

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE

NUMBER: 2263/09

Amended pursuant to Rule 377 of the UCPR

12.08.09

Date

Geraldine Robertson

Plaintiff: Geraldine Fooi-Fong Robertson
17-23 Buccan Road
Buccan, Qld. 4207

First Defendant The Proper Officer
Imagination Television Limited,
67 Alexander Street,
Crows Nest, NSW 2065

Second Defendant The Proper Officer
The Royal Society for the Prevention of Cruelty to
Animals Queensland (RSPCA)
301 Fairfield Road,
Fairfield Qld 4103

Third Defendant The State of Queensland,
Crown Solicitor, Crown Law
Level 11, State Law Building
50 Ann Street
BRISBANE QLD 4001

Fourth Defendant The Chief Executive
Department of Employment, Economic Development and
Innovation (Primary Industries and Fisheries)
80 Ann Street
Brisbane Qld 4000

Filed in the BRISBANE registry on _____ August 2009.

AMMENDED STATEMENT OF CLAIM

AMENDED STATEMENT OF CLAIM
Filed on Behalf of the Plaintiff

Form 16 Rules 22,146

Name: Geraldine Fooi-Fong Robertson
Address: 17-23 Buccan Road,
Buccan, Qld. 4207
Phone No: 07 32205262
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INDEX TO AMMENDED STATEMENT OF CLAIM

Causes of Action	Page
Facts Common To All Causes Of Action	3
Trespass By The First Defendant.	4
Trespass By The Second Defendant.	5
Trespass By The Forth Defendant.	6
Invasion Of Privacy By The First Defendant	7
Invasion Of Privacy By The Second Defendant	9
Invasion Of Privacy By The Fourth Defendant	10
Misfeasance In Public Office By The Second Defendant.	11
Misfeasance In Public Office By The First Defendant.	20
Misfeasance In Public Office By The Fourth Defendant	20
Breach Of Fiduciary Duty By The Second Defendant.	21
Negligence And Or Nuisance And Or Intention To Cause Injury And Loss To The Plaintiff By The Second Defendant	36
Negligence And Or Nuisance And Or Intention To Cause Injury And Loss To The Plaintiff By The First Defendant	37
Negligence And Or Nuisance And Or Intention To Cause Injury And Loss To The Plaintiff By The Fourth Defendant.	38
Restraint Of Trade By The Second Defendant	39
Assault And Battery By The Second Defendant	41
Detinue By The Second Defendant And/Or Alternatively Theft By The Second Defendant	42
Humiliation Of The Plaintiff By The Second Defendant	46
Particulars Of Additional Damage Suffered By The Plaintiff	46

This claim in this proceeding is made in reliance on the following facts.

FACTS COMMON TO ALL CAUSES OF ACTION

1. At all material times:
 - a. The Plaintiff was a 64 years old widow of Chinese Descent residing in Buccan/Logan area in Queensland.
 - b. The Plaintiff owned and lived on her property at 17-23 Buccan Road, Buccan in the State of Queensland since 1992.
 - c. The Plaintiff carried on and intended to carry on a business under the name of Waterford Boarding Kennels and Cattery.
 - d. The Plaintiff has been conducting the business “Waterford Boarding Kennels and Cattery BN18420539”
 - e. The Plaintiff bred poodles and intended to breed poodles for sale in Australia and overseas.
 - f. The Plaintiff’s poodles were Pedigreed Registered and known as NEIGER POODLES.
 - g. NEIGER POODLES had a worldwide good reputation.
 - h. The Plaintiff was a highly respected and skilled professionally qualified accountant who took an early retirement in 1990 to focus on her passion for the poodle breed.
 - i. The Neiger Poodles reputation is supported by a Google “Neiger poodles” which produced a list of breeders and owners around the world with NEIGER bred poodles or with poodles bred from NEIGER Poodles.

PARTICULARS

- i. The Plaintiff relies on an attached **Particulars of NEIGER POODLE REPUTATION**

2. At all material times:
 - a. The first Defendant, Imagination Television Limited, is a media organisation.
 - b. The first Defendant produces a TV show called RSPCA Animal Rescue.
 - c. The TV Show RSPCA Animal Rescue seeks donations from the public for the Second Defendant..
 - d. The TV Show RSPCA Animal Rescue features RSPCA Inspectors of the Second Defendant.

- e. The RSPCA Inspectors of the Second Defendant are portrayed saving animals from dangerous situations and “animal abusers”.
 - f. The Second Defendant was aware that the First Defendant’s Film Crew were making TV segments for the First Defendant’s RSPCA Animal Rescue TV Show.
 - g. The Second Defendant was aware that their Inspectors would be featured in this RSPCA Animal Rescue TV Show.
3. At all material times:
- a. The Second Defendant is a commercial trading organization within meaning and interpretation of section 51 (xx) of the Commonwealth Constitution and, section 4 of the Trade Practices Act 1974 in accordance with Law established by the Federal Court of Australia in Orion Pet Products Pty Ltd – v – Royal Society for Prevention of Cruelty to Animals (Vic) [2002] FCA 860 (5 July 2002); (R – v – Federal Court of Australia; Ex Parte W.A. National Football League (1979) 143 CLR 190. E – v – Australian Red Cross Society (1991) 27 FCR 310. The RSPCA is a trading organization in the meaning of the trade Practices Act. Orion Pet Products Pty Ltd v Royal Society for the Prevention of Cruelty to Animals (Vic) [2002] FCA 860 (5 July 2002).
 - b. The Second Defendant Administered the Animal Care and Protection Act 2001.
 - c. This above said Act is administered under a contract with the then Department of Primary Industries and Fisheries.
 - d. This contract expressly states “5.4 RSPCA will not and will ensure that its officers do not, permit or invite or facilitate entry of the media onto a property under investigation.”
 - e. This contract expressly states “5.1 RSPCA will not, and will ensure that its inspectors do not, make any public comment on any investigations that they are involved in, other than to say the matter is “under investigation”, pending of current and may compromise a person’s rights under law.”
 - f. This contract expressly states “5.2 RSPCA will, and ensure its inspectors will, at all times, use their best endeavours to ensure that a person’s rights under natural justice and common law are not compromised and that due process of law associated with the complaint is not compromised..”
 - g. This contract expressly states “8.1 In order to provide accountability equivalent to DPI&F employed Inspectors, RSPCA must ensure that its Inspectors comply with: (c) the “ethics obligations” for public officials set out in Part 3, Division 2 of the Public Sector Ethics Act 1994, as if the inspector were a public official;”
 - h. The RSPCA Animal Rescue TV Show helped the Second Defendant raise considerable funds in the form of donations and bequeaths from the public.

4. At all material times:
 - a. The Fourth Defendant Administers the Animal Care and Protection Act 2001.
 - b. The Fourth Defendant has delegated the Administration of the above said Act to the Second Defendant under a contract.
 - c. The Fourth Defendant is responsible for the function of forfeiting dogs seized by the Second Defendant under the said Act to the Second Defendant.
 - d. The Second Defendant provides the Fourth Defendant with the necessary documentation and “evidence” upon which the Forfeiture decision is made.
 - e. The Second Defendant reports to the Fourth Defendant on its administration of the said Act.
 - f. The Fourth Defendant was aware or should have been aware that the First Defendant was making the RSPCA Animal Rescue TV show shown on Channel 7.
 - g. The Fourth Defendant was aware or should have been aware that the First Defendant was going onto people’s properties with the Second Defendant and taking videos/films of the properties, properties owners and their animals.
 - h. The Fourth Defendant was aware or should have been aware that the Second Defendant was taking the First Defendant onto the above said properties and was breaching their contract with the Second Defendant.
 - i. The Fourth Defendant was aware or should have been aware of the RSPCA Animal Rescue TV show and that the Second Defendant’s Inspectors featured on this show on citizens properties.
 - j. The Fourth Defendant was aware or should have been aware that the Second Defendant and it’s inspectors were making public comments about their investigations in breach of section 5.1 of the said contract. *“5.1 RSPCA will not, and will ensure that its inspectors do not, make any public comment on any investigations that they are involved in, other than to say the matter is “under investigation”, pending of current and may compromise a person’s rights under law.”*
5. On the 9th January 2008 the Second Defendant, RSPCA, with a warrant under the Animal Care and Protection Act 2001 seized all the Plaintiff’s dogs.
6. On the 9th January 2008 the Second Defendant arrived at the Plaintiff’s property accompanied by the First Defendant’s film crew, Courier Mail reporters and photographer and other media reporters and photographers went to the Plaintiff’s property.

7. On the 22nd February 2008 the Second Defendant exercised a warrant under the Animal Care and Protection Act for the seizure of records.
8. The Plaintiff carried on and intended to carry on a business under the name of Waterford Boarding Kennels and Cattery.
9. In the days preceding the 9th January 2008 the area of Buccan and Logan had suffered the worst flooding rains for over twenty years.
10. The Plaintiff's kennels had suffered with run off of 10 days of continuous rain carrying dirt and debris into her kennels. The Plaintiff's property suffered storm and flood damage.
11. The Plaintiff had begun the clean up process with two kennels already cleaned by the 9th January 2008.
12. Section 215, of the Animal Care and Protection Act 2001 - Protection from liability, protects the Second Defendant and the then Department of Primary Industries and Fisheries from liability with provisions. The relevant sections of the legislation are:-

“215, Protection from liability

.....

(2) A relevant person is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.

(3) If subsection (2) prevents a civil liability attaching to a relevant person, the liability attaches instead to the State.

(4) In this section— civil liability includes liability for the payment of costs ordered to be paid in a proceeding for an offence against this Act.”

The Third Defendant – the State of Queensland has a liability under the said Act.

TRESPASS BY THE FIRST DEFENDANT.

(Trespass – injury committed with force, actual or implied; immediate and not consequential; if property involved, then property was in actual or constructive possession of plaintiff at time of injury. Koffler: Common Law Pleading, 152 (1969))

13. The Plaintiff relies paragraphs 1- 12 previously pleaded.
14. At all material times the Plaintiff was in possession of her property.
15. At all material times the Plaintiff had a right to determine who could enter upon her property.
16. Those who had a warrant to enter could only remove this right for themselves.
17. On the 9th January 2008 the Second Defendant arrived at the Plaintiff's property with the First Defendant's film/video camera crew.
18. On the 9th January 2008 the Second Defendant arrived at the Plaintiff's property with other media reporters and photographer.

