

Select Committee into the Operations of the RSPCA WA (Inc)

From:

Sent:

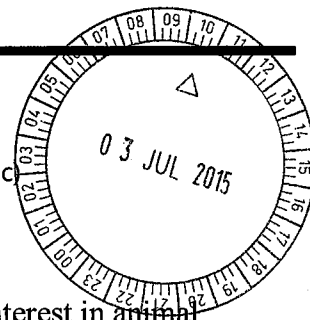
Thursday, 2 July 2015 9:20 PM

To:

Select Committee into the Operations of the RSPCA WA (Inc)

Subject:

Submission; RSPCA WA (please acknowledge receipt)



My name is Mark Aldridge; I own an animal sanctuary and have a very very strong interest in animal welfare legislation and its reform.

Having studied the actions of the RSPCA both in Australia and the UK, which has involved ongoing investigations, involvement in prosecutions and the study of past court actions throughout Australia, I feel it both pertinent to supply the WA parliament with a submission and offer to address any questions raised as a result of its inclusion.

I have met with many WA stake holders, local sanctuary's and shelters, attended several court cases, and met and interviewed past and present RSPCA employees, inspectors, board members. I have liaised with departmental staff and read the briefs pertaining to many RSPCA instigated prosecutions.

I have done the same in many states of Australia over the past 4 years, and have compiled and read thousands of pages of documents and FOI documents, most of which pertain to WA animal welfare case.

In brief the RSPCA as many know, they were formed initially to protect the best interests of animals, in today's world they have expanded into a huge corporate interest, a very powerful one at that, from running shelters, extensive fundraising programs, powers of prosecution throughout Australia, to profiting from the sale of most animal related products even food.

Unfortunately for animals and their owners, whether than be farmed, companion or native animals, as the RSPCA have grown, scrutiny of how they have grown and how they have used their increase powers has not.

Even though Western Australian law does have the best procedural guidelines in place to ensure a fair and equitable use of awarded powers under animal welfare legislation, if those powers are neither defined or policed, abuse of power can be expected.

In Australia we have animal welfare legislation to protect those without a voice, the power to police animal welfare law is vested with 3 organisations, local councils, police services and the Royal Society for the protection of animals, with the later seen as the law, by most organisations, even the courts themselves.

The shocking fact is neither the legislation, the procedural guidelines nor the structural integrity of adequate prosecution policy is being upheld, by the department or those empowered by it.

Prosecutions under the Animal welfare Act 2002 must meet a certain criteria, they must be initiated by an appointed officer/inspector, not a private entity, they must meet the Department of Agriculture and Food's procedural guidelines by way of meeting a number of assessment criteria's, and then be signed off by the Director General and the government's solicitors.

The pertinent question here is why have most recent actions/prosecutions been able to continue when they have met none of these safeguards, let alone any of the criteria applied to other government empowered officers.

In the most recent case after over 16 months of supposed litigation, the courts themselves were still demanding information from the prosecution, which just happens to be the RSPCA who we all know have no legal right to even bring charges in the first place.

I will overview one case "RSPCA WA V's May" which has resulted in illegal seizure of animals, the unwarranted destruction of many of these innocent animals, and costs sought of near 1 million dollars from the innocent party. There are many other cases both in WA and in other states of Australia that have indeed grabbed the attention of the authorities, yet to date those empowered to ensure awarded powers are wielded with equity, have chosen to sit back and see what happens, ignoring their mandate to act in a timely manner and to protect innocent parties, the carers or the innocent animals they ought to protect.

So this inquiry before parliament best go beyond the actions of the RSPCA and address how powers under the animal welfare act are both awarded and applied.

The Department of Agriculture and food in WA, who administer the Animal Welfare Act of 2002, is the very department that appoint inspectors, yet they appear to be allowing them free reign, even when they are made aware of any abuse of power.

The ministers appoint inspectors under the legislation, awarding powers akin those of the police, yet appear to turn a blind eye to how those powers are used and abused, by the very inspectors they appoint.

