

Dear Select Committee,

Thank you for the opportunity to lodge a submission to the inquiry into animal cruelty laws in NSW.

Australians have a growing awareness and lack of tolerance with animal cruelty, including industries involved in the commercial exploitation of animals. Public support for better animal protection laws is reflected in strong reactions to media exposés regarding live exports, greyhound and horse racing, puppy farms, live-baiting, farmed animal suffering in intensive animal agriculture, and the suffering of our native species.

I would like to state that I strongly support the creation of a sufficiently funded and resourced Independent Office of Animal Welfare.

TERMS OF REFERENCE

A.

- The approved charity organisations are significantly constrained by the Prevention of Cruelty to Animals Act 1979 (POCTAA). This is an important issue because:
 - + POCTAA is failing to meet the needs of non-human animals.
 - + There is limited protection for companion animals and some native animals. These protections can often be manipulated and/or ignored. Other animals, including farmed and introduced species, are completely excluded through exemptions.
 - + Those that are included are offered only weak protection.
 - + The inadequacy of POCTA impacts the number of successful animal cruelty prosecutions and the imposition of penalties.
 - + Whilst POCTAA remains out-dated, we will continue to fail animals.

- Despite being approved to “prevent cruelty and ensure welfare”, charitable organisations remain powerless to oversee, impose penalties, or investigate breaches.
 - + The RSPCA often speaks out against acts that are legal under current legislation (e.g., rodeos, 1080 poison baiting, the bludgeoning of calves and the use of whips in racing), yet the charity has no power to have the laws changed.

- As charities, the RSPCA and the AWL have an enormous and unenviable burden in attempting to fulfil a government function of law enforcement.
 - + There is a clear dichotomy that exists between legal and non-legal cruelty, and there is a minimal acknowledgement of the systemic extent of the legal variety by RSPCA and AWL.

- Charitable organisations are constrained by their funds, this limits:
 - + The number of inspections they can complete;
 - + The number of complaints they can respond to;

+ The number of prosecutions they can undertake.

B.

- There is a severe 'conflict of interest' within RSPCA and AWL;
- + RSPCA has approved 'farming' schemes and relationships with exploitative businesses.
- + AWL supports the commercial breeding of companion animals despite the abundance of animals requiring homes.

C.

- There is ample evidence to suggest there exists a high level of public dissatisfaction with the standard of care and current kill-rates for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations.
- + There is an increased public demand for the introduction of the 'No-Kill' programs, which have achieved significant success.
- + It is important to emphasise that the majority of stray, surrendered or seized companion animals fall under the responsibility of local government councils, many of whom continue to operate in a non-compliant manner.

D.

- Charity organisations are constrained by the currently inadequate laws. They are unable to act on issues that they disagree with.
- Their limited resources limit their ability to conduct investigations, enforcement and prosecution of animal welfare issues.
- As they operate under POCTA, it is difficult for them to investigate and prosecute intensive animal agriculture farms.
- There is a strong public expectation that all organisations - and especially those that are publicly funded or receive some level of public funding - operate in a completely transparent manner. This also applies to all authorities involved with the monitoring, enforcement and prosecution of animal welfare matters.
- Whilst adequate consideration must be given to the protection of privacy and sensitive investigations and prosecutions, given the nature of the work regarding animal cruelty matters it is vital that the public and the media are able to access information through the Government Information (Public Access) Act 2009.
- Dissemination of public interest information should not be hindered by the charity status of the agencies tasked with overseeing, investigating and prosecuting offences to POCTA (i.e., the RSPCA or the AWL). These bodies should not enjoy exemptions from GIPA or the Administrative Decisions Review Act 1997.

F.

- I strongly support the creation of a sufficiently funded and resourced Independent Office of Animal Welfare.
- + This IOAW should be the lead agency in a review of POCTA, corresponding Codes of Practice (COPs), standards and policies, with the animals' interest as the focus.
- + No representative should have any vested interests.
- Establish appropriate MOU's with all relevant government departments and/or agencies where animal welfare/cruelty matters apply.

Sincerely,