

**Submission
No 65**

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

Name: Myriam Hribar and Simone Lieschke

Date Received: 27 November 2019

To the Committee on Animal Cruelty Laws in New South Wales,

Our names are Simone Lieschke and Myriam Hribar. Our submission is in regards to our personal experience with Wagga Pound/Glenfield Road Animal Shelter (GRAS), the investigations that were undertaken by the RSPCA NSW, and our correspondence with DPI. We think that the RSPCA never thoroughly investigated the issues that we raised regarding GRAS. Myriam initially reported GRAS to the RSPCA on 27th May 2015. We also corresponded intensively with Wagga Council for over 10 months, but very little changed at GRAS, so in April 2016 we went to national media

(<https://www.smh.com.au/environment/conservation/cats-found-in-freezer-at-wagga-wagga-city-council-animal-shelter-20160331-gnuqdn.html>) and started a petition

(<https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s>).

Myriam wrote to the RSPCA on three more occasions. She wrote to the RSPCA on 26th July 2015 and again on 12th September 2016. Myriam did not receive a reply to these letters. Myriam then also wrote another letter to the RSPCA on 31st January 2017. Again she received no reply. These 3 letters were sent by registered mail and always included the previous correspondence. We had also emailed the DPI on numerous occasions regarding issues and sent in copies of these 3 letters to the DPI. In some of these emails we stated that Myriam had never received a reply from the RSPCA.

On 29th November 2018 we were contacted by the RSPCA. The RSPCA had been contacted by the DPI regarding GRAS and copies of Myriam's correspondence had been sent to them. On 14th December 2018 we received another email in which the RSPCA stated that they had "checked our electronic filing system and unfortunately it appears we have no record of the filed letters." The RSPCA also stated that the RSPCA had received a total of 7 animal cruelty complaints regarding Wagga Pound/GRAS since 22nd May 2015 and that these had been investigated by the RSPCA "without any breaches of POCTAA being identified." We did not accept this statement as we had observed many incidents when some animals had not been treated appropriately at GRAS.

We wrote a comprehensive email to the RSPCA with the DPI attached, on 25th February 2019, expressing our concerns regarding the manner in which the investigations had been carried out, how thorough the investigations had been and that many of our questions to the RSPCA remained unanswered. We also wrote that we couldn't understand why Myriam's letters were not on the RSPCA's filing system and why in the first RSPCA investigation into GRAS following our initial complaint, the former volunteers who had brought up issues had not been interviewed or asked for further information/documentation. We queried whether all the issues we had raised had been investigated. We did not accept Wagga Council's statement that the RSPCA had "identified no issues relative to the condition the animals are in during their time at the shelter." This is after a live kitten had been put into the freezer. We also had documentation that showed that some animals were not always appropriately cared for at GRAS. The second investigation by the RSPCA was carried out after we had a meeting with Wagga Council. In this second investigation only the Saviour Incident appeared to be investigated, even though we raised concerns in regards to the Frozen Cat Incident and the dogs left on wet cement. We used the information in our petition updates in this email to the RSPCA/DPI, to give the RSPCA further information in regards to these issues (please see links):

1. The Saviour Incident: <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/22831911>
2. The Feral Cat Incident, animals without water/food: <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/23431766> , <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/23257094>
3. Dogs left on wet unheated cement: <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/23285916>
4. Sick animals left to die: <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/23354333>
5. The Frozen Cat Incident: <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/22852771>

The questions that we asked in this email to the RSPCA/DPI are below (some have been edited for the submission):

1. What procedures does the RSPCA have in place to ensure documentation does not get lost? How can there be no record on RSPCA's filing system of letters (some multiple copies) sent by registered mail? E.g. the three letters sent by Myriam Hribar that raised the serious issues at Wagga Pound.
2. a) Wagga Council repeatedly requested for a written report from the RSPCA. Why wasn't a written report sent to Wagga Council? When we asked for an explanation from Wagga Council in regards to the Saviour Incident, Wagga Council stated that they couldn't reply to us as it was inappropriate until they received a written report from the RSPCA. Our questions therefore remain unanswered by Council.
b) Does the DPI require a written report from the RSPCA when it investigates Council pounds, especially as they are a government body?
3. a) What rules are there in place to uphold objectivity and impartiality if Council Management and the RSPCA know each other?
b) How does the RSPCA assess that information they receive is accurate?
4. a) Why did the RSPCA tell the DPI that a volunteer had placed Saviour in the freezer, that the kitten was unconscious due to a fall and that the volunteer was distraught at their mistake? (this is incorrect)
b) Where did all this detail come from (so much detail cannot be simply an error or "miscommunication")?
c) Why did the DPI send out the incorrect information to members of the public that a volunteer had put Saviour in the freezer?
5. a) If there had been a written report by the RSPCA would inaccurate information have occurred? Written reports can be used as a reference and would prevent misunderstandings.
b) How does the DPI hold the RSPCA accountable and ensure that the RSPCA's investigations are thorough, objective, impartial and based on evidence, that all parties involved are interviewed, that conflicting statements are reviewed/investigated and that there is a written report with conclusions and recommendations made available for the parties involved?

