

Defendant	Sentenced	Court	Plea	Offence/s	Counts	Penalty	I/D	TPP	Costs	CR/NCR	Comments
	4/05/2011 4/10/2009 15/12/2009	Atherton Charters Towers Mt Isa	Guilty Guilty Guilty	s.17 s.17 s.17	- s.17, s.161 - s.17 - s.17	\$7000 per defendant; 5 year Prohibition Order per defendant \$7,500			\$75.90 \$7,000	CR NCR NCR	NCRBboth formally of Both formally of - 5 counts breach s.17 Duty of Care (Animal Care & Protection Act 2003) with respect to five horses; 1 count breach s.161 Animal Welfare Direction (Animal Care & Protection Act 2003) with respect to horses; 8 counts breach s.17 Duty of Care (Animal Care & Protection Act 2003) with respect to dogs (pups). - 5 counts breach s.17 Duty of Care (Animal Care & Protection Act 2003) with respect to five horses; 8 counts breach s.17 Duty of Care (Animal Care & Protection Act 2003) with respect to dogs (pups). The defendants in this instance had no previous convictions for matters of this type. The defendant's owned animals together whilst residing on a number of properties in the and areas. Following complaints in 2009, the defts were served with consecutive Animal Welfare Directions in relation to the poor condition of their horses and dogs. They were also afforded assistance from Stock Inspectors and a departmental veterinarian regarding a suitable and affordable feeding regime to return their horses to acceptable condition. In Dec 2009, it was discovered that the defts had left their property with the horses (in contravention of the AWD). In 2010, the defts again came to the attention of the dept after further AW complaints were received. A search warrant was executed and a number of horses in very poor condition were seized (one of which had to be euthanased due to a chronic foot condition that had not received appropriate and timely veterinary attention). A number of dogs were also seized, due to their poor condition. Among these, a litter of pups were destroyed on veterinary assessment due to their poor condition.
	20/02/2012 28/02/2011 14/09/2010	Kingaroy District Court Ipswich Dalby	Guilty Guilty Guilty	s18 x 117 x 1161 x 1 s17 & 187	161	1 Total \$15000 + \$20,000 comp 2		\$500 Spers \$1,200 Spers 6 months	\$73.80 \$73.80	NCR NCR	The defendants operated a dog breeding facility located at . An animal welfare direction was issued relating to deficiencies in animal husbandry practices relating to app 300 dogs being bred for profit. On the 9th day of September 2009 Biosecurity Qld assisted by RSPCA Inspectors and Queensland Police attended the property whereby 246 dogs were located and seized. Inspection of the enclosures veterinary advice and observations revealed that there was a lack of hygiene, injuries and skin conditions to dogs, lack of shade and housing issues including too small a shed area and too little shelter from the wind and rain. A decision was then made to seize the dogs. The result was subsequently appealed to the District Court in that penalty was inadequate. This appeal was dismissed.
	3/09/2009 7/04/2009	Wackay Dalby	Guilty Guilty		468	1 4 years imp.				CR	Breach duty of care - Failing to provide treatment to injury of horse. Veterinary officer observed an old wound and required veterinary treatment. The colt was examined and it was found by Xray that a length of plain wire was encircling and constricting the lower left canon bone. Upon interviewing the deft he stated that the horse already had the injury prior to it coming to his possession. He stated he found the wire about a week before inspectors attended his property and was too busy to obtain veterinary treatment. Mag took into account early plea. He stated that in a compassionate society the treatment of animals is important and that injury was extremely obvious, that horse was in deep pain and that he should have been aware and acted accordingly.
