE FOLEY: I will be guided by the Chair.

CHAIR: I appreciate the question. There are some proceedings being undertaken external to the inquiry. Mr Coleman, do you have any difficulties answering the question?

Mr COLEMAN: No, I do not, on the basis that it is not the jurisdiction that the RSPCA falls within. If indeed there are ongoing investigations and actions, be them legal or otherwise, it is our belief that with support, with some serious financial commitment to the operations of that park, there could be something of a future, but again we have no area with which to determine a place to be licensed or otherwise because it is not our area of jurisdiction. Our area of jurisdiction is the welfare of animals and I continue to say that as long as the support continues, as long as all of the jurisdictions are appropriately covered, there is nothing to say that Waterways could not continue.

The Hon. ROBERT BROWN: You mentioned that two of the koalas that have been returned have lost weight. How was that weight loss recorded, or how do you know?

Mr COLEMAN: It was a subsequent visit by one of our inspectors.

The Hon. ROBERT BROWN: And the koalas were weighed?

Mr COLEMAN: The koalas were weighed by the inspector because unfortunately there was not the equipment on site that we would expect one to have when managing a wildlife park because weighing animals would be an otherwise routine husbandry practice. That is a little concerning in itself; however, the inspector that did weigh them recorded a loss—it was recorded in his notebook.

The Hon. ROBERT BROWN: Did the inspector have any discussions with the park owners about the weight loss?

Mr COLEMAN: I believe so.

The Hon. ROBERT BROWN: Was there any explanation given? I am not asking what it was, I am just asking whether an explanation was given.

Mr COLEMAN: Not that I can recall, but I do understand that a revisit was required and probably due around about now.

CHAIR: In terms of the return visit, in terms of recording the weight loss, from your point of view, being the primary organisation responsible for animal welfare, have you instructed any change in the conditions of the facility at this point in time? We have heard quite a bit of evidence—and appreciating it is now winter—of what one might describe as pretty stifling conditions being observed by another member of the particular party that went to the inspection. Has anything changed from your point of view, given that we are going to be inspecting it ourselves tomorrow? Is there anything that we need to be appraised of?

Mr COLEMAN: I think there is no doubt that there have been some improvements made, and that is great. There have been a number of instructions issued at different times, including those of husbandry practices that should be looked at or at least considered in moving forward, and we have said as much in our submission. We are only about fact and the fact is that some of those animals have improved in condition. As to why that has occurred could be anyone's guess at this point, but the fact is that they have improved, and that is great. We still have some concerns around some of what we would consider outstanding husbandry procedures that should be pursued. Again it would be inappropriate for the RSPCA not to communicate those sorts of things with the other jurisdictions in the event that that somehow overlaps into their inquiries, but I would not have thought in the context of this complaint or this issue that any of the instructions that have been provided at least by the RSPCA are particularly onerous or difficult. They are merely instructions that we would consider to be routine for the management of the wildlife park.

CHAIR: Have you resolved the situation of those animals having lost weight since their return? Is that cause for removal or is it not that serious? It strikes me as being of concern with everything that we have seen pass. Is it still of concern and is there any impact on your organisation's decision-making processes and what it is prepared to do just as a result of the community backlash that has occurred? Are you somewhat controlled in your responsibility for the welfare of these animals as a result of the hot political issue that has evolved?

Mr COLEMAN: The short answer is no. The welfare of animals, like I said very early in my evidence, is foremost in our minds. It is of concern that two animals that had been weighed and had been recorded as putting on significant weight have since lost weight. That is of concern to us. Attempts to communicate directly with Ms Small have unfortunately, in the last few days, been met with silence. Whether that is because the inquiry is on foot, I do not know, it would be unfair for me to say that that is the reason, but what is unusual is the fact that Nancy has not responded to our calls to organise to undertake the revisit and particularly look at those two animals.

The Hon. MARIE FICARRA: In terms of implements for weighing animals in wildlife parks, would you expect that to be standard or something that should be complied with in wildlife parks or any animal park?

Mr COLEMAN: Yes, it would be standard, a basic husbandry practice.

The Hon. MARIE FICARRA: Has this particular wildlife park ever had implements for weighing?

Mr COLEMAN: I do not know.

The Hon. MARIE FICARRA: Not to your knowledge?

Mr COLEMAN: Not to my knowledge.

The Hon. MARIE FICARRA: Are there any other basic husbandry practices or procedures that the RSPCA found were not being complied with that should be under the licensing?