6. Some of the former volunteers were asked to provide witness statements, but why wasn't there a follow-up interview to gain more insight/information/evidence?

7. a) What investigations and conclusions did the RSPCA reach in regards to animals receiving water and food on a daily basis at Wagga Pound?

b) Did they ask for procedures and quality assurance protocols?

8. a) How does the DPI ensure that Council Pounds operate appropriately?

b) Do Council Pounds operate with proper procedures and protocols?

c) What quality assurance protocols does the DPI have in place to ensure Council Pounds adhere to POCTA and the NSW Animal Welfare Code of Practice? Sadly our experience with Wagga Council has shown us Councils do not always adhere to legislation.

9. Why were the dogs left to sleep on wet, unheated cement for over 6 months at GRAS (the in-floor heating was not working and no beds were provided)? When Myriam had a conversation with Wagga Council she was informed that the RSPCA had made no comments on the inappropriateness of dogs sleeping on wet unheated cement. Were the RSPCA aware that the in-floor heating was not working?

10. a) What information did the RSPCA request of Wagga Council in its treatment of sick animals?

b) Did they request to see the Impound Register, which showed dogs died at GRAS? How was this investigated?

c) Leaving some sick animals without treatment is a clear violation of POCTA yet Wagga Council had been doing this for years. Why does the DPI allow this to occur?

11. a) Are Council Pounds regularly visited by the RSPCA or does the DPI assume that Council Pounds operate according to legislation?

b) Why aren't staff working with animals required to have formal animal qualifications?

12. What explanation did Wagga Council offer the RSPCA in regards to the two missing cats that were not entered on the Impound Register at Wagga Pound, went missing overnight and the Frozen Cat was found in the freezer the following morning?

We had a meeting with the RSPCA on the 23rd July 2019 in regards to our email. At this meeting we also raised the issue of the holiday period of 2016/17. We had not discussed this issue with the RSPCA prior to our meeting. During this holiday period GRAS was closed to the public for 10 days. We applied under GIPA for further information on this holiday period and also had to put in an appeal to the IPC. It has been confirmed by Wagga Council in regards to this holiday period, "... that the standard of care provided to animals at the shelter on some days during the period was not at a standard which would be expected by our community. On these days, animals received care below the level of care which would be regarded as acceptable." This incident occurred 9 months after we had gone to media. We think if thorough investigations had been carried out by both the RSPCA and Wagga Council into the issues we had raised and appropriate action taken when we first brought issues to light, this incident would not have occurred. Instead animals yet again were treated inappropriately at GRAS.

We appreciated meeting with the RSPCA on the 23rd July 2019. At this meeting some of our questions were answered but some of our questions remained unanswered. We summarised

our notes from the meeting and the questions that the RSPCA were going to investigate further, and emailed them to the RSPCA as a follow up email on the 25th October 2019.

Over the past 5 years we have corresponded also with the DPI. In one of our most recent emails sent 13th September 2019 we asked questions in regards to information we received under GIPA. This is one of the issues we raised in this email (edited with names removed):

“In Document 31 “Summary of Wagga Pound investigation and corro” it states that on 14th April 2016 “multiple incoming corro about incident”. DPI’s prepared advice states, “RSPCA NSW has investigated a number of complaints about the Wagga Wagga City Council pound. RSPCA has advised ... an unintentional mistake made by a volunteer while the cat was unconscious ... the volunteer was extremely distraught at their mistake...”. On 13th May 2016 there is a Question on notice by Mark Pearson (AJP). The DPI contacts the RSPCA and on the 19th May 2016 there is a response from the RSPCA NSW advising “...a second ranger collected what he believed to be a deceased cat from the enclosure and placed it in the freezer.” Therefore the information has been corrected and it is not a volunteer who placed Saviour in the freezer but a Council ranger. Yet on the 21st June 2016 in response to one of our supporters’ email sent 24th May 2016 “incoming corro about incident” the DPI sends out the same incorrect response that a volunteer placed Saviour in the freezer. We find this unacceptable, especially as the information had been corrected. The correct information was only sent after we had contacted the Ombudsman and the Ombudsman then contacted the DPI.

