

## **RSPCA, ABUSE OF POWER**

### *Grievance*

**MR P.D. OMODEI** (Warren-Blackwood) [9.32 am]: My grievance is to the minister representing the Minister for Local Government and Regional Development. Alternatively, it could be to the parliamentary secretary representing the Minister for Agriculture, Forestry and Fisheries. The grievance concerns actions taken by the RSPCA on a property in Karridale, which is in my electorate. I seek from the minister a commitment to take steps to conduct an inquiry into a possible abuse of power by the RSPCA. I will outline the case as it unfolded in the past few weeks. The case concerns cattle on a property. I believe the RSPCA failed to examine the origins of the cattle. A farmer who holds a lease at Glenarty Road, Karridale purchased in excess of 100 head of cattle sight unseen from Esperance. The cattle were old. He purchased them with the intention of fattening them. It is common practice for farmers to buy old cattle, calve them, raise the calves for one or two months, sell the calves as vealers and then fatten and sell the cows. The farmer's investment in the cattle was an unmitigated commercial transaction disaster. When the cattle arrived at the property, 12 were found dead on the truck. I understand that another dozen or so died in the following week. The cattle were in very poor condition. With the advent of a very dry season and a leased property of 560 acres with very poor fencing, the farmer certainly inherited a dilemma.

I understand that the RSPCA was informed of the condition of the cattle by people interested in buying the property. The RSPCA attended the property and took a series of actions that I think need looking at very closely. I have always had a very strong affinity with the RSPCA. As Minister for Local Government I presided over the drafting of the Animal Welfare Act. That Act was a rehash of the Prevention of Cruelty to Animals Act 1920. The current Act provides for the inspection of scientific establishments and the provision of inspectors and their powers. It also creates defences within the Act for actions taken under normal animal husbandry practices. The person who owns the cattle owns a stud in Metricup. The other cattle are in excellent condition. Even a cursory examination by the RSPCA would show that the farmer has been handling his cattle in a reasonable way. In this situation, anyone who received that batch of cattle would have had difficulty in managing his way out of the proposition. I was in Karridale on 22 April. I was in Hon Barry House's office when we received a call that the RSPCA was about to start shooting cattle on a farmer's property in Karridale. I went to the property and looked at the cattle. Certainly, there were some that should have been destroyed as they were in poor condition. However, that is not unusual for cattle at this time of the year. The general inspector from the RSPCA was at the property. Also in attendance were two vets who had been seconded by the RSPCA. There were some other people there with two horse floats. Their intention was to walk among the cattle and shoot them and catch and confiscate the calves. Anyone who knows anything about cattle, particularly cattle from Esperance, knows that they are flighty. My prediction was that if those people undertook that action, it would create pandemonium. We agreed at the time to leave the situation for a couple of days until the sale day of the next week. The farmer would obtain some hay and attract the cattle into the yards. The calves would be segregated and sold. That did not occur. The RSPCA contacted the Golden West Network news and allowed the news people onto the property. The RSPCA proceeded to shoot some cattle - I believe four on the day. They vivisected another four cattle. The vivisected cattle were left lying in the paddocks, one of which was in the process of calving. The cattle were near the road in full view of the general public and the school bus that runs down Glenarty Road. I have been a farmer all my life. I suggested to the veterinarian named Paul, who had been seconded by the RSPCA, that at least 10 to 15 per cent of cattle in the district would be in a poor condition at this time of the year. He asked me what I would know about the physiology of a cow. I have been a farmer all my life. I have assisted cows in calving, I have assisted vets in caesarean sections and I have dehorned and castrated cattle. I have handled thousands of cattle.

A government member: Is that why their frontbench is so empty?

The SPEAKER: Order, members!

Mr P.D. OMODEI: This is a very serious matter. The vet suggested to me that the farmers from my area were not real farmers. I thought his attitude was very poor. That attitude appears to pervade the entire system. I believe that the general inspector had no idea about handling cattle. I believe the RSPCA was in breach of its Act and the code of practice. The only reference that the RSPCA officer made to sections of the Act were to the seizure of animals under section 44. There is a defence of normal animal husbandry under section 23 of the Act, to which no reference was made by the RSPCA officers.

This is a very serious matter and I have a lot of material on it. I am prepared to give the minister access to it. I believe the RSPCA is in breach of the Act. It has failed to give natural justice to the farmer and it has breached the Privacy Act. I believe it has acted in contravention of the Act in a number of cases. It is a serious matter

and, if it is a precedent, farmers in Western Australia will be in for a very hard time in the future as a result of actions taken by the RSPCA.