The RSPCA pay these inspectors through direct funding from the government on behalf of the Taxpayer, but who do they work for, do they work for the minister to act in the best interests of the people in the protection of all animals under animal welfare law, or do they work for the RSPCA to protect the royal society's financial and pecuniary interests?

The answer to this important questions was answered by the courts recently in WA, with the adjudicator coming as I do, to the conclusion that inspectors are indeed working for DAFWA

The case in question came from the Freedom Of Information Commissioner published 8/12/14 and referred to the case in question.

The RSPCA have no powers under the animal welfare act, none what so ever, this has been proven time after time, and recently confirmed by the Honourable Ken Baston MLC in recent correspondence and by way of interpretation of most Animal welfare legislation across Australia.

Yet prosecutions all over Australia are brought by the RSPCA in their name, in every case in WA these prosecutions are invalid at law, because the RSPCA do not have the right to bring a private prosecution, other states of Australia are not protected at all.

The only people empowered by animal welfare legislation to act on behalf of the government to administer the legislation are inspectors and authorised officers themselves, and there are procedural guidelines in place to ensure any powers used are in line with community expectations, to ensure they are just, transparent and accountable.

In WA the guidelines are found under a separate piece of legislation called the DAFWA Compliance, Enforcement and prosecution policy.

In fact any animals seized under animal welfare legislation, or indeed any animal forfeited through the courts, become the property of the crown, they become under care of the state, not the RSPCA.

Therefore it is the minster that must answer for the actions of the inspectors, and is in control in relation to the destiny of seized and forfeiture animals in the RSPCA's care. The minster and the director of the department have the ability to award such powers, to define them and even take them away, so any misuse of power falls firmly in their laps.

In WA whether it is the police or the inspectors appointed by the minister to act on the peoples behalf, they must comply with Compliance, enforcement and prosecution policy, before they use their powers to bring prosecutions of any kind.

The concept here is to ensure they promote consistent enforcement actions across all sections of government policy; it is to guide and assist officers in the performance of their functions, encourage a pro-active compliance approach where staff are confident and supported in their roles.

It is here we find a total absence in relation to adherence to policy, with the RSPCA themselves deciding the rolls of the inspectors, and even bringing actions against members of the public in the name of the RSPCA itself, which is nothing more than a total abuse of power, in fact abuse of the court process, because the RSPCA are not empowered to do so.

I will break from procedural issues to high light a pertinent issue related to both government funding the expectations by the RSPCA for the receipt of such funding.

The Department of Agriculture recently awarded the RSPCA with a massive grant in exchange for the RSPCA turning away from the agriculture sector, in particular the export industry. I believe this means the RSPCA were paid by government to ask government officers (RSPCA Inspectors) to turn a blind eye to their legislative mandate, for financial gain?

In WA private prosecutions are not allowed at any level, so any document filed in the courts in the name of the RSPCA ought never to have been accepted, where that action involves charges of any kind.

This raises a raft of important issues for the inquiry to consider, and for the members to take back to their party rooms, because the time I have spent in the WA courts have seen me witness a culture of "The RSPCA WA must know best" immediately undermining due process.

(Recent appeals to higher courts may better clarify this situation)

Cost efficiency and public interest are currently not taken into account in direct conflict with DAFWA procedural guidelines; one has to ask, if the minister or the government condone such actions, or were actually unaware?

In the absence of enforceable policy and procedural guidelines we see a tendency of taking all charges to court, where even little evidence exists, even where the offence is trivial or technical, or an alternate strategy could deliver a better overall outcome, and this is well known by the department to not be in the public interest, and is not effective use of public moneys, a question the minister in charge ought to answer.

The major issue that arises as a result of the minister and the departments turning a blind eye, is the ability of the RSPCA itself to bring charges and then use the court process for financial gain, in fact in most cases studies, abuse of process is the modes operandi, with cases dragged out until a respondent is out of money. The RSPCA can then arrange a one sided plea bargain tactic to illicit huge costs. The society's books themselves in many states show these prosecution practices as a major money winner, something that doesn't come close to fulfilling community expectations.