19. The Plaintiff, after service of the Warrant on the 9th January 2008, clearly stated to all present that she would only allow RSPCA to enter her premises.
 - a. Only the Second Defendant could enter upon the Plaintiff's property.
20. The Second Defendant's Inspector Lawrence Stageman invited the First Defendant's camera crew onto the Plaintiff's Property:
 - a. telling the Plaintiff that they were "RSPCA here to collect evidence".
21. The First Defendant entered upon the Plaintiff's property.
22. The Plaintiff could not stop the First Defendant from entering upon her property.
 - a. The Second Defendant had a warrant to enter.
 - b. The Second Defendant misled the Plaintiff when he said the First Defendant was RSPCA collecting Evidence.
23. The First Defendant took recordings (films/videos) of the Plaintiff's premises.
24. The First Defendant took those films/videos for their own purpose of making their RSPCA Animal Rescue TV show.
25. The First Defendant would have earned a very significant amount of money from their RSPCA Animal Rescue TV Show featuring the Plaintiff.
26. The First Defendant owns the copyright to the films/videos taken by them.
27. The First Defendant gave the Second Defendant a copy of this films/videos.
28. The First Defendant allowed the Second Defendant to cause those films/videos to be released to the Television Stations along with comments made by them.
29. The Plaintiff was damnified by those films/videos and comments made on the Television Stations.

PARTICULARS

- a. The Plaintiff relied on the document Particulars of published material.
30. The Plaintiff's business "Waterford Boarding Kennel and Cattery" was damnified by those films/videos and comments made on the Television Stations.
31. The Plaintiff's NEIGER poodles were damnified by those films/videos and comments made on the Television Stations.
32. The Plaintiff relies on paragraphs pleaded in the Misfeasance in Public Office by the Second Defendant and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this trespass.

33. The Plaintiff was unable to operate her boarding kennel business and lost income as a result of those films/videos and comments made on the Television Stations.
34. The First Defendant's Trespass directly led to the First Defendant being able to take films/videos of the Plaintiff's property.
35. The Second Defendant used the films/videos to damnify the Plaintiff.
36. Photographs taken from inside the Plaintiff's property appeared in Newspapers and on the Internet on or about from the 12th January 2008.
37. The photographs and comments that appeared in the Newspapers and on the Internet damnified the Plaintiff.
38. The First Defendant was not a "Good Samaritan" or a "benevolent trespasser" towards the Plaintiff.
39. The Defendant has made no attempt to mitigate the Plaintiff's losses.
40. The Plaintiff relies on the Pleadings in Misfeasance by the Second Defendant in Public Office and in Breach of Fiduciary Duty by the Second Defendant for damages to he Plaintiff consequence upon this trespass.

Damages for Trespass from the First Defendant.

41. An estimate of the First Defendant's income from the RSPCA Animal Rescue TV show that would have featured the Plaintiff is \$1,000,000.
42. The Plaintiff suffered from trespass by the First Defendant estimated at \$500,000; estimated by reference to a comparable award for similar injuries, consequences and future gains for he First Defendant adjusted for the harshness of the Defendants conduct continuous release and being shown on national television, internet and newspapers from 9 January 2008 to date of writing.
43. The Purpose of the trespass would, or could have been expected to, cause the Plaintiff considerable grief when the RSPCA Animal Rescue TV show went to air with her in it. When video and photographs taken from inside the plaintiff's property were published in the media the Plaintiff was caused harm from the public. The Plaintiff claims exemplary damages from the First Defendant estimated at \$3,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Tax Office avoidance penalties are 200%.

TRESPASS BY THE SECOND DEFENDANT.

“claim by the plaintiff against the second defendant under the second limb in Barnes v Addy”

44. The Plaintiff here relies on the paragraphs 1- 12 pleaded above.

45. The Plaintiff here relies on paragraphs 13-40 pleaded above.
46. The Second Defendant invited the First Defendant onto the Plaintiff's property.
47. The Second Defendant was responsible for the films/videos being taken by the First Defendant.
48. The First Defendant was said by the Second Defendant to be RSPCA collecting evidence.
49. The Second Defendant was aware that the First Defendant's Film Crew were making TV segments for the First Defendant's RSPCA Animal Rescue TV Show.
50. The Second Defendant was aware that their Inspectors could be featured in this RSPCA Animal Rescue TV Show.
51. The Second Defendant obtains donations from the public, which are sought on the RSPCA Animal Rescue TV Show.
52. The Second Defendant used the above said films/videos for their own purposes:
 - a. Segments from these films/videos were supplied to the Fourth Defendant as "evidence".
 - b. Segments of this
 - i. films/videos
 - ii. photographs
 - iii. audio recordings and
 - iv. commentswere supplied to:
 - v. Newspapers,
 - vi. Television Stations
 - vii. Internet web sites
 - viii. Othersand published in TV News segments and in newspapers and the internet.
 - c. The film/video was shown by the Second Defendant to:
 - i. Second Defendant's staff and
 - ii. others.
53. The Second Defendant used the films/videos to support their "Save the Poodles Telethon" which sought donations from the public.
54. The Plaintiff suffered loss of income in that her boarding kennel business did no trade.

55. The Plaintiff relies on paragraphs pleaded in the Misfeasance in Public Office by the Second Defendant and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred by this trespass.
56. The Second Defendant, RSPCA, Administers the “Animal Care and Protection Act 2001” under a contract with the then Department of Primary Industries and Fisheries.
57. This contract expressly states “5.4 RSPCA will not and will ensure that its officers do not, permit or invite or facilitate entry of the media onto a property under investigation.”
58. The Second Defendant, by facilitating entry of the First Defendant onto the Plaintiff’s property the Second Defendant is also liable for damages. (second limb in *Barnes v Addy*).
59. The Defendant has made no attempt to mitigate the Plaintiff’s losses.

Damages for Trespass from the Second Defendant.

60. An estimate of the Second Defendant’s future income from the RSPCA Animal Rescue TV Show, that would have featured the Plaintiff, in the form of donations received and other income is \$500,000.
61. An estimate of the Second Defendants income/donations from their “Save the Poodles” campaign is \$2,000,000.
62. The Plaintiff claims damages from the Second Defendant estimated at \$500,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
63. The Plaintiff claims exemplary damages from the Second Defendant estimated at \$6,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

TRESPASS BY THE FORTH DEFENDANT.

“claim by the plaintiff against the fourth defendant under the second limb in *Barnes v Addy*”

64. The Plaintiff here relies on the paragraphs 1- 12 pleaded above.
65. The Plaintiff here relies on paragraphs 13 – 40 pleaded above.
66. The Fourth Defendant administers the “Animal Care and Protection Act 2001” and under a contract with the Second Defendant has delegated the Administration of the said act to the Second Defendant.
67. In Administering the said Act the Fourth Defendant has a duty to ensure the Second Defendant does not exploit the said Act for improper purposes (such as making movies that damnify the Plaintiff).

68. Under the above said contract the Fourth Defendant has a duty to ensure the Second Defendant does not breach the said contract for improper purposes (such as making movies that damnify the Plaintiff).
69. The said contract expressly states “5.4 RSPCA will not and will ensure that its officers do not, permit or invite or facilitate entry of the media onto a property under investigation.”
70. The Fourth Defendant was aware of the TV Show RSPCA Animal Rescue TV Shows.
71. The Fourth Defendant has appointed RSPCA Inspectors as Inspectors under the said Act.
72. The Fourth Defendant was aware or ought to have been aware that these above-mentioned inspectors featured on the RSPCA Animal Rescue TV Shows.
73. The Fourth Defendant was aware or ought to have been aware that the Second Defendant often breached condition 5.4 of the said contract by taking the First Defendant’s Camera crew with them on their Inspections.
74. The Fourth Defendant did not remedy the breach of contract by the Second Defendant.
75. Many pet owners were shown on the RSPCA Animal Rescue TV shows with the Second Defendant’s Inspectors.
76. The Plaintiff relies on paragraphs pleaded in the “Misfeasance in Public Office by the Second Defendant and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this trespass.
77. The Defendant has made no attempt to mitigate the Plaintiff’s losses.
78. The Fourth Defendant gained in public esteem in that the Public would be caused to believe that the films/videos shown on TV demonstrates that the said Act administration is “producing results”.

Damages for Trespass from the Fourth Defendant.

“claim by the plaintiff against the fourth defendant under the second limb in *Barnes v Addy*”

79. The Plaintiff claims damages from the Fourth Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
80. The Plaintiff claims exemplary damages from the Fourth Defendant estimated at \$2,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.

INVASION OF PRIVACY BY THE FIRST DEFENDANT

- 81.** The Plaintiff relies on paragraphs 1 to 12 previously pleaded.
- 82.** The Plaintiff has a right to privacy.
- 83.** The Plaintiff asked all present on the 9th January 2008 for her privacy to be respected and that the media was not to enter upon her premises.
- 84.** Permission to enter upon the Plaintiff's property was withdrawn to all except the Second Defendant's staff and the Police as they had a warrant.
- 85.** The First Defendant entered upon the Plaintiff's property.
- 86.** The First Defendant recorded films/videos of and in the Plaintiff's premises.
- 87.** The First Defendant claimed copyright to the films/videos taken on the Plaintiff's property.
- 88.** The First Defendant had prepared or intended to prepare a segment on the Plaintiff to be shown on their RSPCA Animal Rescue TV show. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
- 89.** The First Defendant would have been expected to have earned an income from their RSPCA Animal Rescue TV show estimated at \$500,000.
- 90.** The First Defendant licensed the Second Defendant to have a copy of the said films/videos.
- 91.** On about from the 12th January 2008 the Plaintiff saw herself on Television many times along with films/videos taken on the 9th January 2008 from inside her home and inside her property of herself and her dogs. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.

PARTICULARS

- a. Videos of puppies in the Plaintiff's house;
 - b. Videos of the Plaintiff's dogs in her rear house yard;
 - c. Videos of the Plaintiff's dogs in her "halfway Kennels";
 - d. Videos of the Plaintiff on her property;
 - e. Other video segments from inside her home and property.
- 92.** The published materials clearly identified the Plaintiff by her full name and the Plaintiff's business and residence address, Waterford Boarding Kennels and Cattery and NEIGER poodles.
 - 93.** The Second Defendant had the First Defendant's permission to use the said films/videos.