**MR J.C. KOBELKE** (Nollamara - Leader of the House) [9.39 am]: I respond on behalf of the minister in the other place. The accusations made by the member for Warren-Blackwood are very serious. I have sought advice and I will be able to put information before the House. However, I cannot respond to the two major charges that the member for Warren-Blackwood made; that is, that the RSPCA has been involved in an abuse of power and has breached the Animal Welfare Act. The member did outline in his grievance justification for those serious accusations. He explained the circumstances relating to the cattle. I accept his view on that; I have no evidence to contradict it. The member is probably quite right about his view of the condition of the cattle, as he indicated that some of them needed to be destroyed.

Mr P.D. Omodei: That is true. I certainly didn't have enough time, but there were breaches of various sections of the Act in relation to driving cattle when they were rounded up and the Western Australian code of practice in relation to selling young calves. It is just bizarre to drive cows in poor weather conditions for three hours, sometimes in the dark.

Mr J.C. KOBELKE: I accept that and I am trying to respond to the member. The member made very serious accusations against the RSPCA. I had hoped that he would link those accusations with the facts more clearly than he did. The RSPCA is a respected organisation in the community and does a job that is valued by the community as a whole. It may get things wrong from time to time and, therefore, it must be an accountable organisation. I expect it is an accountable organisation. The accusations made by the member for Warren-Blackwood, if substantiated, will be looked into. They will be further investigated because they have been raised in this place. However, if a determination is to be made at some level that the RSPCA has not handled this matter well, the member must provide more substantiation for the allegations than he has provided.

Mr P.D. Omodei: I am more than happy to do that. If necessary, minister, I am prepared to stand in a court of law. I actually witnessed those people in action.

Mr J.C. KOBELKE: The member may get that opportunity, either through action taken against the RSPCA or action taken by the RSCPA against the person or people responsible for those animals.

When I was advised there would be a grievance on this matter, the animal welfare branch of the Department of Local Government and Regional Development telephoned the RSPCA. The advice I have is from that branch and that is what I am able to present to the House. I am advised that the society received a complaint about perceived neglect of a herd of cattle under the care of a farmer named Marsh in the Karridale area. The animals appeared to be severely malnourished. There is some support for that complaint, from what the member for Warren-Blackwood has said. The RSPCA's general inspector visited the property on three occasions to investigate that complaint. On one visit he had assistance from a veterinarian; again, the member has given information that supports that. In consultation with the veterinarian, the inspector concluded that the only humane action for some of the animals was to put them down. I am advised that 14 animals were destroyed. I am also advised that tissue samples were taken post-mortem from the destroyed stock to establish the cause of the emaciated state of the animals. That could be quite important if legal action is taken against the person or persons responsible for the cattle the subject of this issue; it may lead to prosecutions by the RSPCA. The member for Warren-Blackwood, from what he has said, may wish to be present in support or defence of the person against whom action is taken. I am also advised that the RSPCA moved 40 calves to another property, where a neighbouring farmer has assisted in feeding them through a fence with food provided by the RSPCA.

Mr P.D. Omodei: They were stolen. What was the act of cruelty against the calves? There was nothing wrong with the calves. The RSPCA confiscated them. They belonged to the farmer, minister. Can you understand why the farmer is upset?

Mr J.C. KOBELKE: The issue is that emaciated animals needed to be looked after and there was concern that the calves also needed to be looked after. That may have been a wrong judgment, but it is a judgment that one could easily make. On that basis, action was taken to provide food to the calves. The calves were moved because a judgment was made that they were getting insufficient nourishment from their mothers and they needed to be cared for. The remaining 150 animals in the herd have been left on the property, but the RSPCA is providing them with food. Clearly, the RSPCA has intervened for the welfare of the animals. That is what I have been told about the RSPCA shifting the cattle and providing food for them. I am advised that the general view of the RSPCA at this stage is that it will consider the information from the post-mortem on the cause of the herd's emaciation and it will make a judgment on whether there was mistreatment or lack of care of the animals. The RSPCA then may or may not seek to prosecute.

The member in his grievance has suggested that the RSPCA got it all wrong. He has acknowledged that the animals were in such a poor state that some of them needed to be destroyed. It is obviously of great concern to

many people when animals are not properly cared for, and the RSPCA has a very important role to play in that regard. The member has gone much further and suggested that the RSPCA has not fulfilled its role and duty to the standard one would expect. He must provide the Legislative Assembly with a more thorough case to substantiate that allegation if it is to be taken seriously. On the advice available to me, which was substantiated by the member for Warren-Blackwood, the RSPCA clearly had a role to play in this matter. I hope that the RSPCA has fulfilled its responsibility fully and properly. Other than from what the member for Warren-Blackwood has said, I have no evidence to suggest that it has not done so.