Mr COLEMAN: As for the licensing, I do not know. What was picked up in our submission is the fact that there are still issues of skin conditions and body conditions of some animals that require skin conditioning treatments in addition to basic worming programs that appear not to have been undertaken or at least kept up to date, for whatever reason, we do not know, and that certainly forms part of the other motivation for the RSPCA to return and reinspect those animals that were the subject of previous instructions, particularly around worming and treating for skin conditions, but they are all basic husbandry practices.

I just want to make this point: The expectation of the management of a wildlife park I would not have thought was unreasonable to be somewhat higher than that of Joe Bloggs who happened to have a dog at home. If a park is going to be open to the public and is licensed by two other government agencies then I think it reasonable to expect the level of care for those animals should be, at the very least, compliant with all jurisdictions, and maybe even a little bit higher because it is open to the public.

The Hon. MARIE FICARRA: If certain directives are given and on subsequent visits these directives have not been complied with, where does it end up in terms of the welfare of the animals and the welfare of the public who visit these wildlife parks? Where does the buck stop?

Mr COLEMAN: We have been and are very keen to formalise a procedure with the two other agencies, the Department of Industry and Investment and National Parks. Because it is certainly our experience if there are welfare issues generally at a park that is open to the public, one would think that the chances of there being a potential issue overlapping into another jurisdiction would be fairly regular. Again, it is not about finding ways and means to prosecute people. It is about just fixing the problem. We would hope that one of the positives that comes out of an inquiry such as this is the opportunity to work more closely, more formally with the other two agencies such that it provided the resourcing for the other agencies but, more importantly, to ensure that there are not areas of issues or evidence that are being missed or confused between the jurisdictions.

The Hon. MARIE FICARRA: You have referred to what you would like to see as recommendations from this Committee with respect to the work of the RSPCA. Are there any other recommendations you would like us to look at in terms of getting government agencies working productively and in a positive sense to get the right outcomes?

Mr COLEMAN: That is a big question.

Hon. MARIE FICARRA: This is the time to state it.

Mr COLEMAN: I would think that, practically speaking, if there was the opportunity to formalise that relationship with those two agencies—even if it meant something of an MOU so that there was at least objectivity, balance and a wide-ranging field of expertise to cover the three jurisdictions between the agencies—that would be very useful from our perspective. I believe it would be very progressive for animal welfare and, ultimately, better for the people involved, owners and/or managers of parks. I cannot reiterate enough the fact that the RSPCA manages to work these issues out on 99 per cent of the occasions we come up against them. In our view, at the outset this was no different to 99 per cent of other complaints. We do not take for granted nor are we complacent about the fact that we have what we think is a reasonable working relationship with Ms Small. What has been unusual is the additional involvement from media and others. Whilst Ms Small had a right not to talk to us, we think if there had not been the emotions running high that this matter could well have been resolved by now.

The Hon. ROBERT BROWN: On the next inspection you make, particularly in regard to those two koalas that are sub-weight, will you take one of the local veterinarians or someone from the Koala Hospital with you to that inspection, given the complex issues that were raised by a previous witness as to how difficult it is to understand problems with koalas?

Mr COLEMAN: Assuming that those two koalas are still there, assuming that we can identify they are the same koalas, I would think it normal for the inspector who weighed them previously to weigh them again. If the weight has increased again and there was some justification as to what had occurred as to the weight loss in the intervening period, it may well prevent having to involve anyone else. If the animals have still the weight loss that they incurred when we went back to reweigh them previously, if they are still underweight, then clearly we would involve some advice, some expertise to give us a view.

The Hon. RICK COLLESS: Mr Coleman, does the RSPCA regularly inspect facilities such as the Waterways Wildlife Park or do you inspect only when you receive a complaint?

Mr COLEMAN: It is more the latter. I wish our organisation were in a predicament resource-wise to be able to be more proactive and be able to call in without there necessarily being a complaint. But the reality for us is that the vast majority of the work we do through our inspectors is generally by way of a complaint. That is not to prevent us and does not prevent us from time to time, when we have the time, to drop in and forge relationships with industry and/or farmers, or whatever the case might be. To regularly do an inspection proactively, we are just not in a predicament to be able to do that. We do not have the resources.

The Hon. RICK COLLESS: Had you ever been called to the Waterways Wildlife Park previously?

Mr COLEMAN: Yes.

The Hon. RICK COLLESS: What was the result of those investigations?

Mr COLEMAN: My understanding was that was some 18 months previously, again by way of a complaint. There did not appear to be the issues in contravention of the Prevention of Cruelty to Animals Act some 18 months previous.

The Hon. RICK COLLESS: If your inspectors have been travelling past the park, have they had the opportunity to drop in during the intervening period to see if the conditions had changed at all?