	12/05/2011	Kingaroy	Ex parte	s17 x 2 & Obstruct x 1	3	\$5000 x 2 & \$1500 for obstruct Upon appeal this was reduced to \$3000 per 17 charge and \$500 for obstruct		SPERS	\$50,000 compensation	NCR	The defendant was in possession of at least 56 dogs at a property at that were tethered to various structures or were enclosed in pens. Inspectors observed faeces everywhere and a number of other dogs roaming around. Dr Covill also observed that the dogs when approached would "shut down", poorly socialised. Dr Covill asked the defendant relating to the provision of exercise for the dogs that were tethered and was informed that they were let of chain every three days. This level of free play is inadequate and further compromised the physical, behavioural and psychological needs of the animals. After assessing the dogs Inspector Cox informed the deft that he was leaving to examine another animal whereby the deft placed her hand inside the departmental vehicle whilst Inspector Cox was inside it and removed the keys to prevent him leaving the scene. On the 8th day of September 2010 a joint operation between Biosecurity Qld, RSPCA was conducted in order to further assess the dogs subject of the April 21 property visit. A warrant was executed at the property whereby a decision was made by Biosecurity Qld to seize all dogs at the property after an assessment of the dogs. In total 59 dogs were seized and have been seized and are the subject of a further 7 charges due to be heard on the 11th of August 2011 at 9am. This matter was appealed to Brisbane District Court whereby Judge found that penalties were excessive and reduced section 17 charges to \$3000 per charge and reduced Obstruct charge to \$500, prohibition order reduced to 3 years and defendant permitted 3 dogs. \$50,000 compensation permitted to BQ.
	6/07/2009	Charleville	Guilty	3 x s 17, 3 x s 18	6	\$120,000			\$7,000.00	NCR	Deft attended N.T for a mob of 1550 cattle for sale. Cattle were transported from N.T to Charleville a distance of app 1595km. Upon arrival over 120 head were dead or died as result of transport. Cattle were emaciated, not fit for transport. Deft made decision not to spell and informed witnesses "He had travel insurance" Deft declined to be interviewed. Deft declined to participate in a record of interview. He was subsequently summonsed and charged with the following 3 x Section 18 Cruelty ACPA (Failure to spell) 3 x Section 17 Breach duty of care (Failure to appropriately unload) On the 6th of July 2009 the deft attended the Charleville Magistrates Court where he pleaded guilty in relation to this matter. In deciding not to order a conviction against the deft, the magistrate stated that if the deft had criminal history and had acted deliberately then he may have ordered a conviction. He also took on board references provided to the deft. The Magistrate made the comment that once the cattle were on the truck that the deft was the "Captain of the team"
	16/06/2009	Dalby	Guilty	s161	1			Good behaviour bond 9 months		CR	Fail to comply with an animal welfare direction 16 dogs and a number of cats living in squalid conditions. Deft served AW direction to ensure dogs had access to fresh water at all times, provide and fit dogs with a dog collar, ensure all dogs tied up are not tangled, ensure dogs exercised 1 hour a day and provide appropriate and secure accommodation. Compliance checks revealed 5 dogs that were chained up and did not have access to water, all water bowls empty, 3 dogs were tangled. Faeces were scattered everywhere. Mag QUINN took into account that deft pleaded guilty, showed remorse and was cooperative with authorities, has no previous conviction. Prosecution was aware of the deft inability to pay a fine and requested a prohibition order be given. Mag found that the deft failed miserably in his duty of care in relation to the animals and that there was a considerable amount of concern on behalf of the public relating to dogs and cats. He found that even though the deft was not charged with cruelty that they suffered cruelty and that they continued to suffer whilst under his care. An order be made pursuant to section 183 of the ACPA, that the deft must not from the 16.6.2009
	10/12/2009	Roma	Guilty	s18(1) x 2	2	Total \$1500		24 1MTP		NCR	2 x s18 Animal Care and Protection Act - being cruel to an animal by transporting the animal when it was unfit for transport - 2 x GUILTY 2 x s21 Stock Act - transporting suspected stock without a permit - 2 x NOT GUILTY ACPA: FINE: \$500 & \$1000, no order as to professional costs, court costs of \$71.70 No conviction recorded. This matter involved the transportation of two steers by from his father's property to on two separate dates in 2008. The matter went to trial. The prosecution proved its case. The defendant gave evidence. He admitted to transporting the animals but said that he only realised at the time of transportation, and said that he did not have a gun to put the animal down so he transported it. The Magistrate concluded that he was cruel to transport the animals. However, with respect to the Stock Act offences the Magistrate thought that because a permit would not have been issued for such an advanced case of lumpy jaw for both cases, (based upon a remark by Greg Williamson), that no offence was committed by transporting the stock in a situation where a permit could not be obtained.
