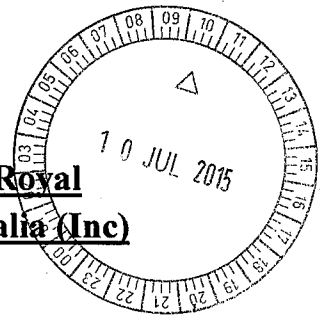


**Submission for the Select Committee into the Operations of the Royal  
Society for the Prevention of Cruelty to Animals Western Australia (Inc)**



Drs Matthew and Ina Carrick

Thursday 9<sup>th</sup> of July 2015

**Background Information**

Greenough Equine Veterinary Centre is a 100% equine practice servicing the Midwest region. At the time of the incident the practice was staffed with two directors Dr Ina Carrick and Dr Katherine Astill, an associate veterinarian Dr Stephanie Freese and one veterinary nurse Janell Kawalec.

As part of our services we provide clients with an Embryo Transfer Programme. To make this programme possible the practice needs to keep a band of mares on the premises. At the time there were 24 mares that belonged to Greenough Equine as part of the ET programme. They were kept on a 20 acre paddock, fed and watered every day and checked for signs of illness twice daily either by one of the vets or our vet nurse.

In February 2014 it had come to our attention that Mrs Maureen Rogers, who is the RSPCA inspector for the Midwest, had made visits to horse properties in the area, asking owners to build shelters for their horses.

It is our understanding that initially this was in response to a complaint made by someone to the RSPCA about a property that kept horses in paddocks during the day without shelter. Maureen Rogers advised the complainant to contact Greenough Equine Veterinary Services in order to seek further advice in regards to horse husbandry in particular the matter of horse shelter. We are not entirely sure why complainant was told this as the practice has had no contact with Maureen or the RSPCA since 2010. When we were contacted by this person we told her that horses in this area do not need to be provided with shelter due to the dry climate condition, the close proximity to the ocean and associated wind currents. The way these conditions interact with the horse's physiology is the reason why horses are highly unlikely to suffer thermal stresses in the Midwest region.

The properties, that Greenough Equine is aware, had been visited by Maureen Rogers have no signs of animal cruelty, horses on these properties are kept in excellent health and are fed, watered and ridden on a regular basis. There was great amount of distress caused to horse owners that were affected by these visits and Dr Ina Carrick was contacted by these owners in regards to their distress. Eventually Dr Ina Carrick decided to contact RSPCA chief inspector Amanda Swift and lodged a verbal complaint against Maureen Rogers as the practice found her behaviour unreasonable and particularly intimidating to local horse owners. Amanda Swift responded that she would have to talk to Mrs Rogers directly about this matter to get her view of the events.

Shortly after this communication Greenough Equine Vet Centre received a visit from Mrs Maureen Rogers ourselves. Please see the following:

**Tuesday 25<sup>th</sup> February 2014**

Correspondence between Dr Matt Carrick and Mrs Maureen Rogers (RSPCA inspector)

Visit by RSPCA inspector Maureen Rogers in regards to mares kept at our premises (1 Wakeford Road, Bookara).

Mrs Rogers demanded that shelter will need to be built for these mares in order to ensure their welfare. She advised that if we told her that we are planning to build shelter "all of this will go away". Matt Carrick responded that we are not planning to build shelter and asked to be provided with the official standpoint of the RSPCA in regards to horse's needs to have shelter in their paddocks. Matt requested that every future correspondence to be given in writing and that he would like Mrs Rogers to correspond to him with the demanded documents via email. He handed her his business cards to supply contact details.

**17<sup>th</sup> March 2014**

Correspondence between Maureen Rogers and Staff at Greenough Equine Services at the premises of the latter (1 Wakeford Road, Bookara)

Maureen Rogers visited premises again. Staff present were Janell Kawalec (vet nurse) and Dr Stephanie Freese (Associate vet). Neither a business director nor Matt Carrick were present at the time. Mrs Rogers gave Dr Stephanie Freese two direction notices, a printout of the Australian Horse Welfare & well-being toolkit and a printout of the Dictionary definition of the word "ensure". Dr Freese passed the documents onto Dr Ina Carrick, director of Greenough Equine Services.

