



For Immediate Release
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RSPCA South Australia vs Richards

Court clarifies 'custody and control' under Animal Welfare Act

Yesterday the matter of RSPCA South Australia vs Richards finalised in the Elizabeth Magistrates Court with the defendant Sarah Richards, who was found guilty at an earlier appearance, being convicted and fined.

This matter stems from an earlier prosecution of Ms Richards by RSPCA South Australia finalised in August 2013, when she pleaded guilty to seven counts of ill-treating animals.

The August 2013 prosecution related to the ill-treatment of a number of animals including severely emaciated and lice-ridden horses, and dogs living in filthy conditions with no access to food or water. In total, RSPCA South Australia seized over 35 animals from Ms Richards' property on animal welfare grounds at that time.

Having pleaded guilty, Ms Richards was placed on a three-year good behaviour bond. Ms Richards owned a large number of horses, and was given an order by the court forbidding her from owning, acquiring or having custody or control of more than eight horses, and two dogs that must be microchipped, vaccinated and desexed.

Following the issuing of this order, in October 2013 RSPCA South Australia received a report claiming that Ms Richards had more than 20 horses on her property. RSPCA Inspectors attended her property the next day to find this was correct. Three dogs were also at the property, two of which weren't desexed.

The following day RSPCA Inspectors and SA Police officers returned with a warrant to seize the additional horses. There were 25 horses in total present at the property. The defendant claimed that only eight of the horses belonged to her, and that the rest belonged to a family member who lived in the same house, on the same property.

Despite the defendant's assertions, RSPCA South Australia was successful in demonstrating that Ms Richards had custody and control of all 25 horses at the property. The magistrate found this was a breach of her previous court order, and ordered her to pay a \$2,000 fine and \$5,000 in legal costs.

All horses seized by RSPCA Inspectors were adopted into new homes or transferred to other horse rescue groups. All the horses were attended to by a farrier and seen by a vet for treatment including worming, lice and teeth issues. This included one horse which required extensive surgery to address a serious case of colonic impaction, from which he made a full recovery. The two dogs were desexed and transferred back into the care of their previous owner.

Magistrate Forrest said: *“On her evidence, Ms Richards was resident at, and was the sole head tenant of, the property, with a free and unrestricted right to enjoy the property as that status entailed. In my view it is a necessary consequence of her status as head tenant that Ms Richards had control over any animals that were at the property from time to time. The evidence establishes that the animals in question were ordinarily at the property so that their presence there was not transitory or temporary.”*

Magistrate Forrest also noted: *“On the facts of this matter it is my finding that in the circumstances where I have found that Ms Richards had control of the animals, she also had custody of the animals. The evidence establishes that Ms Richards was ordinarily at the property on a daily basis whilst [Ms Richards’ family member] may have been responsible for the daily feeding and watering of ‘her’ animals, they were nonetheless within the safekeeping and care of Ms Richards.”*

This case acts as a reminder that orders issued by the courts under the Animal Welfare Act must be complied with, and that RSPCA South Australia will do everything in its power to ensure animal cruelty offenders do not breach these orders without consequence.



Above: The condition of one of the horses from the original prosecution in August 2013, which Ms Richards pleaded guilty to ill-treating.