

REPORT ON PROCEEDINGS BEFORE

SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN
NEW SOUTH WALES

ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

UNCORRECTED

At Macquarie Room, Parliament House, Sydney, on Thursday 13 February 2020

The Committee met at 9:15 a.m.

PRESENT

The Hon. Mark Pearson (Chair)
The Hon. Lou Amato
The Hon. Mark Banasiak
Ms Abigail Boyd
The Hon. Sam Farraway
The Hon. Emma Hurst
The Hon. Matthew Mason-Cox
The Hon. Walt Secord
The Hon. Mick Veitch (Deputy Chair)

MYRIAM HRIBAR, private citizen, before the Committee via teleconference, affirmed and examined

SIMONE LIESCHKE, private citizen, before the Committee via teleconference, affirmed and examined

The CHAIR: I welcome Ms Myriam Hribar and Ms Simone Lieschke, who are joining us by teleconference today. My name is Mark Pearson, I am the Chair of the Select Committee on the Inquiry into Animal Cruelty Laws in New South Wales. To set the scene for you, we are here in the Macquarie Room at the New South Wales Parliament House. I have with me the other members of the Committee: the Hon. Lou Amato, the Hon. Mark Banasiak, Ms Abigail Boyd, the Hon. Sam Farraway, the Hon. Walt Secord, the Hon. Mick Veitch, the Hon. Emma Hurst. Members of the public and the media are also present and the proceedings are being recorded by Hansard.

The CHAIR: Do you want to make an opening statement?

Ms HRIBAR: Yes. Simone and I have prepared this statement together. Thank you for the opportunity to speak at this hearing. I was a volunteer at Wagga Wagga pound from late 2010 to May 2015. In 2010 I went to TAFE and completed the animal studies certificate II course. At the same time Simone was also a volunteer and was completing her bachelor of animal science degree. We have made five points. First, Wagga pound and all pounds have no independent government bodies checking and monitoring them. If there is legislation that the Government expects councils to comply with, then there also must be measures in place to make sure that this legislation is enforced. We agree with the statement in the review of Wagga Wagga pound in 2016 where it states:

It is difficult for the Glenfield Road Animal Shelter to demonstrate that it is compliant with the legislative standard and to ensure that it does so.

Second, we saw inappropriate treatment of some animals and even cruelty at Wagga pound. That is why we both strongly advocate that everyone working with animals should have some formal animal qualification and also a genuine love and passion for animals. Third, the review of 2016 also stated:

The physical infrastructure forms one pillar of a well-functioning animal shelter but without appropriate management, staff and protocols no shelter will perform well.

It also stated:

Currently much of the day-to-day functioning of the shelter is not defined in the protocols or procedure. It leads management largely blind to what is actually occurring at the facility.

We think many of the incidents would never have occurred if there had been proper protocols in place. Fourth, we think that the issues we raised with both council and the RSPCA have never been properly investigated. If proper investigations had been carried out, with detailed documentation then our questions to both council and the RSPCA of all the issues we raised would be answered but they still remain unanswered. We also wonder if thorough investigations were carried out, why do the same issues keep occurring?

Fifth, we are still seeking further information in regards to the holiday period of 2016-17. We know animals were not cared for properly and suffered. We have appealed to Wagga Wagga council regarding this and have had to appeal twice so far to the IPC. In its review report the IPC stated the council's decision was not justified and they recommended the council make a new decision. The last report from the IPC was received on 28 January this year. If thorough investigations had been undertaken by both the RSPCA and council we think this holiday period would never have occurred. That is why we think there should be an independent government body checking and investigating pounds, with proper documentation should be applied. Without GIPA we would never have received so much helpful information.

In conclusion, if our experience is an example of how some councils self-monitor their own pound and investigations are carried out by both council and RSPCA then we think animals will continue to suffer needlessly in pounds. We assumed that when animals enter the pound they would be properly cared for and their basic needs met. Instead, for some animals it was the continuation of the suffering they had already endured. That is why we would really like to see pound reforms.

