

## CERTIFICATE OF EXPERT EVIDENCE

Section 177, Evidence Act 1995 No. 25

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OCCUPATION: Veterinarian RSPCA NSW

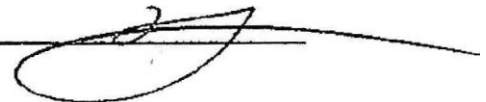
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1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.
2. My full name is Ann-Margret Withers.
3. I hereby certify that I am a registered veterinarian. I have specialised knowledge based on my training, study and experience as a veterinarian for the past 20 years. I hold the following qualifications: Bachelor of Veterinary Science from the University of Sydney (1991). I have worked in large and small animal practice in Victoria, the United Kingdom and Sydney. I have worked at RSPCA NSW's Vagoona clinic for the past nine years, one of the largest and busiest small animal hospitals in Sydney.
4. As an introduction, animal welfare is the human responsibility to animals and encompasses all aspects of animal health and well-being including proper housing, management, population management and sustainability, nutrition, disease prevention and treatment, responsible care and humane handling. Many of these basic responsibilities have not been met by the owner of the animals documented below. Animal welfare can be assessed in three main ways: biological function (growing, reproducing), affective state (quality of life) and natural state (ability to perform natural behaviours). An alternative way of assessing welfare is to establish whether the Five Freedoms have been met. The five freedoms are freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behavior; freedom from fear and distress. Based on the information documented below, the owner has failed to provide these for the animals in her care.
5. On the 29th and 30th of August 2012, I attended the property xxxxxxxx, with RSPCA NSW Inspectors, Michael Makeham, Andrew Kelly, Alistair

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Hills and Jacob Smith. Over the course of the 2 days I examined 155 dogs kept at various locations on the property. During that time, I occasionally saw some of the animals being attended to by the owner xxxxxx, alone on the first day and with *an* assistant the second day. The Association of Shelter Veterinarians 2010 "Guidelines for Standards of Animal care in Animal Shelters" recommends a minimum of 15 minutes of caretime per day for feeding and cleaning each animal housed in a shelter (9 minutes cleaning, 6 minutes feeding). This time represents meeting the most basic needs of these animals and doesn't include the time required for adequate socialisation and environmental enrichment, training and meeting basic medical needs. I consider that the ratio of attendants to animals on this property was profoundly inadequate to provide reasonable care for this number of animals.

6. All dogs in this report with the exception of the moribund female terrier will be identified by their microchip numbers. A majority of the 155 dogs examined had health issues, ranging from more serious tumours, dental disease, heart disease, ear and eye disease, to more minor problems of overgrown nails and matted coats. My report is on 7 of the more seriously diseased dogs that were either euthanased on site or removed by the RSPCA.

- ~~1~~ - 2 female Terrier located in a shed in a large yard near the house. As we entered the yard we observed her being attacked and dragged around by a number of the multiple other dogs roaming freely in the yard, appearing to be fighting over possession of her body. Upon examination, she was barely responsive or conscious. Her body condition was thin, at 3-4 out of 5 on the Tufts Animal Care and Conditions Scale (see Appendix 1). She had an abdominal wound from which her intestines had eviscerated. She had multiple puncture wounds over her body and bruising around her eyes. There was no blood coming from the abdominal wound or the puncture wounds. Her intestines and mucous membranes were very pale. Her jaw was clamped shut, and she had a trickle of fresh blood from the nose. Her coat was dirty and matted, particularly on the right hand side indicating that she had been lying on this side for some time. There was no fresh blood found on her body, other than a small haemorrhage from her nose, or anywhere in the vicinity.

8. Based wholly or substantially on my specialised knowledge, I consider that this terrier was already gravely sick before the dog attack and our arrival at the property, and would have been unwell for no less than a few hours, but likely more. She was so close to death that her blood pressure was so low that she did not bleed profusely from the severe injuries she sustained from the dogs biting and attacking her, as would a healthy dog. I consider that there was a failure to provide necessary veterinary treatment for this animal prior to our arrival and the dog attack, by failing to notice the signs of illness and suffering she would have displayed and taking appropriate action to treat and protect her. This led to the terrier suffering even

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more unnecessarily by being in such a vulnerable state that she was able to be eviscerated and mauled by multiple dogs that were free-roaming in her area. By the time we intervened the dog was so injured and in such a poor physical state and that it was too cruel to be kept alive and was euthanased under POCTAA 26AA.

