

## RSPCA SA v Ross and Fitzpatrick - Get the Facts

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RSPCA South Australia is releasing the following questions and answers to address the extensive misinformation being communicated on social media about our current prosecution of a large scale commercial dog breeder.

In opening we make the following points:

- All decisions made by RSPCA are based on balancing the best interests of the animals' welfare, along with a duty of care to the public of South Australia.
- We remain seriously concerned about the close relationship between the defendants and some of those instigating the misinformation.
- RSPCA's focus remains on a successful prosecution of the defendants based on our multiple inspections of the property and the dogs in control and custody of the defendants Colin Ross and Kerrie Fitzpatrick
- Finding new homes for as many animals as possible is what we do. RSPCA SA rehomes over 4,500 animals a year and this success is a testament to care and commitment of our staff and volunteers.

**1. Why did RSPCA only seize 10 adult dogs?**

The 10 border collies were seized by RSPCA inspectors in October 2018 because they were assessed as experiencing the worst mental suffering of the approximately 300 dogs on the property. The dogs might look physically healthy but their mental state is among the worst our experienced dog care and vet staff have ever seen.

**2. Were any puppies seized from the property?**

Yes. Our inspectors seized five young puppies that were still dependent on their mother who was one of the adult dogs seized.

**3. Were any puppies born after the seizure?**

Yes. While in our care, another 3 mothers gave birth to 27 puppies.

**4. What has happened to the puppies?**

Of the total 32 puppies, 12 puppies did not survive due to congenital defects as a result of chronic inbreeding and poor early pre-natal care of their mothers. The remaining 20 puppies have already been, or are in the process of being, adopted.

**5. If conditions were so bad at the property, why didn't you seize all the dogs?**

This decision was made for legal reasons that cannot be disclosed at this point in time. Our inspectors must operate within the law, collating evidence to prove harm under SA's Animal Welfare Act. Breaches of South Australia's Animal Welfare Act are criminal

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offences and, as such, are required to be proven “beyond a reasonable doubt”. This is a very high level of proof that will be tested in court.

The 10 adult dogs were taken into RSPCA care because they were assessed as experiencing the most chronic mental suffering of the approximately 300 dogs on the property. Their mental state was among the worst our experienced dog care and vet staff have ever seen.

**6. Where are the rest of the approximately 300 dogs now?**

We have received unconfirmed reports that the defendants have been actively relocating some of the remaining border collies to other sites across Australia. We remain committed to prosecuting the owners of the 10 seized dogs, who allegedly subjected these animals to the neglect and cruelty that caused their chronic mental damage.

**7. Online reports claim that another 32 dogs at the property were earmarked for euthanasia by RSPCA – is this true?**

No. Claims that RSPCA planned to euthanase other adult dogs at this property are false.

**8. What has RSPCA been doing to try to rehabilitate these dogs?**

These dogs have been in RSPCA care for the past 5 months and during that time:

- Our most experienced behavioural staff and veterinarians have worked tirelessly with the 10 seized dogs, looking for any signs of possibility of rehabilitation.
- Each of the dogs have been accommodated in a kennel that can be both heated via heat lamp or cooled via misters, and given access at all times to both covered and outdoor runs.
- The dogs have been placed in the quietest parts of our shelter and protected from interaction with other animals and passing humans by blinds erected on the front of their kennels, helping to reduce their stress levels.
- The dogs have also had carefully managed daily exercise in large and grassed outdoor paddocks.
- Experienced staff have been sitting with each dog for extended periods
- Enrichment toys and enrichment treats have been tried.
- On top of daily behavioural monitoring and modification training by our own skilled staff, we also contracted two of Australia’s leading independent dog behaviour experts to conduct detailed assessments of each dog.

**9. Why did four of the ten dogs have to be euthanised?**

Despite all of the rehabilitation measures, these 4 dogs continued to show deeply entrenched signs of chronic fear and potentially dangerous unpredictability. As a responsible rehoming organisation, we simply cannot and will not release animals to the community that pose a significant risk to public safety.

As previously advised, RSPCA has been awaiting advice from a second external, independent veterinary animal behaviour specialist on the recommended course of action for each of the 10 adult dogs. This advice has now been received and confirms the initial independent specialist’s recommendation on four of the dogs that they should be humanely euthanased as soon as possible.

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Everyone would have wished for these dogs to have lived full lives free of anxiety and stress, but very sadly, these four dogs have now been euthanased on the basis of compelling expert consensus that this was the best course of action to relieve the suffering of these animals. This was a heartbreaking decision for RSPCA staff who have cared for them over the past five months, and for anyone who loves animals.

**10. What will happen to the other six dogs?**

As part of our overall care plan for these dogs, RSPCA staff continue to look after the six remaining adult dogs as part of the ongoing efforts to rehabilitate them. Last Friday's court decision to legally place the dogs in RSPCA's ownership means that at an appropriate time, highly regulated foster care with RSPCA's most skilled dog foster carers will be considered for these border collies. Decisions relating to the care of these dogs continues to be in line with RSPCA's care practices for all animals

**11. Why won't you use the foster/rescue groups offering to help?**

RSPCA has nearly 500 foster carers some of whom have the experience and skills to manage the future rehabilitation of these high needs dogs. RSPCA does use external foster/rescue organisations when we do not have sufficient resources ourselves. If successful in the prosecution of this case RSPCA will seek court ordered custody of any animals remaining at the breeding facility. RSPCA believes the remaining animals at the property are capable of rehabilitation and safe rehoming in the community. Due to the large number of dogs likely to be involved, RSPCA may seek the assistance of responsible rescue groups with that process.

