



## GALLOP GOVERNMENT FAILS TO ACT ON LIVE EXPORT LEGAL COMPLAINT

### Rare Supreme Court order to be filed today

#### Complaint lodged with WA Crime and Corruption Commission against senior public servant

High-profile Perth legal identity **Martin Bennett**, acting for peak animal welfare body Animals Australia, will today file papers with the Western Australian Supreme Court seeking a **writ of mandamus**. The Director-General of the Department of Local Government and Regional Development will be named as respondent.

**Mr Bennett** will lodge papers alleging that the Director-General has failed to perform her public duty. Acting on legal advice, **Animals Australia** will also be lodging a complaint with the Crime and Corruption Commission alleging misconduct by the Director-General, Ms Cheryl Gwilliam.

The Supreme Court has the power to make an order in the nature of mandamus, in circumstances where there is a public duty to act and there has been a failure to perform that public duty. Such an order has the effect of forcing the person who is under public duty to do that which ought to be done.

Since June 22<sup>nd</sup> 2004 the Director-General has held the responsibility for investigating Animals Australia's legal complaint that a shipment of sheep aboard the livestock vessel MV Al Kuwait that departed Fremantle for the Middle East, breached the WA Animal Welfare Act.

The evidentiary basis of the complaint has been supported by expert legal opinions and assessed by the State Solicitor, yet Director-General has failed to instigate an investigation in the six months leading up to a hotly contested state election.

*"It is important to recognise that Animals Australia is not seeking the introduction of new laws. The Parliament of Western Australia has enacted laws for the protection of animals. The rule of law requires that those who are entrusted by Parliament with the enforcement of those laws carry out their obligations and duties,"* said **Mr Martin Bennett of Bennett & Co Barristers and Solicitors**.

*"Had this alleged breach of WA legislation related to 100,000 human victims there is no way that 13 months later it would remain uninvestigated. Animals Australia will ensure that every legal avenue is explored to call those to account who are entrusted with enforcing animal welfare legislation – including lodging a complaint against the Director-General with the WA Crime and Corruption Commission,"* said **Ms Oogjes, Executive Director of Animals Australia**.

The vessel MV Al Kuwait, capable of carrying over 100,000 sheep, is currently in Fremantle on its tenth return visit since the lodging of the complaint. At least 3 million sheep have left Western Australia on live export vessels potentially in breach of WA's Animal Welfare Act since **Animals Australia** first lodged their controversial complaint in December 2003\*.

*"It is outrageous that the Al Kuwait has been allowed to return to Fremantle on 10 occasions to load hundreds of thousands of sheep for the Middle East in the face of serious allegations. The Kuwaitis and their Australian agents have continued their business under the nose of authorities who are meant to be enforcing WA's animal welfare legislation,"* said **Ms Oogjes**

**Animals Australia's** Supreme Court legal action on the politically sensitive live export issue will not be welcomed by a Gallop government seeking to avoid controversy in the lead-up to the February 26<sup>th</sup> 2005 WA state election.

***CD's providing photographs and digital footage from Al Kuwait investigation available to media.***

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Mr Martin Bennett will be available for comment after 11.30am

***\*Further 2-page media briefing statement available upon request***