94. The First Defendant allowed the Second Defendant to release portions of the said films/videos and photographs to Television Stations, newspapers, other medias and the Internet. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
95. The Plaintiff was damnified by the films/videos and comments made on the Television Stations.
96. The photographs and comments that appeared in the Newspapers and on the Internet damnified the Plaintiff.
97. The release of the above said videos/films, photographs and other recordings incited others to comment about the Plaintiff
 - a. and hatred was incited against the Plaintiff causing both physical and emotional harm to the Plaintiff.

PARTICULARS

- b.** Refer to document called **PARTICULARS OF PUBLISHED MATERIAL.**
 - c.** The Plaintiff relies on paragraphs pleaded in the Misfeasance in Public Office by the Second Defendant and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this trespass.
98. The First Defendant aided and abetted the Second Defendant by providing the films/videos to them:
 - a.** to conduct “trials by medias” against the Plaintiff;
 - b.** to damnify the Plaintiff and;
 - c.** to cause the Plaintiff harm, loss and suffering.
99. The Plaintiff states that none of the published and spoken material was in the public interest.
100. The Plaintiff relies on paragraphs pleaded in the “Misfeasance in Public Office by the Second Defendant” and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this invasion of privacy.
101. The First Defendant would have earned a considerable income from the production of the RSPCA Animal Rescue featuring the Plaintiff.
102. The First Defendant has made no attempt to fully mitigate the Plaintiff’s losses.
103. The First Defendant has made an undertaking to not show the Plaintiff in their RSPCA Animal Rescue TV show thus mitigating some of the potential future damage the Plaintiff may suffer from publication of this material.

104. The First Defendant has allowed and is still allowing TV News stations and other medias to publish material gained by the First Defendant's invasion of privacy upon the Plaintiff.
105. The First Defendant owns the copyright to this material and could and should have exercised their rights under copyright laws to cease the publication and continued publication of these materials.
106. The First Defendant's Purpose of the Invasion of Privacy would, or could have been expected to, cause the Plaintiff considerable harm when the RSPCA Animal Rescue TV show went to air with her in it.
107. The First Defendant would have earned a considerable income from the production of the RSPCA Animal Rescue featuring the Plaintiff.
108. The First Defendant would have known and should have known that the publishing of their materials with the comments from the Second Defendant's staff would have harmed the Plaintiff.
109. The First Defendant stood to make a significant profit from their RSPCA Animal Rescue TV show where the Plaintiff would be damnified.

Damages for Invasion of Privacy from the First Defendant.

110. An estimate of the First Defendant's income from the RSPCA Animal Rescue TV show that would have featured the Plaintiff is \$1,000,000.
111. The Plaintiff suffered from the invasion of privacy by the First Defendant estimated at \$500,000; estimated by reference to a comparable award for similar injuries, consequences and future gains for he First Defendant adjusted for the harshness of the Defendants conduct continuous release and being shown on national television, internet and newspapers from 9 January 2008 to date of writing.
112. The Purpose of the trespass would, or could have been expected to, cause the Plaintiff considerable grief when the RSPCA Animal Rescue TV show went to air with her in it. When films/videos and photographs taken from inside the plaintiff's property were published in the media the Plaintiff was caused harm from the public. The Plaintiff claims exemplary damages from the First Defendant estimated at \$3,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

INVASION OF PRIVACY BY THE SECOND DEFENDANT

“claim by the plaintiff against the second defendant under the second limb in *Barnes v Addy*”

113. The Plaintiff relies on paragraphs 1 to 12 previously pleaded.

114. The Plaintiff relies on paragraphs 81 to 109 previously pleaded.
115. The Second Defendant well knew that it was not to use the above said Act for improper purposes such as to damnify the Plaintiff.
116. The Second Defendant provided to medias and others for publication the films/videos Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
 - a. recordings taken by the First Defendant.
117. The Second Defendant used portions of the films/videos as evidence in their forfeiture application to the Fourth Defendant.
118. The films/videos taken by the First Defendant would have, or they would have expected to, show the Second Defendant's Inspectors on the RSPCA Animal Rescue TV Show. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
119. The RSPCA Animal Rescue TV show seeks donations from the public for the Second Defendant.
120. The Second Defendant would have been estimated to have gained \$500,000 in donations from this TV show.
121. The Second Defendant, by facilitating entry of the First Defendant onto the Plaintiff's property, is liable for damages for invasion of privacy (second limb in Barnes v Addy).
122. The Plaintiff states that none of the published and spoken material was in the public interest.
123. The Plaintiff relies on paragraphs pleaded in the "Misfeasance in Public Office by the Second Defendant" and Breach of Fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this invasion of privacy.
124. The Defendant has made no attempt to mitigate the Plaintiff's losses.
125. The Second Defendant knew that it was causing the Plaintiff losses and damages.
 - a. Many letters were written by the Plaintiff to the Fourth Defendant who passed these letters onto the Second Defendant;
 - b. A reasonable person would, or should have realised, their actions would cause the Plaintiff harm.
126. The Second Defendant knew it should not be inviting the media onto the Plaintiff's property for a number of reasons:-

- a. Improper use of the said Act
- b. The said Contract with the Fourth Defendant forbade it.
- c. The Plaintiff had expressly asked that no media enter upon her property.

Damages for Invasion of Privacy from the Second Defendant.

127. The Plaintiff claims damages from the Second Defendant estimated at \$500,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
128. An estimate of the Second Defendant's income from donations the RSPCA Animal Rescue TV show would have encouraged that would have featured the Plaintiff is \$1,000,000. The Plaintiff claims this \$1,000,000.
129. An estimate of the Second Defendant's income from donations for the "Save the Poodles" campaigns which damaged the Plaintiff is \$2,000,000. The Plaintiff claims this \$2,000,000.
130. The Plaintiff claims exemplary damages of \$7,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.
131. The Purpose of the trespass would, or could have been expected to, cause the Plaintiff considerable grief when the RSPCA Animal Rescue TV show went to air with her in it. When video and photographs taken from inside the plaintiff's property were published in the media the Plaintiff was caused harm from the public. The Plaintiff claims exemplary damages from the First Defendant estimated at \$500,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

INVASION OF PRIVACY BY THE FOURTH DEFENDANT

"claim by the plaintiff against the Fourth Defendant under the second limb in Barnes v Addy"

132. The Plaintiff relies on paragraphs 1 to 12 previously pleaded.
133. The Plaintiff relies on paragraphs 81 to 109 previously pleaded.
134. The Plaintiff relies on paragraphs 113 to 126 previously pleaded.
135. The Fourth Defendant administers the "Animal Care and Protection Act 2001".
136. Under a contract with the Second Defendant the Fourth Defendant has delegated the Administration of the said act to the Second Defendant.

137. Under the above said contract the Fourth Defendant has a duty of care to ensure the Second Defendant does not exploit the said Act for improper purposes (such as making movies that damnify the Plaintiff).
138. The Fourth Defendant was aware or should have been aware of RSPCA Animal Rescue and RSPCA Inspectors being shown on Television at the citizen's properties damnifying citizens and this conduct should have been stopped by the Fourth Defendant. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
139. The Fourth Defendant was supplied segments of the said films/videos from the Second Defendant as "evidence" for their application for forfeiture of the Plaintiff's dogs.
140. The Fourth Defendant recognised, or should have recognised portions of that films/videos having been shown on Television, in newspapers and the Internet.
141. The Fourth Defendant would have been aware of this behaviour by the Second Defendant when inspecting other pet owners' properties.
142. The Fourth Defendant allowed the making of movies for TV of pet owners by the First and Second Defendants. Breach of Section 43 (3) and Section 45 of the Invasion of Privacy Act 1971.
143. That the Fourth Defendant allowed the said Act to be used for improper purposes makes the Fourth Defendant liable for damages.
144. The Plaintiff relies on paragraphs pleaded in the Misfeasance in Public Office by the Second Defendant and Breach of fiduciary Duty by the Second Defendant for her losses and costs incurred consequent upon this invasion of privacy.
145. The Fourth Defendant was well aware the Second Defendant was causing the Plaintiff harm and had improperly used their powers under the said Act and conditions under the said contract to do so.
146. The Plaintiff wrote to the Fourth Defendant in many letters and the Fourth Defendant was well aware of the Second Defendant's conduct towards the Plaintiff.
147. The Defendant has made no attempt to mitigate the Plaintiff's losses.
148. The Fourth Defendant would have gained in public esteem as the public would have seen their administration of the said Act as having "produced results".

Damages for Invasion of Privacy from the Fourth Defendant.

149. The Plaintiff claims damages from the Fourth Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.

150. The Plaintiff claims exemplary damages from the Fourth Defendant estimated at \$2,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.

MISFEASANCE IN PUBLIC OFFICE BY THE SECOND DEFENDANT.

“The tort of misfeasance in a public office is founded on the fundamental rule of law principle that those who hold public office and exercise public functions are subject to the law and must not abuse their powers to the detriment of the ordinary citizen.”

COURT OF APPEAL of Canada - Freeman-Maloy v. Marsden,

151. The Plaintiff relies on paragraphs 1-12 previously pleaded.

152. The Second Defendant Administers the Animal Care and Protection Act 2001.

a. In administering the said Act the Second Defendant is performing a public function.

153. In administering the said Act the Second Defendant

a. holds a public office and

b. exercises public functions.

154. The Second Defendant must not abuse the powers given to them under the said Act to the detriment of the ordinary citizens.

155. The Second Defendant in administering the said Act has a position of ascendancy over the Plaintiff.

156. The Second Defendant is subject to the rule of law.

157. The Second Defendant sought to raise funds by donation from the public for their stated “care of the Plaintiff’s Poodles”.

158. In seeking to raise funds the Second Defendant caused the Plaintiff detriment.

159. The Second Defendant conducted “trials by medias” against the Plaintiff.

160. The Second Defendant directly or by their negligence caused the Plaintiff to be intimidated and fearful.

161. The Second Defendant tried to intimidate and force the Plaintiff into surrendering her dogs to them.

PARTICULARS for 151 to 161 previously pleaded above.

a. The Second Defendant released to the media and others, videos/films, photographs and comments about the Plaintiff.