	23/06/2008	Dalby	Guilty		18	6m					Cruelty: The male person had killed a dog by using a cross bow, rifle and shovel. It was established that the dog suffered severe cruelty and a gruesome death. The matter was investigated by an inspector from the DPI&F after complaints by local persons. The male was sentenced to 6 months imprisonment with parole commencing on the 22/7/2008, suspended 6 months.. Magistrate also ordered a Domestic Violence Order with mandatory conditions be made for two years in relation to the family. The deft submitted that the dog was aggressive and had tried to attack other persons outside the house that day. Magistrate Cornack in summing up the case took into account the defendants early plea. She stated that the deft had a duty to protect the animal and that he tortured the animal. She stated that the animal appeared young, was capable of being tamed and/or restrained, that had the dog been aggressive he could have contacted the local authority, council or police to deal surrendered the animal to them. She also stated that the deft was a strong man and a large man and could have controlled the animal. She stated that he was cruel to the animal, caused distress to his family and neighbours and lied to the Police. Investigator: Edwina Michel (RAWSON)

	13/04/2007	Wynnum	Guilty	18		\$1,500	26d	1m	No	<p>Cruelty: The defendant was a vet with 30 years experience. The defendant admitted to kicking the dog after becoming frustrated with the dog during an examination. The dog was wriggling and squirming and unable to be restrained by usual restraint methods. The defendant admitted that he lost his temper, jerked the dog off the examination table and around on the lead and kicked the dog. In an interview the defendant admitted that it would have been uncomfortable for the dog when he kicked it. The dog did not sustain any visible injuries. The Magistrate took into account the early plea of guilty, a psychological report that indicated that at the time of the incident the defendant was experiencing significant stress through managing two practices and the break up of his marriage. The Magistrate took into account the fact that there were no prior convictions and an unblemished record as a veterinarian. The Magistrate, whilst noting the defendant's professional duty, accepted that the incident arose out of the defendant's frustration with his personal situation.</p> <p>Cruelty offence where Deft was seen to forcibly throw a small puppy to the ground a number of times. He was also seen to gouge at it's eyes. The pup suffered a broken leg.</p>	
	11/12/2006	Mt Isa	Guilty	18	6m	6m			\$1,564.30	<p>\$1500 costs awarded against the defnt, incl. \$521.80 restitution for vets costs and \$64.30 costs of C&S</p>	
	23/02/2006	Toowoomba	Ex parte	17(3)(A)		\$2,500.00			\$1,800.00	No	<ul style="list-style-type: none"> The defendant was charged with breaching a duty of care to an animal, namely a cow by not providing sufficient feed and water and to a horse for which the defendant failed to provide veterinary treatment. The prosecution submitted a penalty range of \$2000 to \$3000. The charges related to a number of cattle for which the defendant owed a duty of care. However, because of the wording of the particulars the number of animals was reduced to one animal per count with the prosecution proceeding on the worst cow and the charge relating to the horse. The court noted the condition of the particularised animals, that the defendant had no prior convictions and that the cattle were seized. The defendant appealed the sentence. <p>The District Court in Kingaroy (Dodds J) heard the appeal on 11 August 2006. The Appeal was dismissed, with the Court concluding that:</p> <ul style="list-style-type: none"> The evidence plainly supported the charges against the Defendant; The penalty (\$2500) was not manifestly excessive; The Defendant's constitutional, magna carta and jury trial arguments have no application, and that the legislation is lawful, and It would be inappropriate to remit the matter to the Magistrates Court for committal proceedings. <p>Costs in the amount of \$1800 was awarded against the Defendant.</p> <p>Judge Dodds also strongly advised the Defendant that, before he took any further action (i.e. appeal to the QCA), he should obtain legal advice, as his arguments are futile.</p>
