

Submission
No 2

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

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Date Received: 24 October 2019

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Submission concerning the Effectiveness of Animal Cruelty Laws in New South Wales

Overview

As New South Wales comes upon the 40th anniversary of the 1979 Act outlining animal cruelty laws, I, as a concerned member of the younger generation, determined by its **language** and **organization** that the legislation is extremely outdated. This submission desires that the NSW committee (1) provide an in-depth examination of the 1979 legislation, (2) understand its fatal flaws, and (3) provide possible adjustments to the 40-year difference in the environment and urbanization of the country. Some possible modifications include providing **more government funding** towards organizations approved under Section 34B, constructing and implementing a **legitimate enforcement agency**, and **more effective communication** to the public about the importance of inhibiting animal cruelty.

The Work of Section 34B Organizations - Are they effective?

The 1979 Act creates the foundation for "charitable" organizations who prevent animal cruelty across the state. These organizations not only instrument the prosecution process but also give the necessary care and shelter to animals who have been harmed. At this time, there are **two approved** groups who handle these objectives: The Royal Society for the Prevention of Cruelty to Animals (RSPCA) and The Animal Welfare League (AWL).¹ This inquiry looks into the effectiveness of these organizations and their capacity to carry out the duties outlined in the 1979 legislation. **Upon reading this act, I have found that there are three flaws that hinder these groups from effectively fulfilling their responsibilities, which include:**

- Lack of Government Funding
- Lack of Personnel
- Lack of Communication with Public

*To ensure brevity and accuracy of data, I will solely focus on the work of RSPCA, which handles **90%** of animal cruelty cases in NSW.²

1. Lack of Government Funding

Categorized as a "not-for-profit" organization, RSPCA is completely reliant upon government funding and the generosity of the public.³ The government, however, is not providing adequate funding in relation to the demands of the organization. In its 2019 annual report⁴, as required by

¹ Keely Boom; Elizabeth Ellis, "Enforcing Animal Welfare Law: The NSW Experience," Australian Animal Protection Law Journal 3 (2009): 6-32.

² RSPCA, NSW. "Home Page." <https://www.rspcansw.org.au/>

³ The Royal Society for the Prevention of Cruelty to Animals, New South Wales. "Constitution adopted 26 November 2018." <https://www.rspcansw.org.au/wp-content/uploads/2019/02/RSPCA-NSW-Constitution-26-November-2018.pdf>

⁴ RSPCA, NSW "2018-2019: Your Year in Review." <https://www.rspcansw.org.au/wp-content/uploads/2019/07/2018-2019-Year-in-Review-Online.pdf>

section 34B, RSPCA discloses that the cost to treat and shelter **29,682** victims of animal cruelty reaches over **\$6.2 million**. This does not include the cost for inspectorate animals, which adds another **\$1.1 million**, or the other imposed costs on the organization: education efforts, training veterinarians, and community outreach. **It was shocking to learn that less than two percent of the money necessary to fund the organization is given by the government.**⁵

Upon further review of the NSW 2019 budget⁶, I was able to derive this information:

- Planning/Industry/Environment will receive **\$229.5 million** from the 2019-2020 budget
- There are **four** key initiatives between which this money will be distributed over the next four years
- Animal Cruelty prevention/aiding RSPCA is **NOT** one of these objectives

It is not only irresponsible but impractical to place this financial burden on an organization that carries out over 90% of animal cruelty cases for NSW. The legislation should be revised to encompass more government financial assistance to ensure effective results.

2. Lack of Personnel

Not only does the RSPCA lack financial support from the government, but the **outdated procedural language** of the 1979 legislation hinders the organization from obtaining the personnel it needs to function properly. Section 24D discloses that inspectors of a charitable organization need to be approved by the Minister. It has already been noted that RSPCA and its inspectors are not of high priority to the government, which means the approval process could take years. **As a result, there were only 32 inspectors who could investigate the 15,673 animal cruelty cases during the 2018-2019 fiscal year.**⁷ This high amount of cases has forced inspectors to categorize jobs in terms of "**priority**," meaning that they are not able to assist all animals due to lack of approved personnel. This data demonstrates that these individuals are **overworked** and **overwhelmed** by the expectations of the people and government.

3. Lack of Communication with Public

As an organization with numerous obligations, it is very difficult to also maintain an active public image. **Although boasting a whopping 44 million people reached through social media, RSPCA itself has only 257,919 followers and even fewer shares (105,663).**⁸ This number is only **3% of the total population of NSW**, as of 2016.⁹ It is vital that the organization receive assistance with marketing in order to supplement their need for personnel and funds. With creative marketing tactics, the public could become **(1) more educated on the legislation and its effects** and **(2) more involved in the organization itself**, whether on a volunteer or

⁵ RSPCA, NSW. "Who We Are." <https://www.rspcansw.org.au/who-we-are/about-rspca-nsw/>

⁶ Perrottet, Hon. Dominic. "2019-2020 NSW Annual Budget Paper No. 1." <https://www.budget.nsw.gov.au/sites/default/files/budget-2019-06/2019-20%20Budget%20Paper%20No.%201%20-%20Budget%20Statement%20%281%29.pdf> (See page 83 for specific details on allocation of funds).