- b. The Second Defendant conducted the “Save the Poodles Telethon” to raise money.
 - c. The Second Defendant conducted the “Save the Poodles Petition” with the stated purpose to damnify and punish the Plaintiff in the courts.
 - i. emailing this petition to members of the public collecting signatures, and,
 - ii. submitted these petitions to judges and members of the legal profession and others.
 - d. The “Save the Poodles Telethon” damnified the Plaintiff.
 - e. The “Save the Poodles Petition” damnified the Plaintiff.
 - f. The Second Defendant made comments on the Internet that damnified the Plaintiff.
162. The Second Defendant recruited members of the Poodle Club of Queensland Inc. to their campaign to act against the Plaintiff to stop the Plaintiff from getting her dogs back.
- a. From the 9th January 2008 the Second Defendant gave/sold/fostered most of the Plaintiff’s poodles to members of the Poodle Club of Queensland Inc.
 - i. Poodle club members would have to give the Plaintiff’s poodles back should the Plaintiff prove they should be returned to her.
 - b. The Second Defendant had organised members of the Poodle Club of Queensland Inc. and others to “groom the Plaintiff’s dogs”.
 - c. The Second Defendant invited media to take films/videos and photographs of and comments from members of the Poodle Club of Queensland Inc.
 - d. The comments made about the Plaintiff’s dogs in c above damnified the Plaintiff.
 - e. Members of the Poodle Club of Queensland Inc. and others were motivated to campaign against the Plaintiff.
163. The Second Defendant since the 9th January 2008 had conducted a public campaign against the Plaintiff.
164. The Second Defendant used and abused their Powers against the Plaintiff.

PARTICULARS OF THIS PUBLIC CAMPAIGN

- (a) The Plaintiff relies on the attached documents, **PARTICULARS OF PUBLISHED MATERIAL.**

- (b) The photographs of the puppies temporary housed in holding pens/kennels together with a commentary that the Plaintiff was puppy farming.
 - a. This caused the public to believe the Plaintiff permanently housed those puppies in those temporary holding pens.
 - b. This caused the public to believe the Plaintiff was breeding them intensively in those temporary holding cages;
- (c) Photographs and video of Plaintiff's dogs in her back yard holding pens were published in Newspapers and TV with misleading comments.
- (d) Photographs and videos of dogs in both the brick kennels located in different areas of the 5 acres developed kennel property were published in Newspapers and TV with misleading comments
- (e) Photographs and videos of the Plaintiff's dogs being clipped by members of the Poodle Club of Queensland Inc. at the Second Defendant premises were published in Newspapers and TV with misleading comments;
- (f) Statements that the Plaintiff's dogs were packing and eating each other made by the Second Defendant to others, in court and to the medias;
- (g) Statements made, or caused to be made, in court, to the medias and on the Internet by the Second Defendant included:-
 - a. that the Plaintiff's dogs were malnourished and starving;
 - b. that the Plaintiff's dogs were neglected;
 - c. that the Plaintiff's dogs were diseased;
 - d. that the Plaintiff's dogs were worm infested;
 - e. that the Plaintiff's dogs had maggots;
 - f. that the Plaintiff's dogs were full of fleas;
 - g. that the Plaintiff's dogs had infected eyes;
 - h. that the Plaintiff's dogs had infected ears;
 - i. that the Plaintiff's dogs had skin problems;
 - j. that the Plaintiff's dogs had urine burnt paws;
 - k. that the Plaintiff was living off the proceeds of sales from her dogs;
 - l. that the Plaintiff was funding the Plaintiff's retirement with her dogs;

- m. that the Plaintiff's dogs were living on their own urine and faeces;
 - n. that the Plaintiff's kennels had not been cleaned in years;
 - o. that the Plaintiff's dogs were unsociable;
 - p. that the Plaintiff's Plaintiff lived in filth;
 - q. that the Plaintiff's smell "attracted men who liked that sort of thing";
 - r. included "those poor neglected poodles";
 - s. that the Plaintiff's dogs were "dogs housed in appalling living conditions";
 - t. that the Plaintiff's dogs were "dogs infested with wounds and maggots";
 - u. that the Plaintiff's dogs had "open wounds";
 - v. that the Plaintiff's "dogs had fleas",
 - w. that the Plaintiff's dogs had "urine burnt paws",
 - x. that the Plaintiff's dogs were "matted with faeces and urine",
 - y. that the Plaintiff's dogs were "infested with hookworms"
 - z. that the Plaintiff's "dogs not clipped for years"
 - aa. that the Plaintiff's dogs had "untreated infected eyes and ears"
 - bb. that the Plaintiff's dogs were "packing and eating each other".
- (h) The Second Defendant was stalking the Plaintiff by monitoring, publishing and adding comments to Internet forums about the Plaintiff.
 - (i) The Second Defendant published in the media statements that were defamatory to and stalking of the Plaintiff.
 - (j) The Second Defendant contacted the Plaintiff's neighbours and began discussions with them that clearly placed the Plaintiff in a false light.
 - (k) The Second Defendant contacted the Plaintiff's neighbours and persuaded these neighbours to spy on the Plaintiff.
 - (l) The Second Defendant stalked the Plaintiff by visiting the Plaintiff in late evening hours like 9:40 pm to serve legal documents,

- (m) The Second Defendant performed service of documents with two cars when the Second Defendant knew the Plaintiff was living alone in fear and terror, receiving death threats, abusive letters, other threats, assaults, and harm from the public that was incited or done by the Second Defendant.
 - (n) The First Defendant had made a movie ready to be released “after the legal actions” by the Plaintiff for television Channel 7 RSPCA Animal Rescue TV show about the Plaintiff and her poodles.
 - (o) The RSPCA Animal Rescue TV Show seeks donations from the public for the Second Defendant.
 - (p) The RSPCA Animal Rescue TV show would further damnify the Plaintiff.
165. From the 9th January 2008 the Second Defendant provided to medias videos/films, photographs and defamatory comments about the Plaintiff, that a reasonable person would understand, would cause hatred of the Plaintiff.
166. The Second Defendant knew or should have known that pets are an emotional issue in the community and harm to pets can incite hatred by citizens of those seen to cause harm to pets.
167. Much of the media reporting did, or a reasonable person would expect would, incite others to have a hatred of the Plaintiff and want to punish the Plaintiff and/or see the Plaintiff punished.
168. The Second Defendant Inspectors told other pet owners and breeders false and nasty stories about the Plaintiff.

PARTICULARS

- a. that The Plaintiff’s dogs were packing and eating each other.
 - b. that The Plaintiff was only interested in the money;
 - c. that The Plaintiff would only clip the puppies for sale but let the others go matted;
 - d. that The Plaintiff wouldn't let anyone into the Plaintiff’s kennels for fear that the people would see the state of the kennels;
 - e. that The Plaintiff used to be an okay breeder years ago but that she now had too many other dogs and wasn't interested in the poodles anymore;
 - f. that the Plaintiff’s had too many dogs confined together and they can be mad;
 - g. that Mrs Robertson's dogs were killing each other.
169. The Second Defendant’s campaign caused the Plaintiff to suffer many months of violent verbal, physical, mental assaults, confrontations, harassments and attacks on the Plaintiff and her properties by members of the public.

PARTICULARS

- (q) Offensive material was dropped and or mailed to the Plaintiff in the Plaintiff's letterbox.
 - (r) When shopping, people came up to her in public places and abused her.
 - (s) The Plaintiff had people come to her on her property to abuse and assault her verbally and throw stones, cans and bottles at her.
 - (t) The Plaintiff had rubbish dumped onto her property.
 - (u) The Plaintiff was physically assaulted by a man with a bottle and was hit on the head with the bottle.
 - (v) The Plaintiff suffered many months of continuous abusive and threatening telephone calls which caused the Plaintiff to fear she would be murdered. Statements included:
 - i. calling her vile names, offensive racist descriptions;
 - ii. telling her they would punish her for her evil acts;
 - iii. threatening to treat her "exactly as she had treated those poor dogs";
 - iv. she deserved to be "beaten to death".
170. At all times material to this proceeding, the Second Defendant well knew that their behaviour and activities were and or were likely to have an adverse effect on the Plaintiffs health and well being.
171. Since the 9th January 2008, and as a consequence of the Second Defendant's continued behaviour and activities, the Plaintiff suffered fear and terror and an emotional breakdown whereupon the Plaintiff was injured.
172. The Plaintiff wrote many letter to the Fourth Defendant which were forwarded by the Fourth Defendant to the Second Defendant.
173. These letters informed the Second Defendant of the consequences upon the Plaintiff of their campaign.
174. Despite the Plaintiff having suffered injuries, as referred to above hereof, and despite the Second Defendant being aware of such injuries, the Second Defendant's behaviour and activities, as referred above hereof, continued persistently, whereupon the Plaintiff was further injured.
175. As a result of the matters aforesaid, the Plaintiff suffered and/or still suffers the following personal injuries:-

- (a) chronic post traumatic stress disorder;
- (b) nauseous spells,
- (c) clumsiness,
- (d) stumbling and falling for no apparent reason,
- (e) difficulties in concentration,
- (f) difficulties in focusing,
- (g) sobbing for little reason,
- (h) nightmares about her beloved poodles ,
- (i) strange aches on different and various parts of her body,
- (j) numbness,
- (k) dizzy spells for no obvious reasons,
- (l) chest pains similar to that of a heart attack,
- (m) extremely high blood pressure on both the lower and upper readings
- (n) fainting spells;
- (o) blackouts;
- (p) sleep disorder;
- (q) nightmares;
- (r) fear and terror;
- (s) fear of being alone;
- (t) high blood pressure;
- (u) panic attacks with uncontrolled sobbing;
- (v) memory loss;
- (w) chest pains;
- (x) distress;
- (y) headaches;

- (z) lethargy;
- (aa) vomiting;
- (bb) loss of appetite;
- (cc) emotional distress;
- (dd) shock, pain and discomfort;
- (ee) Stress related skin rashes and continued itchiness on all parts of her body.