	15/09/2005	Dalby	Guilty	s 17		\$750	16d		\$63.20	No	<p>Breach of duty of care related to the defendant's failure to provide appropriate treatment of injury to a cow with a severely broken hind leg. The defendant at the time of the offence was an Animal Husbandry Instructor at the Dalby Agricultural College and was the persons in charge of the animal. While mustering the cow with a vehicle the cow was struck by the vehicle, which was driven by the defendant. Several persons pointed the injury out to the defendant who failed to attend to the injury or humanely destroy the cow. Expert scientific opinion suggests the cow could have taken 3-5 days to die, while being unable to move to obtain food and water.</p> <p>CHARGE 1 [s17(3)(a)(i)] Breach of duty of care related to a failure by to provide appropriate food and water for cattle at a property at while had been engaged by the receivers of the property to manage the dairy farm and animals located at and properties. failure to provide appropriate food and water resulted in the death of several cows due to starvation. Several of cows were calving during the time of the offence and were too weak to survive the calving process. was the person in charge of a further 110 head of the dry dairy cows that were in a very poor condition at the time of the offence and were not provided with appropriate food and water. The property where the cattle were located was denuded of pasture and insufficient supplementary feed was supplied for the number of cows.</p> <p>CHARGE 2 [s17(3)(b)] This breach of duty of care related to not providing appropriate handling of a cow while it was in the process of calving. was aware of the cow having troubles while attempting to give birth to a calf but did not provide any assistance. failure to provide assistance to the calving cow resulted in the death of the cow and the calf. Due to this being the defendant's first offence, no conviction was recorded.</p>
	9/09/2005	Brisbane	Guilty	s17 x 2		\$2,600	6m	9m		No	<p>Comments: The culpability of the defendants is demonstrated by the fact that the defendant's failed to meet their statutory requirements of a duty of care by providing adequate feed, water and monitoring of pregnant animals. It was submitted by the prosecution that this was a significant breach of duty given the number of animals involved and the resultant deaths of a number of the cows. The Magistrate indicates that the number of cows was not significant as they were all owed an equal duty of care which could not be extrapolated because there was more than one cow. It was conceded by the prosecution that this was not a deliberate act by the defendants but was a breach of a statutory duty by the defendants. The prosecution submitted that had a greater duty of care as he was initially engaged by the liquidator to manage the cows and engage a manager. This was partially accepted by the Magistrate and is reflected in the penalties. In mitigation, claimed that he was constrained by financial and operational limitations which were imposed on him by the liquidators. The early plea of guilty was taken into account as was the fact that costs were not sought by the prosecution.</p>
	9/09/2005	Brisbane	Guilty	s17		\$3,400	12m	12m		No	<p>Breach of duty of care related to a failure by to provide appropriate food and water for cattle at a property at while had been engaged by the receivers of the property to manage the day-to-day running of the property. failure to provide appropriate food and water resulted in the death of several cows due to starvation. Several of cows were calving during the time of the offence and were too weak to survive the calving process. was the person in charge of a further 110 head of the dry dairy cows that were in a very poor condition at the time of the offence and were not provided with appropriate food and water. The property where the cattle were located was denuded of pasture and insufficient supplementary feed was supplied for the number of cows. Due to this being the defendant's first offence, no conviction was recorded.</p> <p>Comments: The culpability of the defendants is demonstrated by the fact that the defendants' failed to meet their statutory requirements of a duty of care by providing adequate feed, water and monitoring of pregnant animals. It was submitted by the prosecution that this was a significant breach of duty given the number of animals involved and the resultant deaths of a number of the cows. The Magistrate indicated that the number of cows was not significant as they were all owed an equal duty of care which could not be extrapolated because there was more than one cow. It was conceded by the prosecution that this was not a deliberate act by the defendants but was a breach of a statutory duty by the defendants. The prosecution submitted that had a greater duty of care as he was initially engaged by the liquidator to manage the cows and engage a manager. This was partially accepted and is reflected in the penalties. In mitigation, claimed that he was constrained by financial and operational limitations which were imposed on him by the liquidators. The early plea of guilty was taken into account as was the fact that costs were not sought by the prosecution.</p>