The Hon. WALT SECORD: I represent the Australian Labor Party. Will you take us through what you describe in your correspondence as the frozen cat incident?

Ms HRIBAR: This was a really difficult situation. One of the other people volunteering at the pound had a really uneasy feeling. She came around and spoke to me and said, "I've got this really bad feeling." The next morning we were contacted very early with this image of this cat. We both decided, Simone also, and we went then to the pound in the afternoon and saw this cat in the freezer ourselves. We could not understand why it was not bagged, why there were all these claw marks on the freezer wall and why there were all these blood smears.

But also on the Thursday, that was the day before, a woman had come in with three cats. When we went in on the Friday only one of those cats remained in the cattery and two cats had disappeared.

The Hon. WALT SECORD: Did you make a report to the RSPCA about your concerns about the cat marks, the clawing? Did you document it? Did you refer it to the RSPCA?

Ms HRIBAR: That occurred in 2014 and much later in 2015, after I had put in my first report to the RSPCA, I did not bring up the issue of the frozen cat. It was only when I was sending in my diary note into council in the following month and I came across my diary note and the images of the frozen cat. Then I contacted the RSPCA.

The Hon. WALT SECORD: What was the response to your reports or your concerns when they were forwarded to the RSPCA?

Ms HRIBAR: The only response was that Simone and I put in witness statements and that is all.

The Hon. LOU AMATO: I am from the Liberal Party. Did you work at the animal shelter from 2010 to 2015?

Ms HRIBAR: Yes, from late 2010 to 2015, yes, until the volunteer program was suspended. It was suspended, I think it was in May 2015 because they were going to address occupation health and safety issues.

The Hon. LOU AMATO: You worked at that shelter and that is where the cat was found?

Ms HRIBAR: Yes, in the freezer.

The Hon. LOU AMATO: And you documented it in 2015?

Ms HRIBAR: No, I documented that in 2014 when it occurred.

The Hon. LOU AMATO: That is because somebody had a feeling that there was a cat in the freezer?

The CHAIR: The cat was alive, correct?

Ms HRIBAR: We do not know that but we consider it was probably alive because we are thinking that two cats disappeared overnight.

The Hon. LOU AMATO: Who else worked there and had access to that facility apart from yourself?

Ms HRIBAR: At the facility the staff employed by council worked there and then we were volunteers and we came during the public opening hours.

The CHAIR: The RSPCA asked for a statement from you and a statement from the other witness who corroborated it?

Ms HRIBAR: I contacted the RSPCA and it then contacted me and asked for a witness statement. It also asked if anyone else observed this and Ms Lieschke provided a witness statement as well.

The CHAIR: What happened then?

Ms HRIBAR: Nothing.

The CHAIR: Did you hear anything from the RSPCA afterwards?

Ms HRIBAR: No.

The CHAIR: Did they interview you?

Ms HRIBAR: No.

The CHAIR: Did they come to the facility?

Ms HRIBAR: We were informed by council that the RSPCA had visited the facility. The only issue that I am aware of that was thoroughly investigated by the RSPCA is the Saviour incident.

The Hon. EMMA HURST: I am stepping away from the examples here. Just looking at your submission, you talk about the statute of limitation for any authority to bring about proceedings under the Prevention of Cruelty to Animals Act and you say that the limitation period should be much longer. Can you explain why you think the statute of limitations should be reviewed?

Ms HRIBAR: We did not realise that it only lasted for 12 months, if that is correct? That is what I was informed.

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We believe that one of these cats that disappeared overnight is the frozen cat in the freezer. We think it was put in there alive.

The CHAIR: That is correct, yes.

Ms HRIBAR: So finding information and asking for information under the Government Information (Public Access) Act [GIPAA], it all takes time. We are also juggling with everything else in our lives. It does take time. We wanted to be very careful that the information we had was correct. Within 12 months it is very, very hard to get all of the evidence collected.