176. As a result of the Plaintiff's personal injuries, the Plaintiff has:-

- (a) suffered and will continue to suffer considerable pain, suffering and inconvenience;
- (b) required medical and other similar treatment and will require further such treatment in the future;
- (c) suffered past economic loss and an impairment of her earning capacity, which has and may be productive of financial loss to the Plaintiff;
- (d) received gratuitous assistance and quasi-nursing services from others and may require further such assistance and services in the future;
- (e) received help in maintaining her property;
- (f) incurred special damages and other out of pocket expenses and may incur further such damages and expenses in the future;
- (g) The Plaintiff is fearful of being alone in her own home where she used to enjoy her privacy and solitude. This has caused her further loss of privacy and additional expenses and chores from having helpers to stay with her;
- (h) lost some of the amenities of life;
- (i) and has been otherwise damnified.

177. As a result of the Second Defendant's behaviour the Plaintiff suffered harm to:-

- a. her good reputation;
- b. the good reputation of her world Famous Neiger Poodles;
- c. the good reputation of her business of operating her kennels;

- d. the good reputation of her business breeding and selling her world famous Neiger Poodles;
 - e. the Plaintiff's real, business and personal properties has lost value;
 - f. impossible to return to professional employment as an Accountant or a Financial Analyst.
 - g. her ability to earn an income from her established businesses;
 - h. The total destruction of her businesses;
 - i. Loss of the goodwill value of her kennel property;
 - j. Loss of the goodwill value of her poodle breeding business;
178. The Defendant has made no attempt to mitigate the Plaintiff's losses.

68.2.6 was conduct performed in purported exercise of the defendant's powers as a local government.

Damages for misfeasance in public office by the Second Defendant.

179. In the premises, the Plaintiff, on account of her losses and injuries, has suffered losses and damages of the nature and in the amounts as follows:-

- a. The plaintiff repeats and relies upon the allegations of acting beyond power made in paragraphs: 151 to 178 previously pleaded hereof.
 - i. The Second Defendant acted with reckless indifference to the proper exercise of power under the said Act;
 - ii. The Second Defendant did not act in good faith in the honest performance of a public office for the public good;
 - iii. The Second Defendant acted in such a way as to deny the plaintiffs natural justice;
 - iv. The Second Defendant acted with reckless indifference to the likely injury, loss or damage that might foreseeably be suffered by the plaintiff;
 - v. The Second Defendant's conduct was performed in purported exercise of the defendant's powers as Inspectors under the Animal Care and Protection Act.

- b. the Plaintiff has experienced pain, suffering and loss of amenities of life, compensable in general damages in an amount of \$5,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct;
- c. the said actions and behaviour by the Second Defendant was activated by ill-will against the Plaintiff, were humiliating to the Plaintiff and were occasioned in contumelious disregard for the Plaintiff's rights and feelings in consequence of which the Plaintiff is entitled to aggravated and/or exemplary damages against the Defendant in an amount of \$10,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct; Australian Taxation Office tax avoidance penalties are 200%.
- d. the Plaintiff has suffered past economic loss in the form of that income which, were it not for her injuries, she would have earned in her work or in a like employment capacity or capacities, compensable in damages, in the sum of \$5,000,000 estimated from the amount of sales based on orders at seizure (estimated on a global basis);
- e. the Plaintiff will suffer impairment of her earning capacity in the future, compensable in damages, in the sum of \$10,000,000 (estimated on a global basis);
- f. the Plaintiff has incurred a need for gratuitous care, assistance and services from others in the form of assistance with household and domestic tasks and transport, and her fear of being alone in her own home compensable in damages, in the sum of \$1,000,000 (estimated on a global basis);
- g. the Plaintiff will incur expenses in the future in undergoing medical and other similar treatment and associated travelling expenses, and will incur expense in the future in purchases of medications and pharmaceutical needs, compensable in damages, in the sum of \$500,000; (estimated on a global basis);
- h. the Plaintiff will incur a need for gratuitous care, assistance and services from others in the future, compensable in damages, in the sum of \$500,000. (estimated on a global basis);
- i. the Plaintiff has incurred special damages by way of medical expenses paid on her behalf by and refundable to the Health Insurance Commission, which expenses are compensable in damages in an amount yet to be ascertained;
- j. the Plaintiff has incurred special damages and out-of-pocket expenses comprising medical and like expenses, purchases of medications and other pharmaceutical needs and associated travelling expenses, which expenses are compensable in damages and which are estimated at \$50,000 (estimated on a global basis);
- k. the Second Defendant intentionally caused infliction of harm to the Plaintiff estimated at \$1,000,000; estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct;

- l. that the Second Defendant disregarded the Plaintiff's rights entitles the Plaintiff to vindicatory damages and aggravated damages estimated at \$5,000,000; estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct; Tax Office avoidance penalties are 200%.
- m. the Second Defendant caused the Plaintiff to be stalked by the public and this stalking caused the Plaintiff to live in fear and terror. Estimated damages \$500,000; estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct;
- n. that the Second Defendant disregarded the Plaintiff's rights and should have known the campaign against her would cause her to be stalked by the Public entitles the Plaintiff to vindicatory damages and aggravated damages estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct; Australian Taxation Office tax avoidance penalties are 200%.

MISFEASANCE IN PUBLIC OFFICE BY THE FIRST DEFENDANT.

“claim by the plaintiff against the second defendant under the first and second limb in Barnes v Addy. The First Defendant aided and abetted the Second Defendant and was a knowing recipient of the misapplied trust of the Second Defendant.”

180. The Plaintiff relied upon paragraphs 1 - 12 previously pleaded.
181. The Plaintiff relied upon paragraphs 151 to 178 previously pleaded.
182. The First Defendant produces the RSPCA Animal Rescue TV show.
183. The First Defendant camera crew took videos/films of the Plaintiff and her dogs and supplied this videos/films to the Second Defendant.
184. The First Defendant tutored and or allowed to be tutored by the Second Defendant's staff and or others to ensure the Plaintiff would be damnified by the RSPCA Animal Rescue TV Show when they were making films/videos.
185. The First Defendant stood to gain from the production of the TV Show RSPCA Animal Rescue.
186. The First Defendant owned the copyright of the said videos/films.
187. The First Defendant had control of how the Second Defendant could use the said videos/films taken.
188. The First Defendant would have or ought have known how the Second Defendant would use these films.

189. The First Defendant willingly contributed to the Second Defendant's actions, which vilified and damnified the Plaintiff.
190. The films/videos are still being shown on TV News, the last occurrence was the 24th July 2009.
191. The First Defendant has not exercised its rights under the copyright ownership of the films/videos to stop these films/videos from being published in the media.
192. The First Defendant had provided the Plaintiff with an undertaking to not publish the films/videos featuring the Plaintiff and her properties in their RSPCA Animal Rescue TV show.
193. The First Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages for aiding and abetting the misfeasance in public office by the Second Defendant.

194. The Plaintiff claims damages from the First Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
195. The Plaintiff claims exemplary damages from the First Defendant estimated at \$2,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

MISFEASANCE IN PUBLIC OFFICE BY THE FOURTH DEFENDANT

196. The Plaintiff relied upon paragraphs 1 –12 previously pleaded.
197. The Plaintiff relied upon paragraphs 151 to 178 previously pleaded.
198. The Fourth Defendant administers the "Animal Care and Protection Act 2001" and under a contract with the Second Defendant has delegated the Administration of the said act to the Second Defendant.
199. Under the above said Contract, the Fourth Defendant has a duty to ensure the Second Defendant does not administer the said Act to the detriment of citizens.
200. The Fourth Defendant was aware or should have been aware that the Second Defendant was administering the said Act to the detriment of the Plaintiff and others.
- a. The seizure of the Plaintiff's dogs made news headlines.
 - b. The Save the Poodles Telethon made news headlines.
 - c. The Save the Poodles Petition was widely distributed.

- d. The nature of the campaign against the Plaintiff was made visible all over the medias, Internet and else where.

PARTICULARS

- i. The plaintiff relies on the Document titled **PARTICULARS OF MATERIAL PUBLISHED.**

- e. The Plaintiff wrote many letters to the Fourth Defendant in protest against the conduct of the Second Defendant.

PARTICULARS

- i. Letters to be supplied in discovery process.

- f. Telephone calls were made to the Minister's Office staff, which directly alerted staff to the harm caused to the Plaintiff.

PARTICULARS

- i. Staff telephoned was Ms Fiona Ferguson LLB executive responsible for forfeiture;

- g. The TV Stations, newspapers and the Internet were publicising the defamatory stories initiated by the Second Defendant and would have been well aware of the Second Defendant's campaign against the Plaintiff;

- h. The Plaintiff appealed to the Chief Executive Officer, the then Department of Primary Industries and Fisheries for the return of her dogs and in this Appeal the conduct of the Second Defendant was also made known to the Fourth Defendant .

201. The Fourth Defendant was supplied segments of the said films/videos from the Second Defendant as "evidence" for their application for forfeiture of the Plaintiff's dogs.

202. The Fourth Defendant recognised, or should have recognised portions of that films/videos having been shown on national television.

203. The Fourth Defendant would have been aware of the behaviour by the Second Defendant when inspecting pet owners' properties, the Plaintiff's property.

204. The Fourth Defendant allowed the Powers granted to the Second Defendant under the Animal Care and Protection Act to be used and exploited in the making of movies of pet owners and the Plaintiff by the First and Second Defendants.

205. That the Fourth Defendant allowed the said Act to be used to the detriment of citizens and the Plaintiff makes the Fourth Defendant liable for damages.

206. The Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages for misfeasance in public office by the Fourth Defendant.

207. The Plaintiff claims damages from the Fourth Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
208. The Plaintiff claims exemplary damages from the Fourth Defendant estimated at \$2,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

BREACH OF FIDUCIARY DUTY BY THE SECOND DEFENDANT.

