

28/03/2022

NSW Parliament – Legislative Council  
Portfolio Committee No. 4 - Customer Service and Natural Resources  
2021 Inquiry into the approved charitable organisations under POCTA

### **Animal Care Australia Opening Statement**

Good morning

Chair – I ask that this statement and document be tabled.

I am Michael Donnelly – President of Animal Care Australia or ACA, and I am joined today by Sam Davis – Vice President. ACA represents keepers and breeders of animals nationally, our goal is to promote and encourage high standards in all interactions with the animals in our care.

Let me recount the following story...

There you are going about your daily routine in the garden. One of your children is asleep in full view on a sun lounge nearby.

A car arrives. Your gate is opened, you look up to see what is happening and notice two people, in full uniform. They look like the police – all the equipment including what appear to be weapons. There's just one difference the uniform colour is wrong.

Without asking your permission, one officer walks towards your child while the other immediately approaches you. Your request for them to identify themselves is ignored. You are however told they have arrived because someone has reported that you abuse your children.

You are taken aback by this claim and begin to ask for more details. All the while the officer has looked at your child – now no longer sleeping.

You are enraged. How dare these people! You ask if they have a warrant to be on your property. You are again ignored. You repeat – and this time told they don't require one.

The officer declares your child looks ill. Has this child been to a doctor? You respond yes, and they are being treated.

You expect the next question to be seeking the details of that doctor – but it isn't. Instead, the officer starts talking to someone on his phone.

Quickly it is declared that this child must see someone immediately.

Despite knowing your child is not in pain and is exhibiting all the behaviours etc. that you were informed would occur and are normal – you offer to take the child straight away back to their treating doctor.

"No that is not sufficient – this child must be seen by our doctor" That doctor is well over an hour's drive, while your doctor is 15mins down the road.

The child is immediately grabbed and forced into a secured section of their vehicle.

Your child's eyes are fixated on you – wondering why you are not stopping them! Your child begins to scream in opposition to being manhandled. There isn't a damn thing you can do.

They leave you with a receipt for your child.

You phone your doctor – who tries to contact them. Nothing!

The next day you are asked a series of questions by one of the officers from the previous day. Your mind is on the health of your child – not on their repetitive and seemingly irrelevant questions. Nevertheless you respond. They leave – again.

Days go by – each day you call to check on your child – each day you are told nothing.

On the 5<sup>th</sup> day you are informed their doctor determined your child could not be helped and, in their wisdom, they terminated the life of your child. Unknown to you, that day, 5 days ago was the last time you would ever see your child!

Now you cannot collect that child's remains – as you are being charged with child abuse and failure to provide adequate medical care.

You now face the loss of your child – and if found guilty – the loss of your job, and more.

Can't happen? Right? The Police cannot do that without a warrant. A doctor cannot make that decision without a court order. You – the person charged must be provided with the opportunity to defend yourself. The child's doctors - not just one doctor – but several, school counsellors, teachers, and other family members would all be consulted before any decision was made on the child's fate.

Now replace that word child with family pet, and it ALL can happen and it does!

Worse still – no warrant. No court intervention. No opportunity to say goodbye. No opportunity to have an independent assessment of your pet's health – why not? Because it has been euthanised & cremated – without your knowledge. No opportunity for a fair trial – you can't challenge – there is no way of doing that with the sole evidence your family pet - having been destroyed.

Our state governments allow this to happen every day – they do nothing to stop it. They even pass the buck back to the organisation that took your pet's life!

No accountability. No liability. No appeals process and god forbid you do fight it and prove your innocence – no compensation – not even an apology.

Today we shouldn't be sitting here talking about Annual Reports and the effectiveness of the organisations – we should be striving to stop this inhumane behaviour from continuing.

Last week the RSPCA stated they shouldn't be held liable because what they do is in 'good faith'. The contents of the document we table today questions their understanding of what 'good faith' is.

Thank you for your time. We welcome your questions.

### **Closing Statement**

We ask that Minister Saunders acts in the best interests of the public and the animals and revokes the authorisation of the RSPCA NSW as an approved compliance organisation – that would be an act of good faith to the people of NSW.