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26 August 2015

Mr Kevin Chennell
Executive Director, Biosecurity and Regulation
Department of Agriculture and Food WA
3 Baron-Hay Court
South Perth WA 6151

Dear Kevin

City of Wanneroo- Urgent issues requiring DAFWA attention

Following on from our meeting at the RSPCA Malaga on 17 June 2015, I would like to provide more detail in relation to our concerns regarding Wanneroo rangers, their use of (or failure to use) their powers and their adherence to the Animal Welfare Act 2002 (AWA).

Based on the following information, it is my view that the City of Wanneroo rangers urgently require training, guidance and direction from DAFWA in matters relating to the AWA.

I provide some examples to assist in demonstrating this view:

Incident 1

On Monday, 11 March 2013, Wanneroo rangers were called to [redacted] in response to a dog collection by [redacted], the mother of one of the property occupants. The ranger found an emaciated dog in the rear garden of the property and called for assistance from her colleagues. [redacted] was at the property and after they tried to open the gate the mother gave them a key to the premises and gave permission for the rangers to enter the property and seize the dog.

The mother indicated to the rangers at that time that she didn't know who the owner of the dog was but believed her daughter and the lodger had been looking after it. The mother told the rangers that her daughter was ill and in hospital and could barely look after herself. The ranger reported that they took the dog to a nearby vet, [redacted]. A call was made by a ranger to the RSPCA for assistance. It is understood that this call was made because the rangers had been told by their line manager that they could not proceed to a prosecution.

As a result of the call, the RSPCA became involved and requested the required paperwork, e.g. the seized or surrendered forms and statements from the rangers involved. No paperwork was forthcoming.

Abdominal scans needed to be performed on the dog which could not be carried out at Edgewater vets to establish evidence for a possible prosecution. The

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RSPCA was informed by I [redacted] that she the shire rangers had surrendered the dog to her. The RSPCA questioned Wanneroo's ability to surrender the dog to the vet and no answers were given. Due to this, a decision was taken to seize the dog from [redacted] and take it to Perth Vet Specialist for diagnostic testing for a possible prosecution.

[redacted] then applied to DAFWA for a review of the decision to seize the dog. [redacted] from DAFWA enquired about the matter, and all of the information about procedures under the AWA not being followed by Wanneroo rangers was explained to her by the RSPCA. Pressure from [redacted] was placed on the RSPCA, via phone calls and emails, to return the dog to [redacted]. Following veterinary testing, the dog was returned to [redacted].

I subsequently had a telephone conversation on 15 June 2013 with Wanneroo ranger's manager [redacted] who indicated that the dog was a stray and that the rangers would not be providing statements.

I informed [redacted] that without the ranger's statements and a person identified as in charge of the dog, the RSPCA would be unable to proceed to a prosecution. Based on an email from [redacted] to the RSPCA, I believe I [redacted] then applied pressure to the rangers, who went on to provide statements.

Rangers I [redacted] and [redacted] both provided the RSPCA with poor quality statements missing vital information like exhibits, movement of exhibits, photographs which had not been properly indexed and produced, note book entries not exhibited or produced. The animal was not exhibited and no official documentation exhibited. The statements did say they obtained permission from I [redacted] to enter the house. Attached to the statement of [redacted] was a copy of her notebook again not exhibited or produced correctly, dated 11 March 2013.

The notebook stated "*Permission is given to access my daughters [redacted] house and seize the malnourished dog in the backyard*".

The RSPCA does not know if the dog was seized under the Dog Act or the AWA.

The RSPCA then enquired with the Wanneroo rangers as to how the dog was given to I [redacted] if the dog was seized. The RSPCA then received a revised statement signed and dated on 15 November 2013, from I [redacted] stating "*In this instance by stating "seize" I merely meant to collect the dog from the yard as permission was granted to take the dog*"

The problems which made it impossible to proceed with the investigation and potential prosecution include:

- The owner was not made aware of their rights for review by the Minister
- The owner was not made aware of their rights to go to SAT
- In the case of the mother [redacted], no ID was confirmed, no caution was given, no statement taken at the time, no contemporaneous notes were made, and no receipt for the animal was given.
- The dog was illegally given to I [redacted] by rangers after 4 days
- Poor quality and inconsistent ranger statements
- Confusion about the legalities in how the ranger got into the house
- The vet [redacted] wasn't impartial and her professionalism was compromised (in a discloseable email saying to the investigating RSPCA officer, "*Hell yeh!! Let's F#@* them over*").
- DAFWA knew about the issues with the seizure of the animal and insisted on the RSPCA inspector returning the dog to I [redacted].

Incident 2

In June 2014 an incident occurred in which all three agencies have been involved i.e. DAFWA, Wanneroo rangers and the RSPCA.

DAFWA had been dealing with [redacted] from [redacted]. DAFWA LCU inspector [redacted] issued a direction notice [redacted] on 23 May 2014 under section 40 (1) (b) to obtain veterinary treatment for a horse with severe lameness by 1 June 2014.