209. The Plaintiff relies on paragraphs 1 – 12 previously pleaded.
210. The Plaintiff owned some poodles and had care and custody of 105 dogs that were on her property on the 9th January 2008.
211. Up until the 9th January 2008 the Plaintiff was conducting her “Waterford Boarding Kennel and Cattery” business.
212. The Plaintiff was breeding and selling dogs locally, nationally and overseas.
213. The Plaintiff on the 9th January 2008 had dogs belonging to overseas customers and local customers in her custody ready to be shipped overseas and pick up locally.
214. The Plaintiff had orders for dogs to be bred by the Plaintiff, and/or dogs to be paid for to overseas customers and local customers.
215. The Animal Care and Protection Act 2001 empowers the Second Defendant with many powers including the power to search, to seize dogs and properties, and to charge the Plaintiff with Animal neglect and animal cruelty offences.
216. On the 9th January 2008 the Second Defendant exercised a warrant to enter and inspect the Plaintiff’s dogs.
217. On the 22nd February 2008 the Second Defendant exercised a warrant to seize the Plaintiff’s records.
218. In Administering the Animal Care and Protection Act 2001 The Second Defendant had a relationship of ascendancy and influence over the Plaintiff.
219. The Second Defendant had access to and did access all the Plaintiff’s business, private and personal information. The Plaintiff was cautioned by the two accompanying police officers at the service of the warrants as well as reminded again shortly after the service of the warrants prior their departure from the Plaintiff’s premises.
220. The Plaintiff could not deny the Second Defendant access to this information as the Second Defendant had the powers of two warrants and twice cautioned by police officers at both the service of the warrants.

221. The Plaintiff was relying on and dependant on the Second Defendant obeying privacy legislation and not revealing her private and personal and business details to others.
222. The Second Defendant exploited the Plaintiff's private, personal and business opportunities it gained from:
- a. the seizure of the Plaintiff's dogs and
 - b. the seizure of the Plaintiff's records.
223. The Second Defendant exploited the Plaintiff's private, personal and business opportunities to the Plaintiff's detriment.

PARTICULARS OF THE EXPLOITATION OF THE BUSINESS OPPORTUNITY

- a. By raising funds from the public stating "for the Plaintiff's poodles".
- b. with statements:
 - i. "those poor neglected poodles",
 - ii. "malnourished and starving dogs",
 - iii. "had not been clipped in years",
 - iv. "covered in faeces and urine".

FURTHER PARTICULARS:

The Plaintiff relies on the attached document **PARTICULARS OF PUBLISHED MATERIAL.**

- c. By damnifying the plaintiff as having neglected and ill-treated her dogs.
- d. The Second Defendant conducted the "Save the Poodles Telethon" to raise money.
- e. The Second Defendant conducted the "Save the Poodles Petition"
 - i. emailing this petition to members of the public collecting signatures and
 - ii. submitted these petitions to judges and members of the legal profession and others.
- f. The "Save the Poodles Telethon" damnified the Plaintiff.
- g. The "Save the Poodles Petition" damnified the Plaintiff.
- h. The second Defendant contacted suppliers of pet products seeking donations from them.

- i. The Plaintiff estimates the Second Defendant received in excess of \$2,000,000 in the form of cash, real estate property and bequeaths from the public and other donations of pet food and related products.
224. The Second Defendant exploited the business opportunity by damnifying the Plaintiff to raise funds from the community.

PARTICULARS

- a. The Second Defendant Inspectors told other pet owners and breeders false and nasty stories about the Plaintiff.
 - (a) that The Plaintiff's dogs were packing and eating each other.
 - (b) that The Plaintiff was only interested in the money;
 - (c) that The Plaintiff would only clip the babies for sale but let the others go matted;
 - (d) that The Plaintiff wouldn't let anyone into your kennels for fear that the people would see the state of the kennels;
 - (e) that The Plaintiff used to be an okay breeder years ago but that she now had too many dogs and wasn't interested in the poodles anymore;
 - (f) that the Plaintiff's had too many dogs confined together and they can be mad;
 - (g) that Mrs Robertson's dogs were killing each other.
- b. The Second Defendant damnified the Plaintiff in the media.

PARTICULARS

- (a) The Plaintiff relies on the attached document **PARTICULARS OF PUBLISHED MATERIAL.**
- (b) The photographs of the puppies temporary housed in holding pens/kennels together with a commentary that the Plaintiff was puppy farming causing the public to believe the Plaintiff permanently housed those puppies in those temporary holding pens;
- (c) Photographs and video of dogs in the back yard holding pens were published in Newspapers and TV with misleading comments.
- (d) Photographs and videos of dogs in both the kennels located in different areas of the 5 acres were published in Newspapers and TV with misleading comments

- (e) Photographs and video of the Plaintiff's dogs being clipped by members of the Poodle Club of Queensland Inc. at the Second Defendant premises were published in Newspapers and TV with misleading comments;
- (f) Statements that the Plaintiff's dogs were packing and eating each other made by the Second Defendant to others and to the medias;
- (g) Statements made, or caused to be made, to the medias and on the Internet by the Second Defendant included:-
 - a. that the Plaintiff's dogs were malnourished and starving;
 - b. that the Plaintiff's dogs were neglected;
 - c. that the Plaintiff's dogs were diseased;
 - d. that the Plaintiff's dogs were worm infested;
 - e. that the Plaintiff's dogs had maggots;
 - f. that the Plaintiff's dogs were full of fleas;
 - g. that the Plaintiff's dogs had infected eyes;
 - h. that the Plaintiff's dogs had infected ears;
 - i. that the Plaintiff's dogs had skin problems;
 - j. that the Plaintiff's dogs had urine burnt paws;
 - k. that the Plaintiff's Plaintiff was living off the proceeds of sales from her dogs;
 - l. that the Plaintiff's Plaintiff was funding the Plaintiff's retirement with her dogs;
 - m. that the Plaintiff's dogs were living on their own urine and faeces;
 - n. that the Plaintiff's kennels had not been cleaned in years;
 - o. that the Plaintiff's dogs were unsociable;
 - p. that the Plaintiff's Plaintiff lived in filth;
 - q. that the Plaintiff's smell "attracted men who liked that sort of thing";
 - r. included "those poor neglected poodles";
 - s. that the Plaintiff's dogs were "dogs housed in appalling living conditions";

- t. that the Plaintiff's dogs were "dogs infested with wounds and maggots";
 - u. that the Plaintiff's dogs had "open wounds";
 - v. that the Plaintiff's "dogs had fleas",
 - w. that the Plaintiff's dogs had "urine burnt paws",
 - x. that the Plaintiff's dogs were "matted with feaces and urine",
 - y. that the Plaintiff's dogs were " infested with hookworms"
 - z. that the Plaintiff's "dogs not clipped for years"
 - aa. that the Plaintiff's dogs had "untreated infected eyes and ears"
 - bb. that the Plaintiff's dogs were "packing and eating each other".
- (h) The Second Defendant was stalking the Plaintiff by monitoring and adding comments to Internet forums about the Plaintiff.
 - (i) The Second Defendant published in the media statements that were defamatory to and stalking of the Plaintiff.
 - (j) The Second Defendant contacted the Plaintiff's neighbours and began discussions with them that clearly placed the Plaintiff in a false light.
 - (k) The Second Defendant contacted the Plaintiff's neighbours and persuaded these neighbours to spy on her.
 - (l) The Second Defendant stalked the Plaintiff by visiting the Plaintiff in late evening hours like 9:40 pm to serve documents,
 - (m) The Second Defendant performed service of documents with two cars when the Second Defendant knew the Plaintiff was living alone in fear and terror, receiving death threats, abusive letters, other threats, assaults, and harm from the public that was incited by the Second Defendant.
 - (n) The First Defendant had made a movie ready to be released "after the legal actions" by the Plaintiff for television Channel 7 RSPCA Animal Rescue TV show about the Plaintiff and her poodles.
225. As a result of the Second Defendant's behaviour the Plaintiff suffered harm to:-
- a. her good reputation;
 - b. the good reputation of her world Famous Neiger Poodles;

- c. the good reputation of her business of operating her kennels;
 - d. the good reputation of her business breeding and selling her world famous Neiger Poodles;
 - e. the Plaintiff's real, business and personal properties has lost value;
 - f. impossible for the Plaintiff to return to professional employment as a qualified Accountant or a Financial Analyst.
 - g. her ability to earn an income from her businesses;
 - h. Loss of the goodwill value of her kennel;
 - i. Loss of the goodwill value of her poodle breeding business.
226. The Plaintiff relies on paragraphs pleaded in the "Misfeasance in Public Office by the Second Defendant" for her losses and costs incurred consequent upon this breach of fiduciary duty.

227. The Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages For Breach Of Fiduciary Duty from The Second Defendant.

228. The Second Defendant was:
- a. enriched
 - b. at the expense of the Plaintiff and
 - c. the Second Defendant exercised malice towards the Plaintiff.
229. The Plaintiff seeks Disgorgement from the Second Defendant of the benefit derived from their conduct of \$2,000,000.
230. The Plaintiff seeks exemplary damages for their Breach of fiduciary damages from the Second Defendant of \$4,000,000. Tax Office avoidance penalties are 200%.

NEGLIGENCE AND OR NUISANCE AND OR INTENTION TO CAUSE INJURY AND LOSS TO THE PLAINTIFF BY THE SECOND DEFENDANT.

231. The Plaintiff relies on paragraphs 1 to 12 previously pleaded.
232. The Second Defendant owes the Plaintiff a duty of care to not cause her harm.
233. The Plaintiff relies on paragraph 164 to 177 previously pleaded.
234. The Plaintiff relies on paragraphs pleaded in the Misfeasance in Public Office by the Second Defendant and pleaded in Breach of Fiduciary duty by the Second Defendant for her losses and costs incurred consequent upon this breach of fiduciary duty.

235. Second Defendant Administers the Animal Care and Protection Act 2001. The Second Defendant owes the Plaintiff a duty of care such as to prevent causing the Plaintiff harm in the Second Defendant's Administration of the said Act.

236. The said matters herein before pleaded and the personal injuries and consequential loss and damage suffered by the Plaintiff were caused by reason of the negligence of, and/or nuisance by, and/or intention to cause injury and loss, by the Second Defendant, particulars of which are as follows-

- (o) failing to take any or any adequate precautions for the safety of the Plaintiff;
- (p) exposing the Plaintiff to the risk of injury which could have been avoided by reasonable care on the part of the Second Defendant;
- (q) failing to observe that the Plaintiff was in a position of peril in the circumstances;
- (r) failing to warn the Plaintiff that she was in a position of peril in the circumstances;
- (s) knowingly and intentionally acting and behaving in a manner which was likely to cause injury to the Plaintiff, when a reasonably prudent person would not have done so.