Mr COLEMAN: Not necessarily. Again, it depends on the workload at the time and weighing up the reality of an enforcement officer just dropping in. We talked a bit before about it being a bit confrontational and upsetting to people to have an RSPCA vehicle turn up. We understand and appreciate that. That is not to say that we do not have many relationships with many people and managers of properties where we are very much welcome to attend if we are dropping by or driving past. On this occasion there was a previous complaint, we did attend, we did inspect the animals and we found no cause for concern some 18 months previous.

The Hon. RICK COLLESS: Was the complaint you received recently from the same source as the first complaint?

Mr COLEMAN: That I am not prepared to answer, only because I do not know. All I can say, there was a complaint previously and there was a complaint again. As to whether it was the same person I do not know.

The Hon. RICK COLLESS: Going back to the issue of *Animal Rescue*, how do you decide which cases are to be followed by the *Animal Rescue* team?

Mr COLEMAN: What generally occurs, there are discussions between the producer of the crew and the operational staff. There are many complaints for a variety of reasons that we would not advise the *Animal Rescue* crew of. Generally speaking, it is an on-the-ground discussion between the individual inspectors and the production crews. The production crews decide whether they will take the opportunity to have a look or not.

The Hon. RICK COLLESS: When you say there are many cases where you prefer not to have the crew there, what are the criteria for that?

Mr COLEMAN: It might be something that is subject to a court matter. It might be an ongoing investigation where proceedings have already commenced. We do not and will not allow footage if it has been taken some time earlier to be used until a prosecution is completely finalised. It might well be that we have prior knowledge of a particular owner or person in charge who is violent or has issues beyond that which we could properly manage. For those reasons we generally will not advise *Animal Rescue* of those particular complaints.

The Hon. RICK COLLESS: Given your previous comments about the stress associated with RSPCA vehicles turning up, would you consider that the stress imposed on owners of animals by an RSPCA vehicle turning up in concert with a television crew would be magnified many, many times?

Mr COLEMAN: No.

The Hon. RICK COLLESS: Why not?

Mr COLEMAN: I do not because I am confident in the inspector's ability to determine whether the involvement of a camera crew, or anyone for that matter, is increasing the stress on that animal to ensure—

The Hon. RICK COLLESS: I am not talking about stress on the animal; I am talking about stress on the animal's owners.

Mr COLEMAN: I am sorry. That would be a conversation that would be had by the inspector and the production crew and the owner. My understanding is that on this particular occasion the offer was made by the RSPCA, not *Animal Rescue*, that if she felt uncomfortable at any time about the crew being there that the officer would ask the production company to leave.

The Hon. RICK COLLESS: I want to ask you a question about owners of animals that are impacted by severe drought conditions. One of the submissions has made the point that the pasture conditions at the time of this inspection were almost non-existent. The Gunnedah district was in quite a severe drought at that time. Do you think that owners of animals, both wildlife and domesticated, are under enormous stress already as a result of drought and seeing the impact it has on their animals? Do you think that turning up with a film crew is going to magnify that stress? Do you think it makes it much more difficult for you to come to a workable, worthwhile solution in relation to the animals, once the owners have got their back against the wall, so to speak, by being confronted with an RSPCA vehicle and a television crew?

Mr COLEMAN: Individuals have a legal obligation to care for their animals.

The Hon. RICK COLLESS: I am well aware of that. I am an owner of animals myself.

Mr COLEMAN: Irrespective of environmental conditions like drought, that does not prevent someone's obligations to attend to those animals. There is a raft of options that any person can take to deal with their animals in a time of drought. One of those could be a call to the appropriate authority that they were having difficulty managing their animals to an acceptable level, at least compliant with the legislation. We receive calls from many animal owners both in drought and non-drought times for help, and we help those people, not just through our inspectors but through our other departments as well. I cannot agree with the notion of someone's back against the wall if they have signed a consent form and have been given an opportunity for that stressor to be removed, when that was not undertaken. If at any point our inspectors felt that Ms Small was unduly stressed or was not comfortable with that stressor, in other words *Animal Rescue* being there, they would have been removed.

The Hon. RICK COLLESS: Even though she may have already signed the consent form?

Mr COLEMAN: Absolutely, absolutely.

The Hon. RICK COLLESS: You just mentioned the "other departments" of the RSPCA. Do you have any advisory-type role in helping people who have difficulty with maintaining their animals?

Mr COLEMAN: We have a number of staff, some of them inspectors, who sit on a range of committees to assist government and non-government organisations in the treatment and welfare of an individual's animals. We run many community programs, one of which is our Community Animal Welfare Scheme where we go into particular regions of New South Wales at our expense, time and effort and deal with

matters that people bring to us. To put in context this particular matter relative to the 99 per cent of matters that we deal with throughout the year, we do help people and we do find solutions for people. Where we feel that the process fails is when people will not accept or choose not to accept, which is their right, advice or support. They generally end up in that 1 per cent of matters that we have no other option but to take more serious action by way of a prosecution. Prosecution is a last resort.