The Hon. EMMA HURST: In your submission you talk about an independent office for animal welfare to enforce animal cruelty laws. Can you explain why you think that would be better than the current model that is in place?

Ms HRIBAR: I want an independent government body because I want a body that is answerable and that you can get information from under GIPAA.

The Hon. EMMA HURST: So it is more about transparency and accountability than anything else to you?

Ms LIESCHKE: And also that it is properly funded as well. Yes, adequately funded.

The Hon. WALT SECORD: Do you see a conflict between a charitable organisation providing animal welfare and being an enforcement agency at the same time? Do you see a conflict in those roles?

Ms HRIBAR: I think it is very difficult. I just do not think that a charitable organisation should be enforcing government legislation.

The CHAIR: Your concern seems to be that pounds, particularly Wagga pound in this instance, have not been properly monitored or regulated by an external authority in terms of the standard of care for the animals?

Ms HRIBAR: I think all pounds should be monitored because, the thing is, I do not think you can assume that councils automatically comply with legislation. I think self-monitoring does not work.

The CHAIR: In the time that you were employed at Wagga pound—

Ms HRIBAR: I was not employed; I was a volunteer.

The CHAIR: It is the same thing in law. Did you actually see an RSPCA inspector come to the pound at all during the time that you were there?

Ms HRIBAR: No.

The CHAIR: To do a spot inspection or whatever?

Ms HRIBAR: No.

Ms LIESCHKE: I did not either.

The CHAIR: An officer from the Animal Welfare League?

Ms HRIBAR: No.

The Hon. MARK BANASIAK: Just touching on your comments about the suggestion of an independent authority, what gives you confidence that a government will fund it correctly when we have seen other instances where the Government has not funded things properly, like ICAC, like the Rural Fire Service and like national parks? What gives you confidence that this independent authority will be given the adequate funding that you believe it deserves?

Ms LIESCHKE: I think, like everything, it will rely on public pressure maybe. People will have to voice that that is a really important priority for them, to have that area properly funded. Hopefully the Government will listen and fund it accordingly.

The Hon. MARK BANASIAK: Isn't that public pressure already there with the RSPCA and the Animal Welfare League? The public look at those organisations quite fondly, generally speaking. I would suggest that public pressure is already there to fund these organisations properly. I have trouble reconciling that this independent authority would be properly funded because the public is going to pressure the Government.

Ms HRIBAR: I think that if you have legislation that the Government expects you to comply with, I do not think you should be relying on a charity. I think you should be relying on another government body. I agree with you, I do not know whether there will be adequate funding, but I think that is what responsible governments should be doing.

The Hon. MARK BANASIAK: We agree on that point.

The CHAIR: It is part of the journey we are on here by having a committee looking at this very issue.

Ms ABIGAIL BOYD: I have a couple of questions for you. Firstly, in relation to the pound, how many volunteers were there compared to people who were being paid to work there?

Ms HRIBAR: In comparison to how many people were paid?

Ms ABIGAIL BOYD: Yes.

Ms HRIBAR: At the time when we were volunteers there were four paid staff members, sometimes five—it varied with volunteers it is really difficult because there were some volunteers who just came really irregularly and then there were other volunteers who came really regularly, but there were not many regular volunteers.

Ms ABIGAIL BOYD: How did you get to be a volunteer? Were there any qualifications required, or was there an interview process?

Ms HRIBAR: No, I just put in an application with council and said that I was interested in volunteering. Because I like animals, I thought, "If I'm going to volunteer with animals I should go and get some training."

Ms ABIGAIL BOYD: Was training provided by the pound?

Ms HRIBAR: No, there was not really any training provided at the pound. That has changed now. I think the volunteers do get training. But when I volunteered it was just a walk-through of the things that occurred there.