In the past couple of years, a variety of RSPCA senior staff have quit or have been fired as a result of questioning these tactics, and are more than willing to front an enquiry, yet to blame the Society for all these issues, overlooks the fact that it is DAFWA and the minister who have allowed this to happen.

Every animal seized is in their name, every animal euthanized is done so with their consent, and every animal forfeited under the legislation is forfeited to the minister, so many questions are now deserving of answers.

If the animals seized by the RSPCA and on sold, has that money been rightfully handed over to the minister/taxpayer?

If the RSPCA are allowed by the minister to bring charges, and they fail, it ought to be the minister that coughs up, on behalf of the public, but are the public being made aware of any of this?

In recent times DAFWA have coughed up in compensation out of the tax payers purse, so one would think they would be placing more scrutiny on those bringing charges in on their behalf, even more so when the department are well aware that this is an ongoing problem.

In the case of the RSPCA V May, animals were seized from a woman who has invested hundreds of thousands of dollars in their rescue, in the most these were healthy animals, some were undergoing medical treatment, and others had just been rescued, raising the question of the minister, is it now illegal for individuals to rescue animals, or has the minister awarded that right solely to the RSPCA?

If not for the personal enquiries of Mrs May herself, the department responsible for administration of the law, would never have become involved, and now that they are aware, why did they not step in, is a question every Western Australian should be asking.

This seizure did not meet with the compliance and enforcement policy, the first charges were invalid and therefore dropped and new charges laid, it could be said even these new charges are invalid at law, and in neither case were the procedural guidelines met, in fact the RSPCA continue to totally ignore DAFWA policy, as if they are above the law.

The RSPCA refused to take the animals medication when they seized them or even converse with the animal's veterinarian, why? Is the animal welfare act still about the best interests of the animals, because I am sure community expectations are that it ought to be.

The RSPCA's first port of call before the seizure took place was the media, so was this seizure all about fund raising publicity? If they indeed knew that had made a mistake from the onset, was it too late as a result of the media being on site, to do the right thing?

After 4 months of having this woman's animals, the legislation is clear that they should then be returned, and the State government Administrative tribunal all but ordered this to occur, but the RSPCA could not comply, as they had killed many of the animals.

The RSPCA then pressed criminal charges against Mrs May, not only did they have no right to start a private prosecution, but even in the event an inspector decided to press such charges, why were they able to do so, without the ministers permission?

I note the minister and the director general had their own staff in attendance, so I sincerely hope they are not going to pull the "We didn't know this was happening" card.

All of these animals at law have been seized with the ministers consent, so it is up to the minister to explain why they had been seized, why they were been killed and why they were not been returned.

This is only one example of abuse of powers by the RSPCA WA, with over 40 similar cases identified in the past 5 years alone.

After 16 months the original prosecution was dropped against Mrs. May and all new charges were pressed, yet once again, DAFWA policy was again ignored, the costs being sort by the RSPCA against Mrs May are fast approaching 1 million dollars, begging the question how the minister believes these costs are in line with his department's policy.

I shall take this opportunity to remind parliament of the departments Compliance, enforcement and prosecution policy.

The department's policy starts off with the most basic guidelines, openness and transparency, consistency, and cost efficiency and public interest criteria.

2.2 enforcement criteria takes into account whether there has been a failure to comply with any formal requests, lawful direction or notice given by an inspector or authorised officer.

Starting here alone, Mrs May was never given and formal directions, after the seizure of one animal, a rabbit of all things, she phoned the RSPCA over and over asking what more she could do to comply, having

already invested hundreds of thousands of dollars on vet bills alone, she was more than willing to do whatever was needed to comply with any directions the RSPCA may have made.

I will continue with this case, as it mimics the way in which the RSPCA have been using their powers all over Australia in the last decade.

