



Newsletter  
May 2012 edition



## Prosecution Updates

From information kindly provided by Annabel Buchanan, Chief Inspector, RSPCA

### RACH - a prosecution brought by ex-Inspector Cliff Singer

Ex-Inspector Cliff Singer and Senior Metro Inspector Jason Crowther seized Cub, a 13 year old German Shepherd dog from a Mt Gravatt property after finding the animal in a extremely poor condition with a large necrotic ulcerated mass on his head infected with bacteria, and severe flea burden.

Daniel and Kym Rach both pleaded guilty to the charge of breaching their duty of care and Magistrate Colin Strofield referred to the prosecution's veterinarian statement in his judgement, noting that Cub had been euthanased on humane grounds. He noted that he had difficulty with the reasons given by the defendants for not taking the dog to the vet (including a long standing fear of doctors) and considered that they had provided no explanation or excuse.

Magistrate Strofield also noted the photos of Cub were very disturbing and had caused him to feel alarmed and appalled. Magistrate Strofield took into account the defendants' lack of criminal history, their early guilty plea, and their cooperation with RSPCA and he fined them \$7,000 (with 50% moiety payable to RSPCA) and ordered them to pay RSPCA's costs. The defendants were also prohibited from owning a dog for 3 years.

This case yielded the largest fine that has ever been handed down in Queensland in relation to a single animal for a breach of duty of care offence.

RSPCA was represented pro-bono in the matter by **Mr Mark Stunden of Counsel.**

### KENNAR - a prosecution brought by ex-Inspector Cliff Singer

Lauagaia Kennar of Redbank Plains was fined \$400 (with 50% moiety payable to RSPCA) and ordered to pay RSPCA's costs for the unreasonable abandonment of three kittens in a box in a park. The kittens were all approximately three months old and in good condition, and were all subsequently adopted from RSPCA. In sentencing the Magistrate took into account the defendant's lack of criminal history and her cooperation with RSPCA.

RSPCA was represented pro-bono in the matter by **Mr Scott Lynch of Counsel.**

**CROKER- a prosecution brought by Inspector Julia Steley**

Timothy Croker of Buderim pleaded guilty in the Maroochydore Magistrates Court to a charge of cruelty for beating his dog. It was a difficult matter for RSPCA due to evidentiary limitations however the defendant was placed on a good behaviour bond of \$750 for a period of 3 months.

RSPCA was represented pro-bono in the matter by **Mr Ross McSwan of Counsel.**

**KRATKY- a prosecution brought by Inspector Sommer Heath-Crilley**

Jason Anthony Kratky of Pimpana pleaded guilty in the Southport Magistrates Court to breaching his duty of care by failing to treat his dog's fractured rear leg and failing to comply with an animal welfare direction.

Inspector Heath-Crilley had previously visited the defendant's address and provided him with numerous opportunities to obtain veterinary treatment for his dog "Gypsy", however he refused to obtain veterinary treatment and refused to comply with the animal welfare direction Inspector Heath-Crilley had issued him.

In sentencing Kratky, Magistrate Costanzo took into account the defendant's early guilty plea, his participation in a formal interview, and his admissions of being the person in charge of the dog and his awareness of the dog's injury.

Magistrate Costanzo considered that it was clear from the facts presented by RSPCA that the dog was suffering in pain with a fractured hind leg for 13 days, and that the defendant had ignored the injury, Inspector Heath-Crilley's recommendations, and the animal welfare direction.

Magistrate Costanzo fined the defendant \$5,000 (with 50% moiety payable to RSPCA) and ordered the defendant to pay RSPCA's costs and veterinary costs of \$4,800.34. He also ordered the forfeiture of Gypsy to RSPCA as he was not satisfied that the defendant would continue to provide appropriate care for the animal.

Gypsy had her leg operated by a veterinary orthopaedic surgeon, has made a full recovery and is now living a pain-free and happy life.

RSPCA was represented pro-bono in the matter by solicitor **Ms Julia Jasper from Potts Lawyers.**

A photograph of Gypsy before her seizure by RSPCA:



**FLYNN - a prosecution brought by Inspector Jo Warnock**

Inspector Warnock seized Matthew Flynn's Staffordshire Bull Terrier cross dog after advising the defendant on several occasions to obtain veterinary care for the animal. On the day of its seizure the dog was in very poor condition with protruding ribs, hips and spine and extensive fly bite covering both ears. The dog's skin was broken and bleeding and covered with flies but the animal appeared to be too lethargic to shake them away. It was also noted by RSPCA inspectors that no food, water or bedding was available to the dog.

Matthew Flynn was fined \$5,000 (with 50% moiety payable to RSPCA) and ordered to pay RSPCA's costs by Magistrate White in the Beenleigh Magistrates Court. Magistrate White commented on the amazing difference between the before and after photographs of the dog.

RSPCA was represented pro-bono in the matter by **Mr Chris Upton of Counsel** who stepped in at the very last minute to assist.