On 3 June 2014 at 17.53, three days after the compliance period had lapsed, a call was received from [redacted], a Wanneroo ranger, who had attended the horse which was now *“collapsed and in a bad way”* as recorded on the RSPCA’s call log. No RSPCA Inspectors were on duty so was advised by the RSPCA call centre operator to call a vet as he was empowered to do as a General Inspector, (the same as an RSPCA inspector) or to call the police. The message was logged for information only and passed to the local RSPCA inspector to follow up the next morning. There is no evidence that any action was taken by the rangers to alleviate the suffering of the horse overnight until 09.52 the next morning when a Wanneroo ranger called the RSPCA call centre.

The ranger advised that the horse was down and needed assistance. The RSPCA inspector who received the report from the call centre, contacted the ranger and explained he was on his way to the property, the ranger replied on text saying *“we are aware whose property it is. The horse needs euthanasing- have you seen it/organised a vet etc?”*

I then received a phone call on 4 June 2014 at 11.50 from [redacted] from DAFWA advising that she was aware that the RSPCA had received a call regarding a horse at Wanneroo and that the RSPCA were to disregard this as a DAFWA officer was on their way to the property anyway with a vet, because DAFWA are dealing with the property owner regarding a separate incident involving a sheep. I understand the horse was subsequently euthanased on welfare grounds.

On the evidence of the above documented communications, it would appear that Wanneroo rangers and DAFWA knew the owner of the property on which the suffering horse was located, knew the horse was suffering, but failed to act appropriately despite having the knowledge and powers to do so, and the equipment and powers to euthanize the horse if required.

Problems with this incident:

- City of Wanneroo ranger [redacted] states they know who the owner of the horse is. Why didn’t the City of Wanneroo do something overnight to alleviate the animals suffering?
- Why weren’t the police called for assistance?
- Why was the POI given a week to get veterinary treatment for a severely lame horse?
- Why was the direction notice not checked or followed up by the DAFWA officer within the compliance period?
- There is now an inability to prosecute the owner due to failures in obligations being met under the Animal Welfare Act Sec 37. They appear to have failed to enforce Part 3 off the AWA.

Incident 3

On 30 June 2015, the RSPCA attended a dog abandonment report at a property located at [redacted]. The RSPCA inspector attended and located the owner of the dog. The owner of the dog wanted to surrender the dog due to his troubled personal situation. The RSPCA Inspector recognised the owner’s responsible approach and the owner agreed that he will feed and care for his dog for a few days until room became available at the RSPCA shelter, when the dog would be taken in by the RSPCA.

The next day 1 July 2015, Wanneroo Ranger “ ” visited the dog owner’s property and removed the dog from the rear garden of the premises, leaving a receipt with job number

The receipt said that the dog has been taken to the pound “..under the Welfare Act”. The removal of the dog was witnessed by a neighbour who asked the ranger what would happen to the dog. The neighbour reported to the RSPCA inspector via text message that “they will hold him for a week while they look for the owners”.

The owner of the dog contacted the RSPCA when he returned to feed his dog but found it missing. The RSPCA explained that the neighbour told the RSPCA that the City of Wanneroo ranger had taken the dog. Initially the owner was very angry, but decided to surrender the animal to the rangers because he wasn’t in a position to collect the dog and pay the impound fees.

Problems with this incident:

- As you are aware, for any removal of an animal from a premises to be legal, an offence has to be occurring or has to have occurred. No investigation was done by the Ranger to establish if an offence is, or had, actually occurred
- According to the AWA, animals can only be surrendered by the owner or forfeited to the Crown, not re-homed after 7 days.
- The owner wasn’t made aware of their rights of review.
- The owner wasn’t made aware of their rights to go to SAT.

The concern in this case is that animals are being seized under the AWA and released under the Dog Act, which is a clear breach of procedure and law.

These are just three examples amongst several.

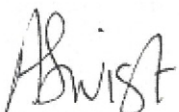
Clearly there are a number of significant issues with the lack of procedure, adherence to the Act, due process and compliance, all of which suggest the City of Wanneroo appear to be at best unaware of, or at worst complicit in, misuse of the AWA.

Given the above examples, I ask DAFWA to consider urgently undertaking the following:

- Inform all authorised General Inspectors at the City of Wanneroo that they must abide by their obligations with regards to performing their duties under the AWA.
- That appropriate training is provided to the authorised general inspectors employed by the City of Wanneroo to ensure that they are fully conversant with the AWA, work to appropriate policies and procedures in relation to investigations, and are particularly conversant with continuity of evidence principles so that in the event of a situation being passed to the RSPCA, any case to investigate is not undermined or invalidated by basic failures in this area.

I look forward to your response at your earliest convenience.

Yours sincerely



Amanda Swift
Chief Inspector