Mrs May had complied with all local government inspections, inspections by officers of the local government empowered under the very same animal welfare legislation that seeks to empower the RSPCA officers.

Mrs May had no history of noncompliance, the public interest ideals were never applied, and at no time did the RSPCA or its officers provide support or indeed even guidelines to meet, they returned several days later with a warrant for the wrong address, Mrs May still allowed them access to the right address, where they seized every animal, even those in perfect health, why was this allowed, how did the minister believe this was in the public's or the animals best interests?

The only precedent set by these actions is to deter the public from taking the rescue of injured or dumped animals into their own hands, in direct conflict with the animal welfare act and community expectations.

Where was the written warning, expected under the policy guidelines, there were no administrative sanctions, and at no stage were the principles of prosecution applied.

I will throw in here a vital word "Intent" how in hell can any person have their animals seized and criminal charges applied, when their only intent was to rescue and rehabilitate injured or abused animals, let alone by the very organisation the public help fund to do the very same task?

I hope Parliament after this inquiry consider the missing word "Intent" when writing any welfare related legislation.

It is without doubt DAFWA's job to ensure the inspectors they empower under their legislation are working in the best interests of the department and its own guidelines, and I can see nowhere in this particular case or any recent prosecutions where this has been happening.

If indeed the minister does not step in when appropriate and a prosecution is lost, the costs involved will have to be met by the minister, and I am sure the taxpayers will not be very happy at all.

3.5 Public interest

A; The seriousness or triviality of the offence, or that is of a technical nature only.

The RSPCA response month after they illegally started litigation in their corporate name, was that this was a serious offence, that Mrs May kept the animal in filthy conditions

Interestingly the animals were seized from temporary enclosures while the original areas were being renovated as a result of the RSPCA telling Mrs May days earlier they were not happy with the accommodation, and in respect video evidence clearly shows the RSPCA's statement here to be incorrect and obviously out of time in respect to compliance procedures.

It would be worthy so say that in the May case, the woman was simply rescuing animals with the support of several local veterinarians and the local council, if the issue was the amount of animals, then advice could have been given, notices issued or support offered. The case is trifling in nature as a direct result of no malice or intent to cause harm.

B; Any Mitigating or aggravated circumstances

The RSPCA's response when DAFWA noticed they had side stepped legislative protocol was that Mrs May doesn't believe in routine vaccinations and flea treatments, a statement that disregards any facts.

Mrs May has extensive records that show clear intent to vaccinate and treat for fleas, with veterinarian receipts in the tens of thousands in the past few years alone, which were she offered to show the RSPCA inspectors

C; The age, mental ability, physical health, mental health or special infirmity of the alleged offenders or a witness.

DAFWA have already confirmed that Mrs May had the capabilities to look after the animals in her care, as this 72 year old has the support of leading veterinarians, an at call worker and the support of the Animal protection society president.

Never forgetting all of these animals would be dead if not for Marianna Mays actions.

D; The alleged offender's previous history, in relation to the relevant compliance activity.

The RSPCA marked this section as N/A

Mrs May has been carrying out animal rescue for over a decade without any performance issues or complaints from any parties, if the RSPCA had issued orders of any kind, Mrs May would have complied, no orders had ever been sought, and no previous complaints of any kind exist.

E; The degree of culpability of the alleged offender in connection with the offence.

No offence under the act was sighted; the very fact animals with health concerns were on the property was the direct result of rescues, not the adverse actions of the animal rescuer.

F; The effect on public order

Mrs May by way of taking feral, sick and injured animals of the street and housing and treating them

G; whether the prosecution would be perceived as counterproductive, for example bringing the law into disrepute.

The RSPCA's response after the fact, was that the public would be horrified if Mrs May was not prosecuted, given the number of animals and the level of neglect

Mrs May had every rescued animal vet checked and treated without regard to cost, the RSPCA refused to look at the records for these animals, refused to speak with her vets, and also refused to take the medication the sick animals were prescribed.

