

# BLEATS

BRISBANE LAWYERS  
EDUCATING & ADVOCATING  
FOR TOUGHER SENTENCES



## SPECIAL MENTIONS

BLEATS would like to acknowledge the stellar efforts of solicitor Alison King from McCarthy Durie Lawyers and barristers Brett Charrington and Michael Byrne QC, who recently acted pro bono for prosecution witnesses in the poodle case.

## SAVE THE DATE

On 15 October 2011 the RSPCA will be hosting their annual ball. This year the illustrious event will be held at the Hilton Hotel, Brisbane and the theme will be *mad hatters!*



## Prosecution Updates

- from Tracey Jackson, Assistant Chief Inspector, RSPCA, Queensland

### KEMP - a prosecution brought by Cameron Buswell

John Eylander of Turner Freeman Lawyers appeared in the Innisfail Magistrates Court for the prosecution of Elizabeth Kemp. Kemp had failed to treat a severe skin condition on her dog which resulted in the dog being euthanased.

Ms Kemp's parenting commitments precluded her from community service so she was fined \$2,000 with 75% going to RSPCA as moiety, and was prohibited from owning a dog for the next 3 years.

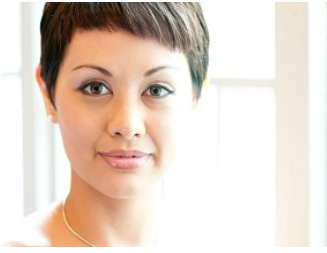
The defendant's penalty was mitigated by the fact that she was very remorseful and entered an early plea. The defendant's personal circumstances were also taken into account, including:

- her young age;
- her limited income as a single mother;
- her current pregnancy; and
- the fact she been in a very bad relationship at the time of the offence.

RSPCA sends a very **special** thank you to John Eylander who has generously and expertly represented us throughout the years. I've lost count of the number of pro bono cases John has done for us!



## NEW FACES ☺



**Siobhan Ford** is the new BLEATS newsletter editor. She loves good coffee, cake and animals, especially cats. Siobhan is an admitted solicitor who works for the Australian Competition and Consumer Commission fighting crime all day so she can afford expensive cat food for Rocky.



New assistant editor **Michele Davis** is an Australian Lawyer who is passionate and committed to educating and advocating for our furry friends, big and small. Michele has a particular interest in anti-cruelty and pet discrimination laws.

I am also very pleased to announce that the Inspectorate had a great outcome with two prosecutions at Caboolture Magistrates Court on Friday 15<sup>th</sup> July 2011. Thank you to Inspector Selina Neill for putting together the following summaries:

### **ANDERSON - a prosecution brought by Inspector Travis Cooper**

In this matter the defendant Naomi Anderson pleaded guilty to one count of cruelty to an animal - namely cutting the head off a mouse with a steak knife.

It took around 40 seconds for the mouse to die. What was particularly disturbing about this matter is that Anderson filmed herself performing the act and then uploaded the resulting footage onto Facebook.

RSPCA received some criticism from a minority in the community for prosecuting a person for killing a mouse. This highlights why we need to continue our efforts to educate the wider community that animal welfare laws protect all animals- not just the cute, cuddly and fluffy ones, or the ones we keep as pets.

It's also important to remember that RSPCA wasn't prosecuting the defendant for killing the mouse but for the disgusting inhumane manner in which she did it. Any person who saw the footage on Facebook would tell you that this kind of offence needs to be condemned by the courts.

Anderson was sentenced to 18 months probation, 180 hours of community work and was prohibited from owning an animal for two years. Anderson was also ordered to attend psychiatric counseling. This is a fantastic result with both the probation and community service hours ordered being close to the maximum permitted.

*“The greatness of a nation and its moral progress can be judged by the way its animals are treated”  
–Mahatma Gandhi*



### GREAT READING!

Stephen Keim and Tracy-Lynne Geysen recently had a paper published in the *Australian Animal Protection Law Journal*.

Entitled *The Rights of Animals and the Welfarist Approach to Protection: May the Twain Meet?*, their paper is an illuminating consideration of how a rights-based approach may assist in achieving more effective animal protection outcomes.

A copy has been sent out to all BLEATS members with this edition of the newsletter.

### TOWNSEND – a prosecution brought by Inspector Travis Cooper

In this matter the defendant Robert Townsend pleaded guilty to one count of cruelty to an animal - namely killing a kitten which he owned, by strangling or suffocating it. The defendant was sentenced to 12 months probation, 150 hours community work and was prohibited from owning an animal for two years.

It is heartening to see such positive outcomes in these prosecutions. We were very pleased that Magistrate Hasted took the time to carefully consider our submissions, condemned the defendants for their actions and made mention that he was pleased RSPCA Qld had acted on these matters.

We were also pleased to note that in both cases the Magistrate recognised the importance of psychiatric treatment for offenders. This sends a very clear message to the community that animal cruelty will not be tolerated and that the perpetrators of such acts will be made accountable.

Of course, there is a lot of background work involved in our prosecutions and I would like to acknowledge and thank the following staff for their contribution to these outcomes:

- Rochelle Duthie, Margaret Brims, Karen Abdy and Dave Hallewell for their involvement in taking the jobs initially;
- Inspector Travis Cooper for his dedication in pursuing these matters and for the quality of his investigations; and
- Jeremy Jee for spending time recovering relevant computer files for the case of Anderson.

Once again we had the brilliant legal support of BLEATS in the court room – this time in the form of Brad Wright of counsel. We thank him for donating his valuable time. Congratulations to all involved.

*“Our task must be to free ourselves...by widening our circle of compassion to embrace all living creatures and the whole of nature and its beauty.”*

*-Albert Einstein*

NEWSLETTER

AUGUST 2011

*Until next edition, please take care and as always, thank you very much for your support.*



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*Make a difference... Speak up for those who cannot speak for themselves...*