

Animal Welfare Act 2002



Section 40(1)(b) ~~47(1)(d)~~ ~~47(1)(e)~~ ~~47(1)(f)~~

(delete whichever is not applicable)

DIRECTION

1405

To (Name) MATT CORRICK

Of (Address)

Post Code

Chief Inspector Amanda Swift

(Name of Inspector)

Hereby direct you: TO PROVIDE ALL THE HORSES AT THE GREENOUGH VET SERVICES ON THE ABOVE PROPERTY WITH SHELTER. THIS IS TO ENSURE THE HORSES WELFARE, SAFETY AND HEALTH. YOU MUST PROVIDE THIS AS SOON AS POSSIBLE, BUT NO LATER THAN THE 14th April 2014.

include what is required to be done or is prohibited from being done under the Act along with the specified time or period in which the requirement or prohibition is in force).

This direction was issued at:

am/pm on: 17 / 3 / 2014

Signature of Inspector issuing direction:

A Swift

Date: / / 20

Issue

Number:

Telephone: 9209 9328

Mobile: —

Signature of person issued with direction:

Date: / / 20

1B: 1. The maximum penalty for failing to comply with a direction is a fine of \$20,000 and imprisonment for one year as well as a fine of \$1,000 for every day on which the failure continues.

2. You may object to or appeal against this direction in accordance with the provisions of Division 4 of Part 5 of the Act.

Animal Welfare Act 2002



Section 40(1)(b) ~~47(1)(d)~~ ~~47(1)(e)~~ ~~47(1)(j)~~
(delete whichever is not applicable)

DIRECTION

1404

o (Name) INA CORRICK

of (Address) _____ Post Code _____

Chief Inspector Amanda Swift
(Name of Inspector)

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- 3:
1. The maximum penalty for failing to comply with a direction is a fine of \$20,000 and imprisonment for one year as well as a fine of \$1,000 for every day on which the failure continues.
 2. You may object to or appeal against this direction in accordance with the provisions of Division 4 of Part 5 of the Act.

Background Information

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

As part of our services we provide clients with an Embryo Transfer Programme. To make this programme possible we need to keep a band of mares on the premises. Currently there are 24 mares in our care. They are currently 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 the last 6-8 weeks it has come to our attention that Mrs Mauren Rogers, who is the RPSCA inspector for the Midwest, has 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. We are not entirely sure why she was told this, however 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 unique climate condition and the close proximity to the ocean and associated wind currents.

The properties that Greenough Equine knows have 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. Eventually Dr Ina Carrick decided to contact chief inspector Amanda Swift and lodged a verbal complaint against the behaviour of Maureen Rogers as the practice found it unreasonable and intimidating to local horse owners. Amanda Swift responded that she would have to talk to Mrs Rogers directly about this matter.

Shortly after this communication we received a visit from Mrs Maureen Rogers ourselves. Please see the following:

Tuesday 25th 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

. Mares are kept in a 20 acre paddock. They are fed and have access to clean water. They are checked twice daily.

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 demanded to be given a legal standpoint of the RSPCA in regards to horse's needs to have shelter in their paddocks. Mrs Rogers replied that we should contact the Chief Inspector, however Matt demanded that every future correspondence will need to be given in writing and that he would like Mrs Rogers to correspond to him with the demanded documents.

17th March 2014

Correspondence between Maureen Rogers and Staff at Greenough Equine Services at the premises of the latter

Maureen Rogers visited premises again. Staff present were Janell Kawalec (vet nurse) and Stephanie Freese (Associate vet). No other staff were present at the time. Mrs Rogers gave Stephanie Freese documents listed under the first attachment plus a printout of the Australian Horse Welfare & well-being toolkit. Mrs Freese passed the documents onto Ina Carrick, director of Greenough Equine Services.

26th March 2014

Email was sent to the Minister for Agriculture. Awaiting correspondence from him or his staff.

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.

If you have any further questions regarding this matter please do not hesitate to contact is on the number below or alternatively on our mobile.

Ina:

Kat:

Thank you for your help in this matter,

Ina Carrick