For a charity with no powers of prosecution, to prosecute at law a person performing a community service could only be seen as counterproductive, and an abuse of process at law, which not only brings the law into disrepute, but undermines public confidence in the Department of Agriculture and Food, and its application of animal welfare legislation.

H; The ability and efficiency of any alternate to prosecution.

The RSPCA in their statement after the fact claimed "Civil application for the forfeiture of the animals was an option"

The RSPCA did not apply for a forfeiture order, opting to keep the animals in inadequate enclosures that by their own admissions, causing over 20% to be killed by the society, all the while charging Mrs May between \$40,000 and \$50,000 per month for storage and veterinary costs.

In many cases Australia wide, holding animals where it becomes a financial benefit to do so, an issues that best be taken of the table.

Support, assistance, or even compliance orders all remain better alternatives, the RSPCA took no other steps other than seizure and heavy handed prosecution, no orders that only (x) amount of animals are to remain on the property, no orders that enclosures are modified, no orders that no more animals are rescued, no orders that all animals are rehomed above a certain number in an allotted time period. I assume there are many alternatives to seizure, destruction and criminal prosecution, yet none were entertained by the RSPCA or their inspectors.

Of the 40 or more case studies I have reviewed, the RSPCA in most states and in all cases in WA, not once did the Society play a proactive role in respect to the best interests of the animals or their carers. I remind the panel that education is a key role in the RSPCA's applications for public funding.

The legislation itself at 40 (1), 47 (d) (j) can make a variety of orders to ensure compliance in any set time period, no such orders were made.

I; The prevalence of the alleged offence and the need for deterrence (including the likely deterrent value of the prosecution.

The RSPCA's reply months after initiating an invalid and non-compliant prosecution, was that Mrs May was an animal hoarder, yet in the section asking about mental illness they replied N/A, They went on to say Mrs May did not have the means to care for large numbers of animals, even though proof to the contrary was offered at the first visit by the RSPCA officers, and later confirmed by DAFWA.

Why would an animal welfare authority or purported rescue organisation wish to deter public support in the rescue and rehoming of animals, if not for personal empowerment?

J; whether the alleged offence is of considerable public/environmental concern.

The RSPCA's attempt to cover their mistakes resulted in an answer here of "Considerable public concern given the number of animals involved.

Rescuing animals, keeping them in adequate enclosures and ensuring they have the best veterinarian services and top quality food and bedding, should be of no concern to the public, other than any actions to the contrary, which in itself brings the actions of the RSPCA into further disrepute.

K; Any entitlement of DAFWA or other person/body to compensation, reparation or forfeiture if a prosecution is secured.

The RSPCA wrote of this section after the fact once again, by saying "The RSPCA is only entitled to reimbursement of its expenditure"

Cost before the final prosecution notice was served, (16 months after seizure) exceeded \$750,000. Indeed well beyond acceptable practice and equity. These costs increased at around \$45,000 a month, while the RSPCA have not even applied to the courts for forfeiture, noting here the costs sought are well beyond the true costs to the society.

Where the society cannot confirm ability to pay costs, prosecutions are plead out early and the cases used as a fund raising campaign to re-coupe costs and to improve profits.

L: The likely length and expense of a trial (if disproportionate to the seriousness of the offence)

One would think the possibility a 2 year long process, an estimated 14 day trial and a 1 million dollars costs order, would well exceed justification of the supposed offence, of rescuing animals and ensuring their professional veterinarian support and housing costs.

In the case of the RSPCA V May, the initial issue of the warrant was not in line with standard procedures, the initial charges were in valid at law, and the subsequent charges laid over 14 months later are still yet to be supported by evidence, and in neither case did either charges attract the legislative scrutiny required under DAFWA's policy and enforcement procedures.

M; whether the alleged offender is willing to co-operate in the investigation or prosecution of others, or to the extent to which the offender has done so.