⁷ RSCPA, NSW. "2018-2019: Your Year in Review." <https://www.rspcansw.org.au/wp-content/uploads/2019/07/2018-2019-Year-in-Review-Online.pdf>

⁸ RSPCA, NSW. "2018-2019: Your Year in Review." <https://www.rspcansw.org.au/wp-content/uploads/2019/07/2018-2019-Year-in-Review-Online.pdf>

⁹ Australian Bureau of Statistics. "2016 Census QuickStats." https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/1

financial level. Thus, in designing more of a public presence with this organization, it would lessen the burden on both RSPCA and the government while promoting a positive message for Australian wildlife.

The Need for an External Enforcement Mechanism

One potential solution to these issues is to implement an external enforcement mechanism. The legislation, per Section 34AA, only allows for approved police officers and inspectors as enforcement agents, yet it has become apparent that the majority of this burden lay on the RSPCA.¹⁰ **With this current wording, there are two foreseeable issues: (1) confusion on legitimacy if the police and inspector were to disagree and (2) lack of ability to carry out these enforcement powers.** With only 32 inspectors and a lack of funding, it is very difficult for the RSPCA to carry out operations without questioning its legitimacy. The committee should look into the creation of an alternate organization with the sole responsibility of enforcement. **This separate statutory agency, however, must abide to all of the subsections set out by Term D in this inquiry while receiving proper funding and personnel from the government.**

If this agency were to be implemented, the RSPCA would take on education and veterinary care as its primary roles, thus alleviating a portion of the financial and personnel pressure. The new enforcement organization would then investigate and prosecute offenders of the Act. **Overall, this solution could ensure proper justice and care for animals across the state without confusion of legitimacy or overworking its citizens.**

International Cases - United Kingdom

These issues are not party to NSW alone - the United Kingdom's branch of the RSPCA faces these same deficiencies. The primary similarity is that both branches receive little to no funding from the government. **RSCPA UK's 2017 financial statements reveal that the company relies heavily on legacy income and donations to continue functioning.**¹¹ There is no mention of parliament funding within these statements - just as there is no mention of the RSPCA in NSW's annual budget.

Although there is a lack of funding, the UK provides three important lessons that NSW could learn. (1) The UK government has created a **diversity of agencies** in order for each agency to prioritize specific areas of animal cruelty.¹² The UK RSPCA is not carrying the majority of the burden as in NSW. (2) This organization maintains a **stronger presence in government** as it works constantly with parliamentarians in a "non-party manner to secure improvements for all animals."¹³ (3) The government has allowed for a **simpler and quicker process to become an**

¹⁰ Keely Boom; Elizabeth Ellis, "Enforcing Animal Welfare Law: The NSW Experience," Australian Animal Protection Law Journal 3 (2009): 6-32.

¹¹ RSPCA, UK. "2017 Trustees Report and Accounts"

<https://view.pagetiger.com/106TrusteesReportandAccounts2017/106TrusteesReportandAccounts2017> (See pages 28-29)

¹² Food and Agriculture Organization of the United Nations. "Gateway to Farm Animal Welfare: Collaborating Organizations." <http://www.fao.org/ag/againfo/themes/animal-welfare/aw-abthecat/aw-coll/en/>

¹³ RSPCA, UK. "Changing the Law: Making a difference for animal welfare." <https://www.rspca.org.uk/whatwedo/endcruelty/changingthelaw>

inspector. In the UK, an individual can apply to become an inspector as one would apply to a regular job - without the approval from the Minister¹⁴.

Conclusion

To conclude, I would like to summarize my key points in highlighting possible solutions.

- 1. The government should provide a larger portion of the annual budget towards organizations approved under Section 34B in order to allow them to achieve objectives effectively.**
- 2. The committee should discuss the creation of an external enforcement agency to alleviate pressure from the police and inspectors as well as ensuring legitimacy to the public.**
- 3. The government should provide methods to the organizations on how they can effectively educate the public on both the legislation and how to prevent animal cruelty themselves.**
- 4. The government should draw from the example set forth by the relationship between the UK Parliament and their "charitable" organizations.**

While these points will not fully solve the complex issue of animal cruelty, I hope my voice can serve as a starting point to protect Australia's beloved wildlife for years to come.

¹⁴ RSPCA, UK. "Become a RSPCA UK Inspector: Information for Candidates."
<https://www.rspca.org.uk/utilities/jobs/becomeaninspector/information>