	14/02/2005	Toowoomba	Ex parte	s 3 x s 17		\$3,000	12m		\$1,063.20	Y	<p>1. Breach of duty of care – fail to provide appropriate food and water (pigs) – s 17(3)(a)(i); 2. Breach of duty of care – fail to provide appropriate living conditions (rotting pig carcasses left in pen) – s 17(3)(a)(ii); 3. Breach of duty of care – fail to provide treatment of injury (rectal prolapse that was necrotic) – s 17(3)(a)(iv)</p> <p>Costs of \$1000 awarded against the defendant, in addition to costs of summons.</p>
	14/02/2005	Toowoomba	Ex parte	s206		\$1,500				Y	<p>Two officers attempting to exercise powers in relation to investigation of breach of duty of care to pigs were met with a hostile reception. After explaining powers to deft the officers were again obstructed and one officer physically assaulted by deft pushing officer in chest. Officers warned deft about obstructing inspectors. Deft continued to obstruct inspectors and ordered officers from property with threats of physical violence towards officers. Police attended the property and assisted officers in the exercise of powers</p>
	19/01/2005	G'windi	Guilty	s 17					\$609.00		<p>Breach of duty of care involving 1 dog; \$609 vet fees; Dog-disposal order to DPI&F for transfer to RSPCA into re-housing program; (awaiting more information ex regional staff); Disposal order; Matter prosecuted by QPS</p>
	25/10/2004	Ipswich	Guilty	s 17					\$63.20		<p>Breach of duty of care – calves; One calf died & second calf near death; Young calves provided insufficient diet for there age (oaten roughage /water) where supplements were required; Absent owner lived in Brisbane and only attended property on weekend; No other persons left to care for the animals; Magistrate took into account actions not deliberate and more a result of ignorance and carelessness than intentional neglect; APG/325/000(689)</p>

RTI DL RELEASE / DMI

20/04/2004	Toowoomba	Guilty	s 18		\$1,000 fine					Y	<ul style="list-style-type: none"> Cruelty - Steer restrained in inappropriate manner by attaching wire to head and around the base of the leg Animal unable to walk or hold head in normal stance Wire had caused severe injury to foot and neck Vet opinion that animal suffered considerable pain and suffering & would be cruel to keep the animal alive Animal destroyed APG/325/000(568)			
21/10/2003	Goondi-windi	Guilty	s 18		\$1250 fine					\$172.00	<ul style="list-style-type: none"> Cruelty offence where Deft was seen to forcibly throw a small puppy to the ground a number of times. He was also seen to gouge at it's eyes. The pup suffered a broken leg. Complaint related to beating a kicking 12 month old Labrador cross dog by owner resulting in fracture to the femur Dog seized by DPI officer and removed to local Vet Surgery Dog was subsequently destroyed on written consent of owner Mag cautioned defendant that it was a very serious matter to cause injury to a defenceless animal Mag stated Defendant on notice that if any further animal welfare offences would have no hesitation in awarding prohibition order QPS - prosecution Costs/restitution awarded - Vet fees \$172			
14/10/2003	Emerald	Guilty	s17 -		\$1000 fine					\$2,062.10	<ul style="list-style-type: none"> Breach of Duty of Care Failing to provide appropriate food for 10 horses and 1 foal. The horses were in very poor condition when located by DPI Inspectors who immediately provided feed. Originally set down for hearing. After consultation between expert witnesses for both sides the plea was changed to guilty. The horses were in a 120-acre paddock that was denuded of any pasture. No evidence of adequate recent feeding. The magistrate accepted the facts supplied by the prosecution and took into consideration the change of plea by the defendant, as well as remorse being shown for his actions. The defendant had no previous convictions of a like nature. 6 months to pay in default. "By way of levy in distress" Costs awarded against the deft: \$62.10 costs of court; \$1000 professional costs; \$1000 witness expenses APG/325/000(553)			
21/07/2011	Kingaroy	Ex parte	Sect 17 Section 206	2 x 17 1 x 206	\$5000 each Section 17 \$1500 obstruct					\$73.80	NCR	<ul style="list-style-type: none"> On the 21st of April 2010 Biosecurity Qld executed a search warrant at the defendants property where at least 96 dogs were observed. Investigators observed that at least 56 dogs were referred to various structures. Veterinary officers accompanied investigators around the property and observed that there was insufficient bedding and shelter to protect the dogs from the elements. Veterinary advice provided that there were obvious inadequacies and a marked sub stand provision of housing for the animals. Inspectors observed presence of faecal matter around the property which acted to increase the parasite burden. After assessing the dogs inspector Cox informed the deft that he was leaving to examine another animal whereby the deft placed her hand inside the departmental vehicle whilst inspector Cox was inside it and removed the keys to prevent him leaving the scene. Magistrate Wilkinson. N.B This matter is in the process of being appealed by the defendant. 		