CHAIR: Did the RSPCA take its own video on the day?

Mr COLEMAN: Yes.

CHAIR: Is that standard?

Mr COLEMAN: Yes.

The Hon. HELEN WESTWOOD: In one of the submissions there is evidence of the red kangaroo that was treated for an ulcerated eye on the day of the inspection later being shot. Was the RSPCA aware of that and the circumstances or the reason why the animal was shot?

Mr COLEMAN: No. If I recall correctly from the submission, the question was posed that it had been shot. We were unaware of that animal having been shot. I think the question was asked "Was there anything wrong with it?" and I think the response was no. The obvious question was, "Why was it shot?" I do not think we got a response.

The Hon. HELEN WESTWOOD: Apparently some dingoes were also shot. Is it normal for wildlife parks and zoos to euthanase animals by shooting them?

Mr COLEMAN: From time to time managing animals requires euthanasia. It is a standard husbandry practice. The legal expectation of a wildlife park that humanely destroys animals—and it could involve a firearm, depending on the species and size of the animal—is that records will be kept, including the reason for the euthanasia, the condition of the animal and, in particular, identification details to accord with the records that wildlife parks are required to provide.

The Hon. HELEN WESTWOOD: In these circumstances were those records kept?

Mr COLEMAN: I do not believe so. Nor were any post-mortems conducted to establish why those animals needed to be destroyed. Again, that is a normal and fairly routine husbandry practice. If for whatever reason there were something new in terms of disease, as a responsible manager of a wildlife park one would want to know that so that certain species could be isolated or quarantined so that whatever it was would not spread.

The Hon. ROBERT BROWN: One of our terms of reference refers to the involvement a commercial TV station. If they are paying you \$50,000 a year that is a pittance in terms of your overall budget. I understand that the Government provides about \$750,000 or 2 per cent of your budget.

Mr COLEMAN: It is \$460,000.

The Hon. ROBERT BROWN: Which is 2 per cent or 3 per cent.

Mr COLEMAN: Correct.

The Hon. ROBERT BROWN: So that extra \$50,000 represents well less than 1 per cent.

Mr COLEMAN: Correct.

The Hon. ROBERT BROWN: If the Government were to up the ante by another \$50,000, do you think your board would see any value in discontinuing the relationship with a commercial TV station? There appears to be some evidence that that TV show has generated some of the histrionics that have led to this inquiry. There are many animal welfare programs on TV showing the rescue of cats, puppy dogs, wildlife and so on. I agree with you that they increase public awareness of animal welfare. However, it might not be a bad idea, provided you get that revenue from somewhere else, to give the TV show a miss. What is your view on that?

Mr COLEMAN: This might sound flippant, but whoever was to contribute \$50,000, from an operational budget and recurrent budget point of view it would make no difference. What does make a difference is being able to raise awareness so that they understand that they have not only moral obligations to the animals that they manage or are in charge of but also legal obligations. If there were a measure of the number of animals that have been protected or owners or persons in charge who have not done something that they would have otherwise have done that resulted in an impact on the welfare of the animal, that is a objective we would say is legitimate. The notion having someone else provide that \$50,000 to have a show go away would not sit well with us given the real objective about raising awareness in the community.

The Hon. ROBERT BROWN: You qualified that statement by saying "if there were a measure". Is there a measure that demonstrates that the level of compliance has increased as a direct result of that show?

Mr COLEMAN: If we could draw a correlation between the spike in the number of complaints we get when the show is airing we could satisfactorily measure that resulting in a number of animals we would not have otherwise seen. Some of those complaints have resulted in prosecution and most of them would have been corrected without a prosecution. We can in part measure the number of complaints we receive and the number of animals that relates to. If an animal is protected or matters that otherwise would have gone unnoticed were picked up, dealt with and rectified, we would say that is a legitimate reason to have a show like *Animal Rescue* on television.

CHAIR: Thank you for your appearance and for representing the RSPCA. It is most appreciated. The Committee may have some questions on notice arising from the discussions today. They will be provided to you in writing and we would appreciate it if you could provide responses by 20 July.

Mr COLEMAN: We would be more than happy to do that.

CHAIR: Thank you very much for your assistance today. You have been very helpful and this has been an illuminating discussion.

Mr COLEMAN: We thank you for your time and the opportunity to share the facts.

(The witness withdrew)

(The Committee adjourned at 4.50 p.m.)