



## **BLEATS NEWSLETTER**

**September 2009**

Dear Panellists

We thought it would be a good time to update you all on some exciting, history-making developments that have been occurring within the Queensland animal protection community recently. We hope to be able to continue publishing these newsletters on a regular basis. This will depend on your input. Any information that you want included can be sent to Jed Goodfellow (see his email below).

It is not possible to provide work to every lawyer who has indicated an interest. We hope that these newsletters will keep you up to date with the work BLEATS is doing.

In only the last two months we have seen the largest fine for animal cruelty being handed down in Australian history, the longest imprisonment sentence imposed for animal cruelty in Australian history, and also the establishment of Australia's first animal law practice. And all of this has occurred in Queensland. This newsletter update will cover these developments, the RSPCA 'Justice for Animals' campaign, the introduction of two extra functions to BLEATS, and more.

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## **Recent cruelty cases**

### **Dog torturer receives maximum sentence**

You may have heard about the horrific case of animal cruelty involving the torture and eventual death of seven-month old fox terrier puppy 'Peanut'. The case, which was labelled by the media as one of the most serious cases of animal cruelty ever seen in Australia, was heard in the District Court of Mackay on 3 September 2009.

Jonathan Blake was charged with animal cruelty by the Queensland Police under the Criminal Code for mutilating the small puppy with a pair of secateurs before decapitating him. His Honour Judge Michael Shanahan of the District Court handed down a maximum penalty for animal cruelty to date of three years imprisonment. We are currently in the process of obtaining a transcript of the hearing. Nevertheless, the three year maximum penalty constitutes the longest imprisonment sentence ever handed down for animal cruelty in Australia to date.

This penalty has been heralded as a tremendous success by the RSPCA and BLEATS. It will set a strong precedent for Magistrates hearing animal cruelty matters in the future.

### **Cattle grazier receives \$120,000 fine**

In another ground breaking case, a Northern Territory cattle grazier was fined \$120,000 in the Charleville Magistrates Court for the death of 120 cattle. This fine represents the largest fine for animal cruelty in Australia's history.

The cattle died while being transported (and some were destroyed shortly after) 1600 km from the NT to the remote west Queensland town of Charleville without a rest break. The owner of the cattle, Charles Anthony Pye, was present during the loading of the cattle in the NT, and when advised of their deteriorating condition, he ordered the driver to continue. Pye was charged by the Qld Department of Primary Industries for animal cruelty and breaching his duty of care under ss.17 and 18 of the Animal Care and Protection Act 2001.

### **Poodle case update**

In more good news, Magistrate Colin Strofield has dismissed the appeal disputing a decision to grant forfeiture of 104 dogs that were seized by the RSPCA in a 'puppy mill' raid back in 2007. This is the latest development in a long line of legal proceedings involved with this case. While there are still further avenues of appeal available to the dog owner, the RSPCA is hopeful that the forfeiture proceedings will be settled soon so they can go about permanently rehoming the dogs. The cruelty charges concerning this matter are yet to be heard.

### **State's largest animal welfare seizure**

In another pressing and more recent development, the RSPCA has been involved in the seizure of around 200 dogs from a property in Wondai just north of Kingaroy. The seizure operation has been described as the largest animal welfare operation in the State's history. While the animal cruelty charges will be laid by the Department of Primary Industries, the RSPCA is responsible for the physical custody of the animals while legal proceedings are on foot.

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## **Opening of TLG Lawyers**

In exciting news BLEATS founder, Tracy-Lynne Geysen has established Australia's first ever animal law practice, TLG Lawyers. TLG Lawyers will specialise in family and animal law matters. Tracy intends to initially start with taking on cases involving dangerous dog applications, veterinary malpractice and body corporate issues relating to the keeping of animals. Tracy then hopes to build her practice in the near future so that she has the capacity to take on larger animal law matters potentially involving cruelty issues associated with factory farming, hunting and other forms of commercialised animal cruelty.

TLG Lawyers was officially launched with a cocktail party at the Firefly Bar on George Street by Stephen Keim SC with some 120 guests in attendance including a number of BLEATS members. RSPCA Media Manager Michael Beatty made a presentation during the evening, in which he, on behalf of Mark Townend CEO of Qld RSPCA and the RSPCA staff, thanked Tracy for her support of the RSPCA and in particular for the establishment of BLEATS.

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## **RSPCA Justice for Animals campaign**

The RSPCA launched the 'Justice for Animals' campaign on 27 May this year in an attempt to raise public awareness about the inadequacy of penalties for animal cruelty, and to make the judiciary aware of community expectations in relation to animal cruelty crimes. The campaign is also being conducted as a means to raise funds to enhance the RSPCA's investigative and prosecutorial capabilities.

The campaign has certainly struck a cord with the Queensland public. The campaign has raised over \$465,000. As part of the campaign, RSPCA has also been collecting signatures in letters of support, to demonstrate the public's support for stronger penalties for animal cruelty crimes. Over 13,000 signatures have been collected since the campaign started. The RSPCA presented these signatures to BLEATS representatives in a ceremonial close to the campaign outside the Supreme Court house on 23 September 2009.

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## RSPCA acknowledges BLEATS support

BLEATS is continuing to strengthen its partnership with the RSPCA, and this has been acknowledged in many RSPCA functions and the RSPCA's annual reports (2007/2008 and 2008/2009). Here are some abstracts from key RSPCA personnel on their appreciation of the work of BLEATS:

*"Thanks to a new partnership with Brisbane Lawyers Educating and Advocating for Tougher Sentences (BLEATS) we have seen a significant increase in penalties awarded, as well as a better understanding of animal welfare issues in the court process."*

RSPCA Qld President Eileen Thumpkin (Annual Report - 2007/2008, page 6)

*"It is important to continually assess and improve our investigative and prosecution practices in order to achieve tougher sentences for animal cruelty offenders. In the past year we took a huge step forward in meeting this goal when Brisbane Lawyers Educating and Advocating for Tougher Sentences (BLEATS) was formed. BLEATS provides RSPCA Qld with assistance in the prosecution of cases and appeals, and seeks to enlist other lawyers willing to assist the RSPCA. In partnership with BLEATS and our dedicated legal partners throughout the state, we have seen a significant increase in penalties awarded by the courts in the last 12 months, in addition to a growing understanding by the court process of animal welfare."*

RSPCA Qld Chief Inspector Michael Pecic (Annual Report - 2007/2008, page 8)

*"Our partnership with Brisbane Lawyers Educating and Advocating for Tougher Sentences (BLEATS) continues to develop..."*

RSPCA Qld Chief Inspector Michael Pecic (Annual Report - 2008/2009, page 11)

*Support for this campaign (the Justice for Animals) was overwhelming, with not only over \$460,000 raised in donations, but also 15 lawyers joining our campaign partner Brisbane Lawyers Educating and Advocating for Tougher Sentences (BLEATS).*

RSPCA Qld Appeals and Campaigns Manager Anna Hartley (Annual Report – 2008/2009, page 27)

*"Thank you for your kind words of support and encouragement but it really is us who thank you. When we've finished with our data entry we will give the signatures back to you 'for keeps.' Community support for your work really is heartwarming and some of the messages and the effort that people have gone to with the signatures is incredible. Could you please pass this onto your fellow BLEATS and let's keep our fingers and paws crossed for some good media coverage!!"*

RSPCA Qld Appeals and Campaigns Manager Anna Hartley (Email from Anna Hartley to Tracy-Lynne Geysen 23/09/2009)

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## New functions for BLEATS

With the ever-growing number of lawyers registering their interest to provide assistance to BLEATS, we thought it would be timely to establish two extra functions for BLEATS to be involved in. The proposed functions consist of contributing to legislative processes that are relevant to animal welfare and the broader animal protection community (**Legislative Affairs**), and the development of animal protection law as a field of academic scholarship (**Animal Law Program**). A brief summary of the potential activities involved with each function is outlined below.

### Legislative Affairs

The Legislative Affairs arm of BLEATS would involve the following activities:

- making formal written submissions to reviews of Acts, Regulations, Codes of Practice, and other legislative instruments that concern animal welfare or have implications for the broader animal protection community;
- liaising with and providing advice to Parliamentarians and governmental personnel involved in the development and reform of such instruments; and
- providing representatives to government consultancy bodies such as the State Animal Welfare Advisory Committee or the National Consultative Committee on Animal Welfare.

### Animal Law Program

The Animal Law Program would involve the following:

- liaising with and assisting law schools and individual academics with the development and introduction of animal law courses;
- contributing to animal law scholarship by preparing articles for publication in the Australian Animal Protection Law Journal, and other law journals;
- liaising with and assisting law students and student associations concerned with animal protection issues; and
- providing representatives to conduct guest lectures on animal protection law issues.

These functions are common areas of interest for most of the professional animal protection law bodies currently operating in other States throughout Australia. They provide further opportunities for BLEATS panellists to employ their knowledge and skills for the protection of animals in service of the community.

Clayton Utz trainee solicitor and former RSPCA inspector Jed Goodfellow has agreed to take on the role of initially establishing and coordinating these two functions. BLEATS panellists will be advised of developments. If you are particularly interested in lending assistance to one of these functions, please contact Jed at [jed.goodfellow@hotmail.com](mailto:jed.goodfellow@hotmail.com) or (07) 3292 7072, or 0424 267 871.

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## Thank you

On behalf of BLEATS and the RSPCA we would like to thank all BLEATS panellists (now comprising 51 barristers including 3 senior counsel, 80 solicitors, and 68 administrative support people) donating their incredible skill and knowledge in service of the protection of all animals. The achievements to date have been profound, and are due in no small part to the efforts of BLEATS panellists. The significance of your contribution to preventing animal cruelty now and into the future cannot be overstated.

A measure of these contributions was the presentation to BLEATS by the public of a petition signed by more than 13,000 people. This presentation took place outside the Supreme Court on September 23. It reinforced the fact that public perception of our role is real. In interviews after the presentation I emphasised the particular role we, as lawyers are playing in an endeavour to ensure that our submissions to the courts are efficient, accurate and persuasive. I was able to thank the public and the RSPCA for their confidence in us.

We look forward to working with you all in the future.

Thank you.

A handwritten signature in black ink, appearing to read 'Graeme Page', with a stylized flourish at the end.

Graeme Page SC

This newsletter was prepared by Jed Goodfellow.