237. As a result of the Second Defendant's behaviour the Plaintiff was considerably inconvenienced:-

- a. The Plaintiff had to shop at night to avoid people for fear of abuse from them;
- b. The Plaintiff had to shop in company;
- c. The Plaintiff could not go anywhere without company;
- d. The Plaintiff could no longer go to her club as several people there had threatened and abused her;
- e. The Plaintiff in fear of abuse had to stop answering the telephone;
- f. The Plaintiff in fear was afraid for over six months to have her lights on at night fearing someone would see she was home and come and carry out their threats to murder her or worst beat her to death as they had said over the telephone.

238. Despite requests by the Plaintiff in letters written to the Fourth Defendant and these letters were forwarded to the Second Defendant CEO, Mark Townend, the Second Defendant persisted with that behaviour and activities referred to above hereof.

239. The Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages for Negligence and or nuisance and or intention to cause injury and loss to the Plaintiff by the Second Defendant.

240. The Plaintiff claims damages from the Second Defendant estimated at \$500,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
241. The Plaintiff claims exemplary damages from the Second Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.

NEGLIGENCE AND OR NUISANCE AND OR INTENTION TO CAUSE INJURY AND LOSS TO THE PLAINTIFF BY THE FIRST DEFENDANT.

“claim by the plaintiff against the second defendant under the first and second limb in Barnes v Addy. The First Defendant aided and abetted the Second Defendant.”

242. The Plaintiff relies on paragraphs 1 to 12 previously pleaded.
243. The First Defendant owes the Plaintiff a duty of care to not cause her harm.
244. The Plaintiff relies on paragraph 164 to 177 previously pleaded.
245. The First Defendant by aiding and abetting the Second Defendant contributed to the Second Defendant’s harm done to the Plaintiff.

PARTICULARS

- a. By providing the Second Defendant with the recordings taken on and in the Plaintiff’s property the details of which have been previously pleaded.
246. The Defendant has made no attempt to mitigate the Plaintiff’s losses.

Damages for Negligence and or nuisance and or intention to cause injury and loss to the Plaintiff by the Second Defendant.

247. The Plaintiff claims damages from the First Defendant estimated at \$200,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
248. The Plaintiff claims exemplary damages from the First Defendant estimated at \$400,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

NEGLIGENCE AND OR NUISANCE AND OR INTENTION TO CAUSE INJURY AND LOSS TO THE PLAINTIFF BY THE FOURTH DEFENDANT.

“claim by the plaintiff against the Fourth Defendant under the second limb in Barnes v Addy”

249. The Plaintiff relies on paragraphs 1 to 12 previously pleaded.
250. The Plaintiff relies on paragraph 164 to 177 previously pleaded.
251. The Fourth Defendant administers the “Animal Care and Protection Act 2001”.
252. Under a contract with the Second Defendant the Fourth Defendant has delegated the Administration of the said Act to the Second Defendant.
253. Under the above said contract the Fourth Defendant has a duty of care to ensure the Second Defendant does not exploit the said Act in a manner that causes others harm.
254. The Fourth Defendant was aware or should have been aware of the Second Defendant’s campaign against the Plaintiff.
255. The Fourth Defendant failed to investigate and or follow up with the Second Defendant on the complaints written by the Plaintiff, which the Fourth Defendant forwarded on to the CEO Mark Townend of the Second Defendant.
256. The Fourth Defendant was supplied segments of the said films/videos from the Second Defendant as “evidence” for their application for forfeiture of the Plaintiff’s dogs.
257. The Fourth Defendant recognised, or should have recognised portions of those films/videos having been shown on Television, in newspapers and the Internet.
258. The Fourth Defendant would have been aware of this behaviour by the Second Defendant when inspecting pet owners’ properties.
259. That the Fourth Defendant allowed the Second Defendant to Administer the said Act in a manner that caused harm to others makes the Fourth Defendant a party to and liable for damages.
260. The Plaintiff wrote many letters to the Fourth Defendant in protest against the conduct of the Second Defendant.
PARTICULARS
 - i. Letters to be supplied in discovery process.
261. Phone calls were made to the Fourth Defendant’s Office executive staff, which directly alerted the executive staff to the harm being caused to the Plaintiff.
PARTICULARS
 - i. Staff telephoned was Fiona Ferguson LLB. executive;

262. The TV Stations, newspapers and the Internet were publicising the defamatory stories initiated by the Second Defendant. The Fourth Defendant would have been well aware of the Second Defendant's campaign against the Plaintiff;

263. The Plaintiff appealed to the Chief Executive Officer, the then Department of Primary Industries and Fisheries the, Fourth Defendant, for the return of her dogs and in this Appeal Hearing, the conduct of the Second Defendant was again made known to the Fourth Defendant.

264. The Fourth Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages for Negligence and or nuisance and or intention to cause injury and loss to the Plaintiff by the Fourth Defendant.

265. The Plaintiff claims damages from the Fourth Defendant estimated at \$500,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.

266. The Plaintiff claims exemplary damages from the Fourth Defendant estimated at \$1,000,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Tax Office avoidance penalties are 200%.

RESTRAINT OF TRADE BY THE SECOND DEFENDANT

267. The Appellant has been conducting the business "Waterford Boarding Kennels and Cattery BN18420539" since 1992. The registration certificate was seized/stolen by RSPCA on the 22nd February 2008.

268. The Second Defendant caused the Plaintiff to be unable to conduct her Waterford Boarding Kennel & Cattery business by:

PARTICULARS

- a. Writing to lawyer Mr Patrick Earl, Bumslaw Legal Protection on the 29th February 2008 seeking assurances that the Plaintiff would not conduct any boarding or breeding related business from her property.
- b. Advising her lawyer Mr Patrick Earl, Bumslaw Legal Protection from about the 29th February 2008 that there would be further raids and seizures of her and her customer's boarded dogs.
- c. By conducting a "Save The Poodles Telethon" the Second Defendant publicly damnified the Plaintiff .
- d. By conducting a "Save The Poodles Petition" " the Second Defendant publicly damnified the Plaintiff.
- e. By releasing videos/films, photographs and comments in the media that publicly damnified the Plaintiff, to her customers and potential customers.

PARTICULARS

- i. The plaintiff relies on the document attached called
PARTICULARS OF PUBLISHED MATERIAL

269. There were no Court orders or proper reasons why the Plaintiff could not conduct her boarding kennel business.

270. The second Defendant has made no attempt to mitigate the Plaintiff's losses.

Damages for Restraint of Trade from the Second Defendant.

271. The Second Defendant has seized the Plaintiff's records on the 22nd February 2008 and the proper calculations of economic losses cannot be performed. An estimate of the **economic net boarding income in one normal year is \$382,425** being net boarding income from canines \$ 319,875 plus net boarding incomes from felines \$62,550. The Plaintiff claims **\$382,425 from the Second Defendant.**

272. The calculation is based as follows: **Average canine boarders** is 75 dogs daily for 355 days per year at \$15/dog a day is \$363,875. The cost of feeding 75 dogs/day for 355 days costs \$ 36,900 and other costs of \$7,100 being disinfectants, washing detergent, hessian sacks for the dog beds, vehicle expenses, electricity for refrigerators and freezers estimated at \$20/day. The 75 dogs would consume 2 bags x 20 kgs bags of dog food a day at \$22/bag is \$44/day plus 20 kgs of raw beef, lamb or chicken and bones x \$3/kg is \$60/day. **Net annual income for boarding 75 dogs is \$363,875 less costs of \$44,000 is \$319,875.**

273. Average feline boarders is 20 cats daily for 355 days per year at \$10/cat a day is \$71,000. Costs for maintaining 20 cats for 355 days is \$8,450 The cost of feeding 20 cats daily is \$20/day. Other costs is \$6/day included cat litter, disinfectant, deodorant, detergent. **Net annual income for boarding 20 cats is \$62,550**

ASSAULT AND BATTERY BY THE SECOND DEFENDANT

Muir J - McDonald v. Ludwig & Anor [2007] QSC 28 (31 January 2007)

[79] Battery is defined in these terms in *45 Halsbury's Laws of England*:^[7]

"A battery is an act of the defendant which directly and either intentionally or negligently causes some physical contact with the person of the plaintiff without the plaintiff's consent." An action in battery lies without proof of damage.

274. The Plaintiff relies upon pleadings previously pleaded about the Public Campaign of the Second Defendant against her.

275. The Plaintiff had a person unknown to her come to her property and hit her on the head with a bottle.

276. This person verbally abused her about her "treatment of her dogs".

277. This incident was reported to Police who visited her some 5 hours after the incident.
278. The Plaintiff became so terrified by the fear she would be harmed and the many promises that she received from threatening telephone calls that she lived in fear and terror.
279. The Second Defendant ought have realised that their campaign against the Plaintiff would incite other to want to act and to act against the Plaintiff.
280. A reasonable person could reasonably conclude that the act of battery was incited by the Second Defendant's campaign against the Plaintiff.
281. The Second Defendant in conducting the above said campaign acted negligently and without regard for the welfare of the Plaintiff.
282. The second Defendant has made no attempt to mitigate the Plaintiff's losses or potential losses and damages.
283. The Second Defendant was made aware that the Plaintiff was assaulted in letters written by the Plaintiff to the Fourth Defendant and provided to the Second Defendant by the Fourth Defendant.

Damanges for Assault and Battery By The Second Defendant

284. The Plaintiff claims damages from the Fourth Defendant estimated at \$100,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct.
285. The Plaintiff claims exemplary damages from the Fourth Defendant estimated at \$200,000 estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Defendants conduct. Australian Taxation Office tax avoidance penalties are 200%.

DETINUE BY THE SECOND DEFENDANT AND/OR ALTERNATIVELY THEFT BY THE SECOND DEFENDANT

(Detinue – In practice. A form of action which lies for the recovery, in specie, of personal chattels from one who acquired possession of them lawfully but retains it without right, together with damages for the detention. 1 Bouvier's Law Dictionary 472 (1867))

286. The Plaintiff was preparing her Appeal to Department of Primary Industries due on Monday 25th February 2008 - 28 days from date of receipt of advice of forfeiture of her dogs.
287. The Second Defendant tried to ambush the Plaintiff's Appeal for the return of her dogs.