The alleged offender Mrs May, at all times has offered to do whatever is needed to comply, the only stand she has taken is one of protection of the animals, which has not occurred, the only offence easily seen during the whole process is the destruction of once healthy animals by the RSPCA itself.

N; The likely outcome in the event of a finding of guilt having regard to the sentencing options available to the court.

The court under the Animal welfare legislation only has available in regards to sentencing the ability to restrict the alleged offender from owning animals, and the ability of the courts to an order of forfeiture of the remaining animals to the crown, which would result in increased costs for the RSPCA and in fact the minster, and the added costs of another entity to take over the rescue of the animals presently being handled my Mrs may.

O: The Necessity to maintain public confidence in DAFWA and the courts; and

P; The potential financial benefit the alleged offender stands to make from the illegal activity.

The case of May, undermines the public confidence to both DAFWA and the courts, the alleged offender has never profited from her actions, and has invested hundreds of thousands of dollars doing what can be considered work of DAFWA under the Animal welfare legislation, by way of the rescue of animals at her own expense.

If the RSPCA try to paint any alleged offender as an animal hoarder, then they would have to justify this when questioned about their mental state. No options of support are being offered which would be necessary under a genuine application to precede with a prosecution under DAFWAS procedural guidelines.

Note; Animal hoarding is not covered by the animal welfare act, the act is written to deal with animal welfare related issues, not mental health concerns, the act also does not determine how many animals any one person can own. Issues relating to the number of animals a person my own or house is a local Government Issue. Note; Mrs May has passed recent inspections by the local government.

The RSPCA were asked by DAFWA to supply information to ensure they have complied with these guidelines after the fact, not before any prosecution took place, or animals were indeed seized.

This in itself has become a regular abuse of process, in the May case the reply from the RSPCA already on DAFWA's files clearly is misleading in its structure and wording, and I believe DAFWA already know this, and by their silence and the turning of a blind eye, resulting in breach of their mandate.

3.7 of the policy guidelines clearly states "After due consideration of all matters identified in these procedures, the investigating officer , will refer the brief of evidence and supporting reports, documentation and recommendations to the director with the responsibility for the administration of the relevant legislation. The director will forward endorse briefs and recommendations to their executive director for referral to the solicitor's office.

Why has this never been complied with in any prosecutions?

The investigating officer, the relevant director, and the states solicitors' office will discuss and agree upon the most appropriate charges to be laid.

Why are these important guidelines being ignored?

None of the procedures at 3.7 were complied with, there for has been ignored in every essence of its purpose, the RSPCA who have no powers under the act, bring prosecution's against an alleged offender without the powers to do so, and the inspectors who sign off on the prosecution notices have continued to deliberately ignored policy and procedure guidelines.

(The previous chief inspector in WA has confirmed the aforementioned issues and was sacked for bringing them up) For DAFWA not to act and stop invalid prosecutions, is a total disregard to written legislation and policy guidelines, actions that disregard public interest, undermining the departments and indeed the courts public perception.

3.9; Decision to withdraw matters already before the courts.

DAFWA indeed have the ability to withdraw charges, but they have never taken that opportunity even when they ought to do so, based solely on the non-compliance with the policy and enforcement guidelines. The director general is best placed to do this, in the best interests of natural justice.

I note here correspondence from the minister “the Honourable Ken Baston MLC” makes it clear the RSPCA are not a legal entity with the authority under the animal welfare legislation, in his words “I acknowledge that it is general inspectors employed by the RSPCA and NOT the RSPCA that is the legal entity with the authority under the Animal Welfare Act 2002”.

It would be pertinent to note that the prosecutions taking place both in WA and in other states of Australia are indeed in the name of the RSPCA, given WA’s present legislation that restricts private prosecutions, any actions brought in the name of the RSPCA are therefore invalid at law.