9. The second dog I examined was an aged female Golden Retriever, microchip number 96800001543987. She was initially found recumbent outside, on a concrete slab near the area we identified as the Pig Pen. She was extremely weak, and upon examination was found to be thin (BCS 3 out of 5), jaundiced and anaemic. She also had a purulent discharge from her right ear, indicating a painful bacterial otitis externa (ear infection). The dog was euthanased with the owner's consent.

10. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for the female Golden Retriever resulting in unnecessary pain and suffering. I estimate she would *have* been unwell for a period of no less than 7 days, but likely much longer. Her weakness, anaemia and jaundice indicate a serious systemic illness that should have been investigated and treated by a veterinarian. Left untreated, the condition would have resulted in the dog being in such a poor physical state that it was required to be euthanased. Based wholly or substantially on my specialised knowledge I also consider that there was a failure to provide veterinary treatment for otitis externa in this dog, and the condition would have been present for a period of no less than 7 days. Bacterial otitis externa is a painful infection of the ear causing swelling, inflammation and a purulent discharge when left untreated. This condition would have contributed to the general misery and debilitation of this animal.

11. I examined an aged female German Shepherd, microchip number 982009102512121, living in an enclosure in the Pig Pen area. The dog was housed in a dark, concrete-floored stall that she could not see directly out from, with minimal bedding and no visible environmental stimulation. On physical exam she was found to have a poor coat that needed grooming to remove massive amounts of shed dead hair. She also had chronic changes to her skin such as permanent areas of alopecia (hair loss/pigmentation and lichenification (thickening), particularly on the ventral (lower) aspect of her body. Her incisors were worn in such a manner that indicated wear from chronic and excessive chewing at her skin. She had severe bilateral otitis externa, which was likely to be related to her general skin disease. She was also extremely lame on her right hind leg and her right hip was unable to extend due to significant pain and inflammation from severe osteoarthritis, with generalized joint swelling and stiffness showing signs of being generally arthritic. The dog was euthanased with the owner's consent.

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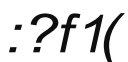
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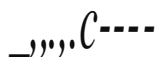
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12. Based wholly or substantially on my specialised knowledge, the barren environment with limited visual access that the German Shepherd was housed would have resulted in severe sensory deprivation that would most likely have caused significant emotional and mental distress. The environment also prevented the animal from performing its species typical natural behavior, which includes foraging, exploring varied environments and social interaction, resulting in frustration and escalating stress levels. This impeded 2 of the 5 basic freedoms- freedom to express natural behavior and freedom from distress. Prolonged confinement in conditions of sensory deprivation are commonly linked to profound behavioural manifestations of distress in conjunction with physical symptoms of stress, such as poor weight gain, lowered immunity and skin disease.
13. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for this female German Shepherd, resulting in unnecessary pain and suffering. Her skin condition would have been present for a period of no less than 2 months, but likely much longer. The fact that the dog had developed changes consistent with a chronic skin disease means that it had not been treated or had not been treated effectively for a significant period of time and the dog would have suffered the consequences of the abnormal skin, as demonstrated by the wear on her teeth from constantly chewing herself to try and relieve her discomfort. Her bilateral otitis externa is very likely a part of the general skin disease and would have caused significant pain and suffering by not being effectively treated. Osteoarthritis is a slow developing debilitating and painful disease of the joints. Degradation of the articular cartilage leads to inflammation, joint pain, stiffness and limitation of motion. The German Shepherd would have had signs of osteoarthritis for a period of **NO** less than one month, but likely much longer. Whilst the disease cannot be cured, there are many veterinary medications and environmental changes, as simple as warmth and soft padded bedding in an elevated position, that can easily be implemented to relieve this condition. The degree of pain and stiffness this dog displayed showed there was inadequate management, if any, of this disease, and there was no indication of any provisions for comfort in her environment. At the time of examination, the German Shepherd's skin changes and joint inflammation had caused such deformity and poor physical state that she was euthanased as it was too cruel to be kept alive.
14. I examined 2 adult Shar Pei's- a female, microchip number 943094320196563, and a male, microchip number 943094320191844, also located in barren stalls in the Pig Pen area. Both dogs had bilateral upper and lower lid entropion (folding in of the eyelids). Both had corneal cloudiness indicating corneal scarring from ulceration and inflammation due to the effects of the eyelashes and eyelid hair constantly rubbing on the sensitive surface of the cornea. Both