A photograph of Flynn's dog before RSPCA seizure:



A photograph of Flynn's dog after RSPCA seizure and care:



TE-AHO - a prosecution brought by ex-Inspector Cliff Singer

Ex-Inspector Singer originally investigated Lloyd Te-Aho after RSPCA received a complaint that the defendant had cut the ears of his young puppy. RSPCA was unable to prove this allegation but Te-Aho was able to be charged for breach of duty of care for failing to treat the puppy's fractured leg for a period of four weeks. Magistrate White of the Beenleigh Magistrates Court fined Te-Aho \$4,000 (with 50% moiety payable to RSPCA) and ordered him to pay RSPCA's costs. Te-Aho was also ordered to forfeit the dog to RSPCA.

In this matter RSPCA Animal Behaviour Trainer Fiona Blake prepared an expert statement which was instrumental in RSPCA obtaining the Forfeiture Order. Ms Blake completed her statement after attending prosecutions training with Mr Alistair McDougall of Counsel. More information about this training can be found below.

RSPCA was represented pro-bono in this matter by **Mr Chris Upton of Counsel** who stepped in at the very last minute for both this and the Flynn matter on the same day!

## BLEATS TRAINING



On the 14<sup>th</sup> and 15<sup>th</sup> February 2012, BLEATS conducted training sessions for RSPCA staff at the New Animal Care Campus.

On the 14<sup>th</sup> February in the morning session, Mr Alastair McDougall of Counsel, Mr Neil Lawler of Bell Miller Solicitors, Mr Joshua Jones of Counsel, Mr John Selfridge of Counsel, and Mr Martin Lazinski of Counsel presented a comprehensive training session for RSPCA inspectors on conducting investigations and prosecutions.

The inspectors were extremely grateful to have the opportunity to learn from such an experienced, knowledgeable and passionate group of lawyers. The topics discussed included investigation techniques, interviewing witnesses, expert evidence, search warrants, brief preparation, preparing for court, and sentencing.

Here are some of the comments from the inspectors:

*“A good balance of topics covered - quite comprehensive.”*

*“A few good reminders and some new info picked up.”*

*“Very relevant to our investigations.”*

*“Very good presenter - able to develop an easy rapport with the audience.”*

*“Would be good to do a mock court in the future.”*

Mr McDougall and Mr Selfridge stayed on to conduct a training session for the veterinarians and behaviour trainers employed at RSPCA, who are often called upon to give expert evidence in prosecutions. This session was also extremely useful, and provided invaluable advice to the experts in relation to statements, giving evidence, and prosecutions in general.

Some comments received about the latter training session included:

*“Today’s meeting with the lawyers was most helpful, as it gave me insight into the requirements of an expert witness.”*

*“Please thank them for their help and advice.”*

*“I now understand the relevance of giving possible dates and times of various event happenings.”*

On the 15<sup>th</sup> February Mr McDougall ran the sessions again for a different group of inspectors and veterinarians. It was a mammoth effort, providing the information to a very eager group of

participants with lots of questions. Again, everyone was extremely grateful to Mr McDougall for giving up his valuable time to share his knowledge and experience, and for conducting the training with passion and understanding.

## SPECIAL MENTIONS

BLEATS now has a Facebook page (hooray!) which has already generated a lot of activity. Thank you to Jess and Jaylene for arranging the page and putting it all together.

BLEATS received a very kind \$500 donation from Bill and June Dunn- thank you very much for the generosity.

BLEATS would also like to thank QUT law students Madeleine Lankester and Bridget Armstrong who raised \$135 on campus by selling BLEATS stickers and cute cupcakes

decorated like pooches. Bridget is BLEATS' new Marketing Manager and is also presently working with Tracy-Lynne Geysen for one afternoon each week.

And as always BLEATS would like to thank its panel members mentioned in the prosecution updates, for their hard work and dedication to the cause.



## **\*\*STICKERS\*\***

Please don't forget that BLEATS stickers are now for sale for only \$2 each. If BLEATS supporters or their friends can help sell them on Friday mornings to CBD pedestrians, or at office location please contact Tracy-Lynne Geysen.

Here are the stickers-the white ones are proving to be the most popular right now.



BLEATS spent \$955 producing 2000 stickers (from the kind donation mentioned in our last newsletter) and has so far banked \$671 with around another 1000 to sell.

At the upcoming RSPCA Million Paws Walk the group BAWL (Bond Animal Welfare League) as led by the dynamic law student Lee Jarman will be selling the BLEATS stickers. Thank you very much Lee and team!

## **PLEATS!**

The pro-bono co-ordinator for RSPCA Western Australia is in the process of setting up a website under the moniker "PLEATS". BLEATS loves the name and wishes PLEATS many successes in the future!

## **REPLACEMENT BLEATS EDITOR NEEDED**

BLEATS is looking for a replacement Newsletter Editor as Siobhan Ford will soon have her hands full with twins!

The role requires the time to put together the BLEATS newsletter once a quarter but you get to surf the Internet for cute animal pictures while you do it. Please email Tracy-Lynne if you are interested in filling the role.



Double trouble!

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Until next time folks- take care and thank you for your ongoing support!

[www.BLEATS.com.au](http://www.BLEATS.com.au)