Part of the document was the direction given under Section 40 (1) (b) direction of the Animal Welfare Act 2002 to provide shelter for all horses located on our property, 1 Wakeford Road, Bookara.

**26<sup>th</sup> March 2014**

Greenough Equine and BOS Vet decided to write a letter to Hon Ken Baston MLC to describe the incident.

Email was sent to the Minister for Agriculture.

Email read:

*To Whom It May Concern,*

*Further to our discussion yesterday, here is an outline of the recent communications we had with the RSPCA.*

*On the 14th of this month we were served with a Section 40 (1) (b) direction of the Animal Welfare Act 2002 to provide shelter for our band of standardbred mares.*

*It is our understanding that Section 40 (1) (B) is not a reviewable decision and cannot be objected or disputed. It is also our understanding that this section is to be used for severe*

*cases of cruelty, urgent and life threatening situations where a fast solution needs to be found in order to prevent further suffering.*

*In our case the RSPCA has decided to serve us with such a direction despite there being no evidence that the horses' health, welfare or safety are being compromised. They have served us with this direction merely based on their interpretation of section 19 (3) (e) of the Animal Welfare Act. The RSPCA is demanding that horse shelters are necessary to ensure their health, welfare and safety.*

*The RSPCA has shown no understanding of horses' physiology or how horses deal with heat stress. We, on the other hand, as a 100% equine veterinary practice do. We check on horses in our care twice daily in general and on hot days at least three times daily. If the horses would start to show signs of heat stress such as excessive sweating, increased respiratory rates or lethargy etc we have means to immediately act in order to remove any heat stress. For example, moved to shade, moved to a yard with better air flow or start irrigation systems.*

*Horses cool themselves by evaporation of sweat along their bodies. Due to their large surface area this is a very important cooling mechanism. Having wind or a breeze around them actually makes this mechanism work more efficiently. Geraldton is known for it's wind coming off the ocean and there is a wind farm a few kilometers away. The RSPCA has shown no understanding /knowledge of this as they are essentially asking us to make the horses huddle together underneath shelter. This would not only increase heat production it would also stop the evaporative cooling mechanism by reducing air flow and increasing humidity. In the end huddling horses underneath shelter increases the chance of heat stress.*

*Geraldton is a low humidity climate. Heat stress is very unusual when humidity is low as evaporative cooling is effective. Vets at our clinic have worked in high humidity environments and seen horses suffer heat stress when temperatures reach the mid to high forties. This is due to the evaporative cooling mechanism being ineffective at high humidities. It would be a very rare event that high temperatures, high humidity and a lack of breeze would occur together in the Geraldton region. Should such an event occur, we have strategies in place to ensure the health, welfare and safety of our horses are not compromised.*

*It is our opinion that there is a clear misunderstanding and misinterpretation of section 19 (3) (e) of the Animal Welfare Act and that the serving of 40 (1) (b) is entirely inappropriate and overly aggressive. The horses in question are not experiencing cruelty in any way shape or form and there was not a single day in the last summer where the horses were hot or even sweating. The horses in question are not suffering any health, welfare or safety issues. By ensuring these horses have shelter we feel that the RSPCA is only compromising their health, welfare and safety.*

*Interpreting section 19 (3) (e) in the way the RSPCA has, in our case, then leads to questioning the husbandry of every single horse, sheep or cow. This misinterpretation of the act would require every horse, cattle or sheep owner to provide a shelter in paddocks and yards when it is physiologically not necessary to ensure the animal's health, welfare and safety. This misinterpretation of the act would also extend to containment strategies such as ring lock and barb wire fencing which are responsible for the majority of lacerations seen in horses and therefore a health, welfare and safety issue. Is the RSPCA now going to demand that every stock owner build shelters in paddocks? Is the RSPCA going to demand that stock paddocks cannot be fenced with ring-lock or barb wire? Perhaps the RSPCA officer will decide that electric fencing is a welfare issue? As you can see the act is far too open for interpretation and in our case, the RSPCA interpreted this act entirely inappropriately and acted overly aggressively.*

*We would much appreciate if this case can be reviewed and our objection taken into account.*

**27 March 2015**

Ina Carrick also contact Dr Sarah Wylie from the Department of Agriculture in Perth to discuss this matter.