The very fact that in Mrs Mays case that the prosecution is in the RSPCA’s name, rendered the original 15 month prosecution invalid, a prosecution that had ignored DAFWA’s policy’s in the first place, furthermore the replacement prosecution has not only continued to disregarded current DAFWA policy and procedures guidelines, but has effectively more so continued to abuse court process.

In correspondence received under freedom of information, Mr. Delane makes it clear that the RSPCA have breached the conditions awarded to their inspectors in this case. Mr Delane states “Review of the material provided by the RSPCA to date indicates that their processes and/or understanding of the legislation were inadequate (insufficient grounds to seize some of the animals, failure to notify the owner of deaths or destructions ect) in dealing with this matter”

Further comments from Mr Delane in statements obtained include “Medical histories and behavioural assessments provided by the RSPCA do not appear to support the contention that all of the animals destroyed were suffering so severely that destroying them would be the humane thing to do” casting severe doubts on the actions of the RSPCA in this case.

The department has proven by its words and actions that it is well aware of the RSPCA’s continued ignorance, they are aware of the noncompliance by the inspectors awarded powers by them, the non-adherence to the department’s compliance, enforcement and procedural guidelines. I can prove beyond all reasonable doubt that the department is also aware of the effect all these mistakes are having on an innocent woman’s health and wellbeing and the resulting destruction of once healthy and happy animals, which is in direct conflict with the legislation it is empowered to administer.

Mrs May was never found guilty of any of the charges laid by the society, and all charges have since been dropped, many if not all of her animals have since been destroyed, making an equitable outcome impossible to ensure. This issue becomes worse when we consider that the RSPCA purport to have been unaware that a number of animals were under veterinary care at the time of their seizure, even though Mrs May’s own vet had contacted them immediately after their removal from the property.

It could be proven that it was the actions of the RSPCA themselves and their inspectors that have caused more cruelty to these animals, than any actions Mrs May took in relation to their rescue and rehabilitation in the first instance.

I also concur with Mr. Delanes comment that the RSPCA took no steps before or even to date (17 months after seizure) to ask the courts for forfeiture, amounting to an abuse of the court process and indeed disregarding the animals best interests.

This fact appears to support the concept that the RSPCAS themselves are using the court process to improve their financial position rather than any attempt to protect the best interests of the animals or their rescuer. At this stage the RSPCA are demanding the huge sum of over \$45,000 per month, plus veterinarian and legal costs.

There are several other practices that are uncovered when we take even a brief look at this case, in regard's to the actions of the RSPCA, the one that sticks in my mind is the use of a warrant to break into Mrs Mays home, not only the fact it was incorrectly addressed in the first instance, but more so the use of forced entry when Mrs May was not home, which I find poor compliance practice.

The RSPCA were on Mrs Mays property around 4 or 5 days earlier, yet never chose the option to obtain an urgent warrant to enter her premises which is an available resource under the Act, and at all times since the initial visit, Mrs May had attempted to work with them, as did her veterinarians. If there was no urgency in the first place, waiting until Mrs May was absent from the property then using a general warrant to force entry is not in line with correct procedures under the Act.

Since I have taken an interest in this cases from the perspective of animal welfare reform, it has come to my attention that the RSPCA;s departure from its core directives, and in fact the Ministers lack of action in ensuring legislated guidelines are being met, are not restricted to the May case.

My advice for what it is worth would be for the Department of Agriculture and food, to consider a review of the RSPCA's practices and indeed the powers awarded to its inspectors and their application thereof.

To ensure the solicitor general is empowered to ensure compliance with legislative and departmental guidelines, powers of prosecution best be handed back to the government to initiate using the RSPCA in an investigative manner only.

Should this inquiry decide to do nothing, they are therefore giving the RSPCA a mandate to continue to ignore the law, abuse their awarded powers and bring prosecutions that do not comply with government or just standards.

I would like to finish by praying that this enquiry in some way can consider ensuring Mrs May's right to justice, and to remind them of the rights of all the innocent animals that reply on a compassionate, equitable and just outcome.

Mark Aldridge