1/03/2006	Maroochy	Guilty	S18(1)							\$30,000	1	NCR	<ul style="list-style-type: none"> The defendant was a farmer who had operated a farm at A neighbour had called the RSPCA after seeing a distressed cow on the defendant's property. The next day the cow was lying on the ground when the neighbour and a RSPCA inspector witnessed the defendant drive up to the cow and hit it on the head with a hammer seven times. The defendant then tied the cow to his vehicle and attempted to drag it away. The RSPCA inspector intervened and offered to euthanize the cow with a rifle. The inspector also tried to seize the hammer as evidence and a scuffle occurred between the two men. The deft had a previous conviction for animal cruelty and a conviction for breaching his duty of care to an animal. 	
27/08/2003	Warwick	Not Guilty	S17 -		\$2000 fine		1m	3m		\$2,128.71		NCR	<ul style="list-style-type: none"> Breach of Duty of Care (Trial) Complaint related to failing to provide appropriate food and water and accommodation for 3 calves (approx. 2 weeks old). Calves were tethered under a rail bridge in Warwick for 2 to 3 days enduring freezing conditions and no food or water was provided. Full day's trial resulted in the defendant being found guilty. A/Mag Stark accepted the evidence of all prosecution witnesses and found the defendant to be untruthful and unimpressive when giving evidence. Little or no weight was placed on the evidence of the defendant's wife who was also present during the trial as a Mackenzie's friend. Australian Model Code of Practice for the welfare of animals - 'Cattle' was also introduced into evidence and accepted by the Magistrate. The defendant had one previous conviction for a similar offence of 'ill-treatment of animals'. Costs awarded against the deft: \$62.10 costs of court; \$1500 professional costs; \$566.61 witness and prosecution expenses APG/325/000(554)	
22/04/2010	Dalby	Guilty	S17							\$1,000	SPERS	2 Months	NCR	<ul style="list-style-type: none"> 1 count of failing to provide a duty of care in relation to a wiener bull. This incident related to the deft failing treat and injured nearside hind leg which the animal was unable to bear weight on. The deft provided that he was too busy to seek veterinary advice or euthanize the animal and had zero experience with livestock. The matter was investigated by Biosecurity Inspector Edwina MICHEL at Dalby with support from Biosecurity Investigations Unit. This matter was heard in front of Magistrate QUINN. Mag QUINN made a decision to deal with the matter pursuant to 142A of the Justices Act and stated there were detailed particulars for the matter to be dealt with in the absence of the deft. Mag QUINN too into account the issues including inexperience, the deft apology, pleading guilty at the first appearance, the defts attendance at work. He also took into consideration the photos of the animal and Comparatives for like offences. He stated that the offence was a serious offence, that the deft had absolute responsibility to care for the animals and failed to euthanize the animal. He further took into account that the deft had no previous like history but believed the reasons supplied for not treating the animal was trivial. Mag QUINN C/f the deft \$1000 with costs of court of \$71.70. 2 months to pay and if not paid the matter would be referred to spers. No conviction recorded.