Ms LIESCHKE: Yes, that was the same for me as well.

Ms ABIGAIL BOYD: Did the employees have qualifications?

Ms HRIBAR: No.

Ms ABIGAIL BOYD: So even the people paid to run the pound did not have qualifications?

Ms HRIBAR: No.

Ms ABIGAIL BOYD: So there are pounds being run with a bunch of people who do not have any particular qualifications in working with animals, is that correct?

Ms LIESCHKE: Yes.

Ms HRIBAR: Yes. That has changed at Wagga pound, but there are still pounds where people work that do not have any animal qualifications.

Ms ABIGAIL BOYD: And despite that we do not have regular investigations or inspections being done by anybody.

Ms HRIBAR: No. ²

The CHAIR: Is it true that the change that has happened at Wagga pound is really a consequence of adverse publicity about the very evidence you just gave regarding the cat and other matters?

Ms HRIBAR: That is my opinion. I think that if we had not have gone to media I do not think the changes would have occurred, because I wrote my first letter to council in 2011 and I subsequently wrote them more letters and had meetings and a couple of discussions and I was already reassured that everything was going to be better and that things had changed. What prompted me to write to the RSPCA was that the volunteer program had been suspended, but I was still going there just as a member of the public. It was when I saw the feral cat in the crushed cage and I went there on the Friday and it had no food or water and another volunteer was there on the Saturday and it was the same scenario.

Then I went on Monday and it was still in the same crushed cage in the same angle, no food, no water, and I thought I cannot help these animals anymore as a volunteer; I am going to report them to the RSPCA. And then in that first letter I raised lots of other issues about dogs left to die and the not taking dogs to the vet, the treatment of feral cats. I raised the issue of inadequate bedding for dogs, broken beds, animals left to sleep on cement when it was minus one degree, animals constantly with no water, especially cats and mother cats which did not have any food. I also raised the issue of the depository being checked regularly, especially the ether.

Ms ABIGAIL BOYD: Is it your view, and again just sort of reflecting on your submission that there are a couple of changes that could be made in relation to the way that pounds in particular are regulated—I note


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There were normally four animal rangers, the fifth was the position of the Head Ranger (a newer position), who had other duties as well and was not always at the pound. I should have added the cleaner, who worked Monday to Friday before the pound opened to the public. On Saturdays during public opening hours, there were only two staff rostered on, often one was a parking ranger.

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"No", meaning no, there are no regular investigations or inspections of pounds being done by anybody.

in your submission that you mention having specific legislation or regulations in relation to pounds—do you think that greater enforcement and inspection would have to go along with any of that kind of legislative reform?

Ms HRIBAR: Definitely. I think pounds have to be regularly inspected. There are some small pounds that are not even open to the public. So I think every pound has to be inspected. I find some anomalies. Again, this is my opinion and this is just a general comment, I often think that pounds are a low priority with council. It was interesting, when I was reading this pound report about how pounds are listed individually, when you see statistics that say, for example, 135 cats came in and 135 cats are euthanased or not deemed rehomeable, and I look at that statistic and I think not one pet cat, not one cat, not any kitten go to a refuge. It is just the easiest thing I can do. One hundred and thirty-five come in, 135 are euthanased. I do not think that is accurate. 

The CHAIR: And I am sure we agree. We are going to have to conclude your evidence now. There are members who want to send you questions on notice. I do not think we have asked you to take any questions on notice. I really appreciate your evidence today. It is very helpful in linking us to the Companion Animals Act, which covers pounds, which I think is going to be soon under review as well. So thank you very much for your evidence. We will conclude now until 11 o'clock when our next witnesses will appear.

(The witnesses withdrew.)

(Short adjournment)

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Now that the OLG lists pounds individually on its pound data report, I think it makes councils more accountable. When you see next to some councils "no report", "no data", "incomplete" or inaccuracies, it makes you question the effort, time and commitment of some councils in relation to their pounds.