Communications with Sarah Wylie were as follows

Conversation between Dr Sarah Wylie and Ina Carrick held on Tuesday 27<sup>th</sup> of May 2014 in regards to

RSPCA vs Carrick - Mares not having shelter

Main points were

- The Department for Agriculture is currently undertaking an investigation into the RSPCA's conduct in this case for two reasons
  1. Serving the direction under section 40 (1) (b) of the Animal Welfare Act was inappropriate
  2. The wording in the direction was inadequate
- The investigation has almost finished
- Neither the Minister for Agriculture neither Sara Wylie have the ability to overrule the direction given to Matt & Ina Carrick
- An Animal Welfare Act specific to horses is currently being developed and is likely to be finished this year
- Ina Carrick will receive an email from Sarah Wylie in regards to the development of this document and is likely to be consulted as well.
- Sarah Wylie mentions that she is not a horse expert and therefore will not have a direct involvement in formulating this document
- In a meeting between the Department of Ag and the RSPCA Chief inspector for the RPSCA, Amanda Swift, was asked to explain why she decided not to serve the direction under section 47 but instead use the much stronger and much more restrictive section 40. Mrs Swift managed to give her explanation, however it appears that Mrs Swift as well as the legal team of the RPSCA have made a mistake by serving the direction under section 40.
- It is Mrs Wylie's opinion that the RPSCA should have served the direction under section 47 not section 40.
- In summary it can be said that, unfortunately, neither Sarah Wiley nor anyone else is able to help Matt and Ina Carrick in getting their horses back on the property as they have mistakenly been served with a direction issued under section 40 of the Animal Welfare Act 2002. Directions given under this section that cannot be disputed.
- Ina Carrick explained that Mrs Swift has not set foot on the property nor seen the mares and yet decided to serve a direction under section 40, despite having no evidence that the mares were suffering or experiencing harm

- Mrs Wylie explained that the RPSCA has a lot of supporters and that it was the parliament and its politicians that gave this organisation that much power and the ability to serve people with directions that cannot be overruled by anyone
- Ina Carrick repeatedly explained to Sarah Wylie that herself and her husband are suffering severe consequences because of the RPSCA's mistake. She explained that they have had to shut down the horse hospital and are likely to have to shut down the embryo programme and associated income due to this "mistake". She explained that fences will have to be pulled down and the rotational grazing plans for the farm will have to be discontinued because of this.
- Mrs Wylie responded that there is always the option to just build shelters and Mrs Carrick replied that financially this cannot be done and that it will not work with the rotational grazing system that was planned. Planning approval would also not allow shelters to be erected in this area as it is a flood zone.
- It was explained to Mrs Wylie that the RPSCA was given the order by the Minister for Agriculture to retract their direction and serve it instead under section 47. The RPSCA refused to do this.
- It was also explained that Maureen Rogers came to the property on behalf of the RPSCA shortly after Ina Carrick made a complaint against Mrs Rogers to Amanda Swift

Matt and Ina Carrick explored other avenues in order to fight the direction given to them without success. Legal representation was sought, however finances restricted the ability of the Carricks to take this matter to court. A complaint to the Ombudsman was to no avail as the Department of Agriculture had already launched their own investigation.

A meeting between the RSPCA and the Carricks was scheduled for November 2014 at Parliament in Perth and was to be mediated by Hon Paul Brown MLC. Unfortunately Amanda Swift had a sudden onset of tooth problems one hour before so was unable to attend the meeting.

After several reschedules a meeting was finally held at the premises of Matt and Ina Carrick resulting in the verbal withdrawal of their orders.

## **Main Points of Concern**

### **Use of its powers**

Both directions that were given to us had been signed by Amanda Swift. Mrs Swift at that time had never actually visited our property or the mares in question. It can be concluded that she signed the direction from her office in Perth and was giving them to us based on the reports of Maureen Rogers. This action does not only comprise a falsification of documents it also shows that the RSPCA is able and willing to give use the highest power given to them, a direction 40 (1) (b) without having to show proof or evidence that the animals in question are actually suffering. In fact, they were able to serve our business with this direction without actually having inspected the animals in question. This freedom gives the RSPCA the power to use this section of the Animal Welfare Act at random without having to be held accountable for its actions whatsoever.