29/03/2012	Kingaroy	Guilty	S17		\$1,500 each defendant - 5yr Prohibition Orders each Deft relating to Horses						SPERS		NCR	<ul style="list-style-type: none"> Breach Duty of Care - Each defendant was charged with three (3) charges of breaching their of Duty of Care - section 17, Animal Care and Protection Act 2001 with respect of three (3) horses that were kept on a small rural property at On the 21st of April 2011, Biosecurity Officer Craig Sanders attended the subject property and seized the three (3) horses due to their emaciated condition. Attendance was completed with a veterinarian and after consultation, one (1) horse was euthanised and the other two (2) horse cleared for transport. A forfeiture application was completed by Inspector Sanders for the two (2) remaining horses. This application was supported and the horses were forfeited to the State. The defendants did not contest this application. In accepting their plea the Magistrate took into consideration their early plea and that the defendants had no previous history with the Department for like offences. The Magistrates was advised of section 183 relating to prohibition orders and 5yr prohibition orders were issued to both defendants relating to horses. The defendant advised the Court that they had no intention of ever owning stock animals again. Mag STARK- Acknowledged the early plea of guilty to charges and that was manager of the facility and that the abattoir operated as a commercial operation. Complimented the use of video by the prosecution as a great tool to view in addition to the photographs provided. Acknowledge all elements of the living conditions and lack of restrictions to animal contaminated matter that the prosecution alleged. Stated that he didn't believe that carcasses were removed as often from the paddocks as alleged by the defence. Agreed with the vet's determination that the animals died as a result of a combination of ailments from the living conditions and stress of new food and environment. Acknowledged did have guilt and a duty of care to the animals at the property however it was his level of culpability that was required to be judged. Acknowledged that co-operated during the entire investigational process, that he had limited financial means that the business closed a short time after the period the department attended and he received nil entitlements from the time he worked there. That was living with family and only recently started part-time work again two days a week after long time un-employment. Acknowledged the maximum penalty of \$30 000 for the ACPA matter and \$4000 for the Stock Act matter. Believed that comparative matters of were relevant to this matter however the level of responsibility was higher in those cases. Agreed there was disparity between prosecution penalty submissions of \$7500 and defences submission of \$2500 to \$3500. Stated that the matter required a clear deterrent in the penalty imposed and persons in such positions must ensure a duty of care to animals. The magistrate must consider closely the level of responsibility and in doing so imposed the fine of \$3500 plus court costs of \$162.20 with no criminal conviction or prohibition order recorded. The monetary fine was authorised to SPERS.
26/09/2013	Toowoomba	Guilty	S17 + Stock Act Offence			\$3,500					SPERS		NCR	\$81.10
25/11/2013	Toowoomba	Guilty	S17(1)(2) + Stock Act Offence			\$53,000 or 6mth		6mth	nil				NCR	

												<p>Mag SCHMONICK- Accepted the late "plea of guilty at the door of the court". Stated there was significant mitigating circumstances and seriousness of the offence. Video and photographed showed the horrific level of care to the animals. Agreed with Magistrate STARK in the sentencing remarks of Goats had insufficient feed, Water sources were not clean, Animal carcasses observed everywhere giving live animals access, bailing twine was located, and agreed with the vets determination of the high mortality rate due to a number of stresses to the animals. Acknowledged the deft did not participate in an interview, that he attended the facility on a daily basis and questioned why he did not step into change circumstances at the facility, that the conditions would have impact of the meat quality and that it was for human consumption. Stated the owner had no understanding of the welfare codes and referred to them regarding daily checks of the animals for health checks, potable water and treatment of sick or injured animals. Considered all the facts. Distinguished between the deft and manager submission \$3,500 Prosecution submission \$45 000 to \$60 000. Applied one fine for all charges \$53 000 or six months imprisonment, NCR or prohibition order with six months to pay. Wished to thank to public who reported this matter to authorities.</p>
--	--	--	--	--	--	--	--	--	--	--	--	---

RTI DL RELEASE - DAF