288. On the 22nd February 2008 the Second Defendant, with a warrant under the Animal Care and Protection Act 2001, seized and/or stole the Plaintiff's:

- (j) business records;
- (k) kennel records;
- (l) pedigreed records and certificates;
- (m) tax records;
- (n) the Plaintiff's evidence that she had been spending monies on her dogs;
- (o) evidence the Plaintiff had orders for her puppies;
- (p) evidence of which bitches were mated to whom and dates these pregnant bitches were expected to deliver their puppies;
- (q) vaccination records of whom was due for booster vaccinations;
- (r) contact details and orders from respective customers;
- (s) personal records;
- (t) jewellery;
- (u) cash;
- (v) antiques;
- (w) computer;
- (x) legal professional privilege documents included the Plaintiff's communications with her then lawyers.

289. The Plaintiff's rights to Natural Justice suffered from the seizure of her property on the 22nd February 2008.

290. Evidence the Plaintiff needs for her defence of the charges of animal cruelty and animal neglect is no longer available to the Plaintiff.

291. The Plaintiff's computer was returned on Court orders on the 2th July 2008.

292. Files were deleted from the Plaintiff's computer when it was returned on Court orders on 2 July 2008.

293. A broken lock leather attaché case and a damaged grooming box and copies of some documents has been returned this being records previous to six years prior to 2008.

294. The Plaintiff's filing cabinets, book shelves and cupboards were emptied.
295. No other property and originals of records has been returned.
296. On the 22nd February 2008 The Second Defendant's Inspectors went through the Plaintiff's handbag when the Plaintiff was not present.
297. On the 22nd February 2008 The Second Defendant's Inspectors searched the Plaintiff's bedroom without the Plaintiff being present where her jewellery and wedding ring and some personal records were stored.
298. The Plaintiff reported this theft of property to the Police.
299. The Plaintiff reported this theft of property to the Chief Executive Officer and the then Minister of Primary Industries & Fisheries.
 - a. Many letters were written by the Plaintiff to the said Minister which would have alerted him to the Second Defendant's complaint that personal property was stolen by the Second Defendant;
300. The Chief Executive Officer and the Minister of Primary Industries failed in their duties to investigate the Plaintiff's complaints.
301. That the Animal Care and Protection Act was being used for improper purposes should have concerned the Chief Executive Officer and the Minister of Primary Industries.
302. Three (3) of the Second Defendant's dual cab trucks full of records and property were taken/seized.

PARTICULARS OF ITEMS SEIZE OR STOLEN

1. List of documents and properties that was seized on 22 February 2008 and was not receipted properly and was not returned.

PARTICULARS

Item	Description	Value
1	Receipt Books from 1998	
2	Documents detailing vet expenses and what dogs received the treatments.	
3	Bank Statements	
4	Bank deposit books	
5	Cheque Butts	
6	Cash books	
7	Cash Flows	
8	Diaries	
9	Registered Pedigrees of Poodles	
10	Accounts payable	

11	Invoices & Statements	
12	utilities, rates, suppliers,	
13	Shipping Documents - Benji Kennels	
14	Copies of overseas shipping documents	
15	Records and pedigrees of Imported Dogs,	
16	Copies of Import documents for Dogs imported	
17	Documents for Imported Stocks of grooming products	
18	Files on Veterinary Tests results of Various descriptions e.g. SA, HD, PRA, General Health blood tests, Thyroid	
19	Vaccination Records from 1998 to present Vaccination cards Lists of dogs vaccinated List of dogs scheduled for vaccination	
20	Worming records from 1998 to present	
21	Kennel boarding records from 2002 to present	
22	Worming products	\$550
23	Medication/drugs all prescribed and legal held in office and kitchen	\$2,800
24	Syringes, needles (supplied by Vets & Physicians) held in my office & kitchen	\$150
25	Empty vaccination bottles held in my kitchen	
26	Whelping (birth) Records from 2000 to current	
27	Share Certificates that were held in Brown Attache Case, from desk, filing cabinets in my office – estimated value	\$40,000
28	Cash \$1,200 kept in filing cabinet	\$1200
29	Cash \$1,000 kept in book shelf	\$1,000
30	Personal Court Transcript from Magistrate court 1988	
31	Personal Court Transcript from Supreme Court 1998/1999	
32	Litigation files – privileged letters and documents from and to lawyers	
33	Contracts on Real Properties, property files	
34	Contracts & Agreements on sales, leases	
35	Correspondence from Lawyers 1975 to current	
36	Asset Files - Investment Real Properties	
37	Share certificates paid about \$47,000 in 1987 now lost because of RSPCA now estimated value	\$140,000
38	Parliamentary Ombudsman re complaints about RSPCA	
39	Parliamentary Ombudsman re Beaudesert Shire Council	
40	Day by Month Calanders 2008, 2007, 2006,2005 etc..	
41	Cheques not banked \$12,000 now lost because of RSPCA.	\$12,000
42	Evidence kept in freezer of 8 puppies, 1 with neck broken by RSPCA & 7 red toy poodle puppies killed by RSPCA on 9/1/08	
43	2 rare natural Sapphire rings kept in desk drawer	\$8,000
44	1 x 18ct wedding ring	\$1,200
45	1 x ruby & diamond 10ct gold ring kept in dressing table drawer next to Plaintiff's bed,	\$3,000
46	1 x 24ct gold ring set with jade	\$3,000
47	1 x 24 ct gold necklace 20cm long,	\$1,000
48	1 x 18ct yellow gold ruby (1.9ct) and diamond (0.7 ct) bracelet	\$20,000

	valued June 1993 at \$8580.00	
49	other gold jewellery and natural gemstone items kept in my bedroom bedside drawers	
50	1 x Crystal chandelier table lamp in 24ct gold plate	\$7,000
51	2 x “ “ wall light fittings in 24 ct gold plate	
52	Antique Gas light over 100 years old	\$5,000
53	Tools belonging to my deceased husband (Electrical & Mechanical Professional Engineer) screw drivers, power tools, hammers etc.	\$2,000
54	Grooming Utensils held in Grooming box	\$5,000
55	Pearl necklace – made from ocean found pearls.	\$5,000
56	Novelty underwear panties - 3 pieces	\$320
57	Numerous items of hate mail received from anonymous people	
	Total value of items taken recalculate	\$258,220

303. The Plaintiff states that none of this material was used in the Magistrates Court Hearing Appeal for the return of her dogs.

304. The Plaintiff states that the loss/seizure of these records have caused her:

- a. hardship in her other Court matters and
- b. she has been denied Natural Justice because these records contained evidence she needed in her Appeal for the return of her dogs and in her defence of the charges of “animal cruelty and neglect of her dogs”.

305. The Second Defendant can claim no justifiable reason for holding onto this property of items and records seized during the raids on the Plaintiff’s residence.

306. None of the property seized in 305 above was used as evidence in her Appeal Hearing in Brisbane Magistrates Court for the return of all the dogs seized,

Damages For Detinue By The Second Defendant And/Or Alternatively Theft By The Second Defendant

307. The Plaintiff claims damages from the Fourth Defendant estimated at \$258,220 estimated by reference to personal knowledge of the value of these items and some valuation certificates for similar items.

308. And/OR in the Alternative

309. The Plaintiff seeks the return of all her records and property.

HUMILIATION OF THE PLAINTIFF BY THE SECOND DEFENDANT

310. The Plaintiff relies upon the pleadings previously pleaded.

311. The Plaintiff has suffered humiliation.

Damages for Humiliation Of The Plaintiff By The Second Defendant

312. The Plaintiff claims \$500,000 for humiliation estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct;
313. The said actions and behaviour by the Second Defendant was activated by ill-will against the Plaintiff, were humiliating to the Plaintiff and were occasioned in contemptuous disregard for the Plaintiff's rights and feelings in consequence of which the Plaintiff is entitled to aggravated and/or exemplary damages against the Second Defendant in an amount of \$1,000,000. estimated by reference to a comparable award for similar injuries and consequences and adjusted for the harshness of the Second Defendant's conduct; Australian Taxation Office tax avoidance penalties are 200%.

PARTICULARS OF ADDITIONAL DAMAGE SUFFERED BY THE PLAINTIFF

314. The Plaintiff relies on the pleadings previously pleaded.
315. the Plaintiff has incurred a need for gratuitous care, assistance and services from others in the form of assistance with household and domestic tasks and transport, and her fear of being alone in her own home compensable in damages, in the sum of \$500,000. (estimated on a global basis);
316. the Plaintiff will incur expenses in the future in undergoing medical and other similar treatment and associated travelling expenses, and will incur expense in the future in purchases of medications and pharmaceutical needs, compensable in damages, in the sum of \$50,000; (estimated on a global basis);
317. the Plaintiff will incur a need for gratuitous care, assistance and services from others in the future, compensable in damages, in the sum of \$100,000. (estimated on a global basis);
318. the Plaintiff has incurred special damages by way of medical expenses paid on her behalf by and refundable to the Health Insurance Commission, which expenses are compensable in damages in an amount yet to be ascertained;
319. the Plaintiff has incurred special damages and out-of-pocket expenses comprising medical and like expenses, purchases of medications and other pharmaceutical needs and associated travelling expenses, which expenses are compensable in damages and which are estimated at \$20,000. (estimated on a global basis);
320. the Plaintiff's business "Waterford Boarding Kennel and Cattery" has lost its goodwill value estimated at \$470,000 (estimated from discussions with a Real Estate Agent)
321. the Plaintiff's NEIGER poodles have lost their goodwill value estimated at \$2,000,000. (estimated based on the nature and value of orders and overseas sales of her dogs)

TOTAL LOSS AND DAMAGE	
FIRST DEFENDANT	\$12,600,000
SECOND DEFENDANT	\$72,630,645
FOURTH DEFENDANT	\$10,500,000

TOTAL FROM ALL DEFENDANTS \$95,730,645

The plaintiff claims the following relief:

Damages for, trespass, invasion of privacy, misfeasance in public office, breach of fiduciary duty, negligence and or nuisance and or intention to cause injury, assault and battery, restraint of trade, detainee and/or alternatively theft, humiliation, personal injuries and other loss and damage suffered by the Plaintiff due to the negligence of and/or nuisance by and/or intention to cause loss and injury by the Defendants. The damages sought include compensatory, aggravated and exemplary together with interest thereon according to law and pursuant to the provisions of Section 47 of the Supreme Court Act 1995 from the 10th January 2008 to the date of judgment or earlier payment herein and costs.

The plaintiff elects trial by judge

Signed:

Description: Geraldine Fooi Fong Robertson

NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend.