

# Ruth Downey takes her battle against RSPCA to High Court

Posted November 22, 2010 09:04:00

**Farmer Ruth Downey, from Pilliga in north-west New South Wales, has taken her battle against the RSPCA to the High Court.**

Counsel for Ms Downey last week filed a Special Leave application, seeking permission to challenge the constitutional validity of lower court decisions in her matter.

In June 2007, the RSPCA shot 48 of her cattle, claiming they were drought-affected and lacked sufficient food and water.

Ms Downey was subsequently prosecuted by the RSPCA in the Narrabri Local Court.

She appealed that decision unsuccessfully.

Her barrister, Peter King, says his client is committed to clearing her name.

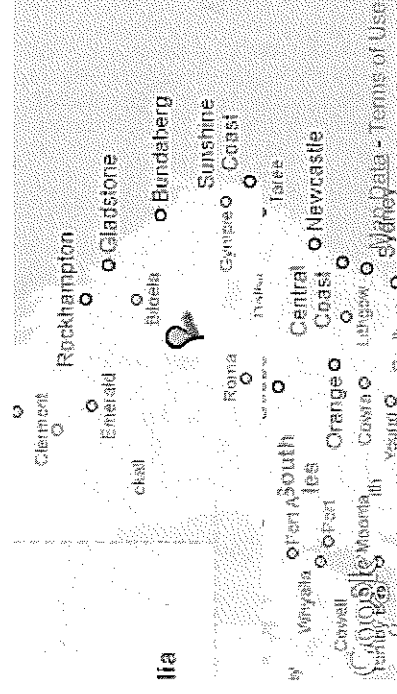
"Her case raises very basic issues about the rights of private prosecutors to come on to land and, in this particular case she had a large number of cows which were specially-bred for the Pilliga scrub, which were lost to her," he said.

Mr King says Ms Downey will attempt to argue on three key issues.

"One is whether the private prosecution provisions of the New South Wales government are valid procedures, and, secondly, whether or not the procedure that was adopted in her particular case was proper in accordance with the recent decision of the High Court in the matter of Kirk, a farmer out at Molong," he said.

"Then, perhaps the most important issue, is the way in which the matter was addressed in the lower courts, and that's a rather technical argument, but it does give rise to an important constitutional question about the way Acting judges have conducted the matter."

The granting of Special Leave by the High Court is not automatic.



MAP: Pilliga 2388

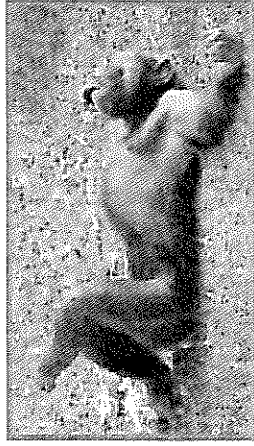
The Court must be convinced the proceedings 1) involve a question of law that is of public importance, or seek to resolve differences of opinion between different courts, or within the one court, as to the state of the law; or 2) the interests of the administration of justice require consideration by the High Court.

Mr King says a hearing date is yet to be set down for Ms Downey's Special Leave Application.

He says it is likely to be listed early next year.

**Topics:** courts-and-trials, animal-welfare, livestock, livestock-welfare, beef-cattle, pigiga-2388

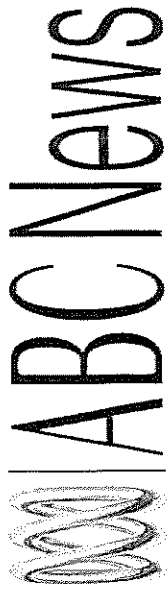
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This chimpanzee is flat out inspecting his newly renovated enclosure at Sydney's Taronga Zoo.



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## Narrabri locals rally for Ruth Downey

*Posted May 02, 2011 12:54:00*

**Farmers and residents in Narrabri, in north-west New South Wales, have decided to hold a public meeting in support of Pilliga farmer, Ruth Downey.**

Mrs Downey, who was prosecuted for animal cruelty by the RSPCA, has been hit with a legal bill of more than half-a-million dollars from the animal welfare agency.

In June 2007, the RSPCA shot 48 of Mrs Downey's drought-affected cattle, claiming they lacked sufficient food and water.

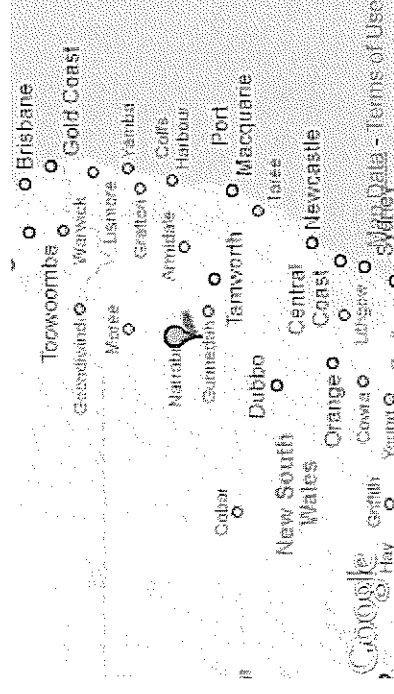
Convener of the public meeting, Narrabri councillor Bevan O'Regan, says there's a good chance Mrs Downey will lose her property.

"She's had an injunction put on her of bankruptcy and the whole bill to Mrs Downey is going to be nearly \$600,000," he said.

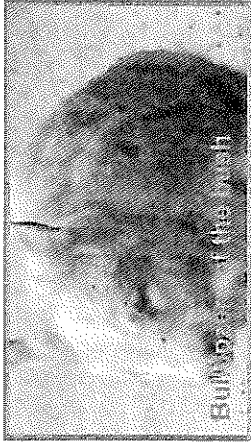
"You'd only have to do some valuations to find out that this legal fee will probably be in excess of, or about, what the property's worth."

**Topics:** animal-welfare, drought, courts-and-trials, judges-and-legal-profession, livestock, pilliga-2388, narrabri-2390

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Southern hairy-nosed wombats are facing an increasing number of threats.



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