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dogs had bilateral extremely stenotic (narrowed) ear canals with dark discharge indicating otitis externa.


15. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for both Shar Pei's, microchip number 943094320196563, and a male, microchip number 943094320191844, for the stenotic ears and secondary infection and the bilateral entropion and chronic changes to the cornea. Both these conditions would have been present for a period no less than one month, but likely much longer. Whilst the underlying structural problems of stenotic ear canals and entropion are common in the breed due to the long term genetic effects of in-breeding, these conditions are not normal in a dog. They are often obvious from a very young age of just a few weeks, and must be managed medically and surgically from an early age to ensure the animal does not suffer the persistent pain and possible consequences of ongoing ear infections, and the persistent significant pain and possible end result of blindness from ongoing irritation, ulceration and infection of the eyes. Both these dogs showed the secondary changes of inflammation and discharge in both the ears and eyes indicating a lack of adequate veterinary management of these diseases. Both these dogs lead a unnecessarily painful and suffering life.

16. I examined two adult female Beagles, microchip numbers 96500000101542 and 943094320191333, located in enclosures in an area identified as the Stables. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for the disease Keratoconjunctivitis Sicca (KCS) for both dogs, and this condition had been present for a period of no less than one month, but likely much longer. KCS, commonly known as "dry eye", is a painful condition of the eye caused by a deficiency of the corneal tear film, and may eventually lead to blindness and possible eye rupture if not treated appropriately. It can be managed medically with lubricants and immune-modulating medications to keep the eye lubricated and prevent secondary changes which pre-dispose to infection. To control the symptoms of the disease, medications must be given daily and often treatment is for life. Both dogs had a bilateral thick ropery ocular discharge, marked conjunctivitis, marked corneal inflammation, corneal neovascularisation (new blood vessel growth) and Schirmer Tear Tests<sup>1</sup> of zero in both eyes in both dogs. The severity of the secondary changes in the eyes of both dogs demonstrate how chronically the dogs had been unnecessarily suffering from this disease.

17. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for Beagle, microchip number 943094320191333, for a prolapsed gland of the third eyelid (Cherry Eye) in the left eye. The gland of the third eyelid produces part of the tear film, and left untreated will cause KCS. This disease needs to be

<sup>1</sup> Schirmer Tear Test: a quantitative test of aqueous tear production

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surgically corrected to replace the gland back into the normal position. I estimate this condition would have been present for a period no less than one month, but likely much longer.

18. Based wholly or substantially on my specialised knowledge, I consider that there was a failure to provide necessary veterinary treatment for Beagle, **microchip number 96500000101542**, for bilateral chronic otitis externa and inter-digital dermatitis in all four feet. Both these conditions would have been present for a period no less than two weeks, but likely much longer. Both ears had significant brown discharge, reddening of the external ear and thickening of the ear structures so that the external ear canals were almost occluded. Otitis externa is an extremely painful inflammatory condition of the ear, which leads to thickening of the ear structures if not effectively medically treated with ear drops and antiinflammatories. Once chronic changes occur, it is difficult to control medically and may require surgical intervention which will leave the dog deaf. The skin between the toes of this dog was inflamed and had a dark discharge, all signs of inter-digital dermatitis. This disease is a painful inflammatory condition of the skin that may be related to allergies or from the feet being constantly exposed to moisture or unsanitary conditions. The presence of the chronic eye disease, chronic ear infections and inter-digital dermatitis show the lack of a failure of the owner to care for an 8 year old dog. It is these problems in this dog, and has lead to its unnecessary suffering from these diseases.

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