

Our ref: PE:NM:CLLI08086
Your ref: 12352/14145/80070709

FILE COPY

31 March 2008

Clayton Utz
Lawyers
GPO Box 55
BRISBANE QLD 4001

RE: GERALDINE FOOI FONG ROBERTSON
YOUR CLIENT: RSPCA

We refer to the above matter and note that pursuant to Section 153 of the Animal Care and Protection Act, an inspector must promptly return a thing seized as evidence to its owner if the inspector is satisfied its continued retention as evidence is no longer required and its continued retention is not necessary to prevent the thing being used to continue or repeat the offence and it is lawful for the person to possess the thing.

Aluminium Grooming Box

Our client instructs that amongst the items seized from her property from her house was an aluminium grooming box and contents which was custom manufactured in the United States of America and which has an intrinsic value to her.

Our client instructs that she cannot see how it could possibly be of relevance to this matter and asks that it be returned forthwith.

MONTH A DAY DIARY

Our client instructs that her 'month a day' diary is a paper document containing approximately 12 or so pages with one month per page for 207 and 2008.

MEDICAL RECORDS FOR ANIMALS SEIZED

Our client again repeats her request for copies of all medical records in relation to the animals that have been seized so that she can ascertain the current health status of those animals.

We note that at least one animal has been euthanized by the RSPCA. Our client requests a copy of all the medical records in relation to that animal including any independent veterinary post mortem examination results.

Our client requests that in future our client be advised before any animal is euthanized so that she can have an independent veterinary examination of the

animal at her expense, or at the very least, that she be accorded the human dignity of being able to say goodbye to her much loved pets. It is very distressing for our client to be advised that certain of her animals have been destroyed part way through the contents of a solicitors letter.

We note that the Act envisages the possibility of the animals being returned to our client and as such, our client considers she is entitled to at least minimal information as to what is happening with her animals.

Our client had a number of pregnant bitches and young puppies which were seized. Our client again requests information as to how many puppies have been born, how many are still alive and a general medical status of the animals that have been seized. We have been advised by the Department of Primary Industries and Fisheries that some of the animals have been disbursed from Fairfield to various locations and that it may not be convenient for our client to inspect those various locations to check on her animals. Our client again requests photos of the animals that were seized as we are instructed our client was promised the photographs by Messrs Stageman and Towers-Hammond on the day of the seizure.

We note that there has been an ongoing suggestion that the RSPCA is incurring medical and food costs for the maintenance of the animals and our client requests sufficient information for her to know the nature of the care being provided to the animals.

Should any further animals be destroyed or die, our client requests that she be advised immediately that this has occurred so that she can arrange for an independent veterinary examination of the body and for an independent laboratory to perform a post mortem examination.

We are instructed that our client has previously had independent post mortems performed on deceased animals so as to ascertain the cause of death and any underlying problem with the animal.

COPIES OF DOCUMENTS SEIZED

Our client notes that pursuant to Section 151 of the Animal Care and Protection Act, our client is entitled to copies of anything seized from her premises.

Our client repeats her previous request for copies of all documents seized from her premises.

We note that our client is entitled to those copies free of charge.

Alternatively, our client requests those documents be returned if they are no longer required.

We note that our client is authorised to inspect anything seized.

We note that our client is yet to be able to inspect the animals seized from her.

We note that on 11 March 2008, you advised that our client's documents were being copied and would be provided as soon as possible. It is over 2 weeks since you advised that you would do this. We still await receipt of those copies.

Our client instructs that a number of the documents seized were historical records. Our client's breeding records going back a considerable period of time were included amongst the documents that were seized. It is over a month since the documents were seized. Our client requires the originals to be returned as soon as possible.

Our client is not aware of any suggestion in the material that our client's historical breeding of dogs is currently under review by the RSPCA.

Our client's historical records are necessary for our client to be able to maintain track of the bloodline for her pedigree animals.

Our client requests that the contents of her hard drive be copied to disc, that two copies of that disc be prepared, one provided to our firm and one retained by the RSPCA and that the computer itself be returned forthwith to our client. The computer itself is necessary to our client to enable her to provide email instructions to her solicitor. The contents of the files can then be reviewed by the respective solicitors.

Our client does not see any necessity for the computer to be retained by the RSPCA and request its immediate return pursuant to Rule 153 of the Animal Care and Protection Act.

Our client requests a detailed list of all documents and things seized from her property identifying:

- (i) the nature of the document,
- (ii) the number of pages if more than one,
- (iv) the relevance of the thing to the matters listed in the warrant; and
- (v) whether the thing will be released to our client as irrelevant to the RSPCA's Investigations.

IDENTIFICATION OF ANIMALS SEIZED

Our client requests a photograph and hair sample capable of being DNA tested of each of the animals that has been seized by the RSPCA so that our client can identify that animal as being hers.

We are instructed that when the animals were seized by the RSPCA, our client was advised that photographs of each dog for identification purposes would be provided to her and we are instructed that this promise was extended to our client's former lawyers at Robertson O'Gorman.

We note that your client refuses to provide copies of photographs which have been obtained for evidentiary purposes and our client does not presently request copies of the photographs or videos that has been obtained or it being held for the purposes of evidence.

Our client requests copies of the photographs which she was told were being taken for, inter alia, identification purposes of the animals that were seized.

TIME FOR RESPONSE

Our client requires the items listed above be provided within 7 days.

Yours faithfully
BURNSLAW

Patrick Earl
Senior Solicitor

Patrick.Earl@BurnsLaw.com.au

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