**12. How can you decide the dogs future based on the behavioural assessment shown on the video published online by RSPCA critics?**

We are aware of an online video that appears to show a cursory assessment taking place. The way the video is being used is an important example of the misinformation being spread online.

- That video is not a formal behaviour assessment.
- No decisions regarding the dogs future were made at that time.
- The video shows an initial review of dogs in one of the many cages at the property.
- These dogs were not seized as they were ultimately not considered to be amongst the group that were suffering the most chronic mental damage.

RSPCA urges people to question the true motives of individuals who have purported to be trying to act in the dogs' best interests, given their ongoing determination to publish incorrect information and evidence of alignment with the defendants.

**13. Why are you making money from the puppies?**

By law, income from the adoption of the puppies is held in a trust account until the outcome of the prosecution is finalised when the court will decide how it is allocated. If successful in this prosecution RSPCA would make an application to the magistrate seeking to be awarded these funds in order to cover at least a small portion of the extensive veterinary and animal care costs incurred in raising these puppies.

**14. How can you do a fair behaviour assessment in a shelter environment?**

Understanding of animal behaviour has grown exponentially over the past decade. Research around the world based on statistically highly significant numbers of animals

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is providing much greater insight and understanding of the drivers and indicators of behavioural and mental issues in dogs. Multiple assessments were conducted progressively over five months in a range of environments, by RSPCA's own behavioural staff and two separate, completely independent external veterinary animal behavioural specialists. These assessments are undertaken to determine the degree of mental damage suffered. If sufficiently entrenched, this damage can never be fully eliminated in any environment, and therefore the dog poses an ongoing risk to the community.

**15. If the puppy farm was so bad why didn't you close it down?**

RSPCA is doing everything possible within the constraints of South Australian legislation. It is a serious concern for RSPCA that one of the defendants has been successfully prosecuted and prohibited from owning animals in Victoria for breeding related breaches of their animal welfare legislation, but they are simply able to cross the border and set up business in our State. RSPCA is seeking to have South Australian legislation changed to recognise interstate prohibition orders.

**16. Dogs are sent to rescue organisations in other big seizures – why won't you do the same?**

We will. If successful in our prosecution of this case we will be seeking court ordered custody of the remaining animals at the breeding facility. We believe the remaining animals are capable of rehabilitation and safe rehoming in the community, and will seek the assistance of responsible rescue groups with that process. It is however a sad reality in any large puppy farm seizure that some animals are assessed as too mentally damaged for rehabilitation and are euthanased.

**17. Why can't you tell us more about what is happening?**

These dogs are related to an ongoing prosecution and RSPCA must be extremely careful not to make any public comments that may endanger a successful prosecution. It is a concern that we believe that part of the motivation behind some people involved with this campaign against RSPCA, is to encourage us to make comments that could compromise our case.

**18. If RSPCA cannot release information about an ongoing prosecution, how has a video and veterinary report come to be published online?**

RSPCA has in place very tight internal security of all information related to prosecutions. The only other party with access to the information are the defendants and their legal team who are provided with materials under the requirements of legal disclosure.

**19. Why aren't you listening to the petition?**

RSPCA is always sensitive to public opinion - especially when it is well informed. Unfortunately in this instance petition signers have only been provided with a biased sub-set of information on which to base their decision. It is our belief that many petitioners would not have supported this call had they been provided with all the facts. Petitioners may also be from countries that have no knowledge of RSPCA and the work we do. It is particularly disappointing and we believe irresponsible, the individuals initiating the petition made no contact with RSPCA to ascertain any of the facts of the matter before setting up and we question their motives for doing so. This type of conduct only undermines the credibility of legitimate petitions as a form of social protest.

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**20. Why not let an independent assessment take place?**

That is precisely what we have done. Given the heartbreaking situation of these dogs we have sought advice from not only one respected veterinary animal behaviour specialist, but a second from interstate who is nationally recognised for their expertise. Both have been used because they can provide completely unbiased, professional advice. They have no point to prove or agenda to promote.

**21. Why don't you take into account the defendants' veterinary assessments?**

RSPCA has not engaged generalist vets. Instead, we have contracted two independent veterinary animal behaviour specialists who have recognised expertise in this field. We stand by the advice of these specialists.

**22. A lot of dog lovers or experts are saying they can definitely rehabilitate the dogs. Why don't you use them.**

We have immediate concern as to the credibility of any "expert" who can make such a claim having never seen the dogs, or if they claim that all dogs can be rehabilitated which is simply not the case. Our advice is provided by specialist animal behaviour veterinarians who are leaders in their field.

**23. Why did you keep the dogs at the shelter and not in foster?**

RSPCA's preferred care model is to have animals in foster, and this has been the case with many of the puppies associated with this prosecution. We will not however place animals in foster that pose a risk to safety of the community. The ten adult dogs have therefore to date been held at the shelter where they are receiving ongoing veterinary care from our 13 veterinary staff, along with daily enrichment and care from our Dog Care team. The dogs are provided with carefully managed daily exercise in our exercise paddocks/yards - with such freedom sadly appearing to be quite a new experience for the dogs.

**24. Why is any breeder allowed to have so many dogs?**

There is no legislated limit on the size of "large scale breeding facilities" in South Australia. This is another deficiency in our legislation compared with interstate. The defendants had however exceeded their council planning permit for the number of dogs, which the local council is taking some actions to address.