By serving Greenough Equine and BOS vet with a direction 40 (1) (b) the RSPCA has shown a complete disregard for actual welfare of the mares. We felt that we were the victim of targeted abuse and intimidation tactics.

At the mediation meeting in January Amanda Swift argued that by serving us with a Direction 40 she would be opening the lines of communication to us and she was acting surprised and dumbfounded as to why we did not decide to phone her after receiving the paperwork.

As veterinarians with combined more than 20 years of experience we felt shocked, appalled and violated when we were handed a "Horse Welfare Manual" and a printout of the definition of the word "ensure" from a website called dictionary.com. This was handed to us by Maureen Rogers who to this date holds no formal qualifications whatsoever.

If Amanda Swift truly wanted to communicate with us why did she not call us when Maureen Rogers first brought our case to her attention?

Why, instead, did she decide to sign a non reviewable order from Perth without even visiting our farm and our horses?

What was the necessity for adding on the toolkit and the word definition of "ensure"?

Serving a large animal veterinary practice with these type of documents has no purpose but trying to be provocative. There was no reason for Amanda Swift to be the directing officer in our case, rendering her signature of the documents as a bullying and intimidation technique.

We have dedicated the majority of our lives to helping animals in need and ensuring their welfare. It is clear to us that the RSPCA abused their powers in our case and used them against us showing only regard towards the interests of their donors rather than the actual animal.

This was further manifested by Amanda Swift stating in our meeting that "when a complaint has been lodged the RSPCA has to be seen to be doing something about that complaint. Something that is visible to the naked eye such as shelter in a paddock".

We feel that the RSPCA's tactics were demeaning, arrogant and highly ignorant of our knowledge and our long term goal. It was a clear abuse of power and we are certain that the RSPCA was trying to make a case example out of our veterinary practice.

With their actions the RSPCA had no regard or care for the consequences that this direction would hold not just for our business but for the wider horse community as well that suddenly found itself without a veterinary hospital.

We strongly feel that the Agricultural community and the community at large is being held ransom by the RSPCA. We have spoken to several authorities in regards to our case and the general response we received was "we do not agree with what they are doing but cannot be seen to be standing against this organisation". The RSPCA is clearly aware of this attitude and is abusing its position completely.

The RSPCA has no regard or respect for any other department that holds seniority over them especially DAFWA. This was shown during our meeting in January of this year when, in response to being shown the "DAFWA – update for General Inspectors in June 2014" document, Amanda Swift replied that she was surprised that we were given this document in the first place as the RSPCA would be challenging the instructions given to them. The

document was written under the instruction of the Director General of DAFWA. The fact that Amanda Swift thinks she can challenge instructions given to them by DAFWA shows that the RSPCA is totally discounting the authority of the Director General and DAFWA as a whole.

Mark Laurie, past president of the Australian Veterinary Association and chief veterinarian for the RSPCA NSW for 15 years, currently in charge of the small animal hospital at Murdoch university stated at a forum that my husband attended that the RSPCA does not act on an animal welfare but on a perceived animal welfare basis. This means that they will make decisions and pursue cases that would be popular with their donators not ones that are backed by real evidence. This thought was further enhanced by the statements of both Maureen Rogers and Amanda Swift at the mediation meeting where we were told that "once a person has lodged a complaint against someone, the RSPCA has to be seen to be acting on that complaint in a visible manner. Therefore they felt that there was a need for a visible shelter in the paddock." We were also asked several times by Maureen Rogers what we now expect her to say to people that would complain against our business. This kind of behaviour and attitude is a great concern given the fact that a group with such vested interests are in charge of overseeing animal welfare in the agricultural community, especially with their mandate and income being derived primarily from those that have nothing to do with this industry at all.

Matt has spoken to several high ranking DAFWA livestock employees who have been extremely critical of the action of the RSPCA and of the freedom they have been given when it comes to prosecuting people.

In order to be able to elaborate on our concerns and issues with the current arrangement with the RSPCA we would very much appreciate to be given the opportunity to appear in front of the committee for a hearing.

Thank you very much for your time.

Regards

~~Dr Ina Carrick, BSc, BVMS~~

Also signing on behalf of Dr Matthew Carrick BSc BVMS