Our questions are:

- Why did the DPI give out the incorrect information on the 21st June 2016 to a member of the public that a volunteer had placed Saviour in the freezer, when the information had been corrected on the 19th May 2016 that it was a Council ranger?
- If a new corrected response has been prepared by the DPI, what quality assurance protocols do they have in place so that the incorrect information does not get sent out when it has been corrected?
- Has the DPI corrected this information to all the people to whom they gave the incorrect information that it was a volunteer who placed Saviour in the freezer?

DPI has now answered our questions. We have found some of the responses from the DPI disappointing. We think sending out incorrect information that a volunteer had placed Saviour in the freezer should never have occurred. This is why we think it is important to have thorough investigations with proper documentation. Even if it had been true that a volunteer placed Saviour in the freezer, why wasn’t the volunteer interviewed/asked for a statement by the RSPCA in the first investigation?

These are the changes we would like the committee to review and consider implementing:

- Updated/stronger animal welfare legislation which includes pound specific legislation. Updating legislation should be given a priority.
- An independent government body that oversees that animal legislation is adhered to. They could work in conjunction with the RSPCA/AWL. We consider it inappropriate for charities to be enforcing legislation. GIPA is applicable to government bodies, which helps them to be accountable to the public.
- Appropriate funding so that animal welfare issues can be properly investigated/regulated.

- More grants given to Councils so that they can offer subsidised desexing programs and other proactive programs, e.g. free registration for working dogs, desexing the mother animal for free when litters are handed in, subsidised/free microchipping, etc.
- All Council pounds and shelters should operate with proper procedures, policies and quality assurance protocols.
- All animal facilities (including pounds) should be regularly monitored by an independent government body. Pounds/animal facilities should be regularly inspected and not reliant on a complaint being made.
- Much stronger penalties for people not adhering to legislation and lifetime bans on owning/working with animals if people have been convicted of animal cruelty.
- People working with animals to have appropriate formal animal qualifications, e.g. staff working in pounds, pet boarding facilities, people caring for animals in aged care facilities, etc.
- Mandatory pet ownership course for all pet owners.
- No time restriction for investigating/prosecuting people under POCTA and other animal welfare legislation. We have found that collecting information/documentation takes a very long time and no one should be penalised for endeavouring to obtain accurate information.
- Raise the standard of what is considered the minimal best animal practices, e.g. appropriate sized cages for animals, etc.
- When investigations are carried out, ensure they are thorough with all parties involved being properly interviewed.
- When investigations are carried out, ensure there is proper, thorough documentation so it can be referred back to, and if there is a change in management, e.g. at councils/government bodies, there is documentation that new management can refer to and allows them to answer questions about any incidents.
- If breaches against POCTA/legislation occur within facilities, e.g. council pounds, abattoirs, etc, the proper authorities are notified and investigations are not just dealt with internally.

There is such a need for animal welfare reform. We feel incredibly let down by Wagga Council, the DPI, the RSPCA and the OLG. It should not have been so difficult to improve conditions at Council pounds. We appreciate that there have been improvements at GRAS, e.g. the in-floor heating is fixed, beds are provided for the dogs, sick animals receive treatment, animals are held for longer periods to improve their chances of rescue, etc. but there are still more improvements we think that are needing to be made, e.g. larger, more appropriate individual cages for cats that meet draft POCTA standards, a quarantine area for animals, etc. It has taken time, effort and persistence and without media attention these changes at GRAS we think would never have occurred. Councils should be held accountable for the way they run their pounds. Sadly there has been no justice for the animals that suffered so needlessly at GRAS.

We hope this submission informs the committee of some of the issues that occurred at GRAS for far too long and our concern in the way the investigations were carried out by the RSPCA. We also know there are issues at many other pounds (please see our petition update - <https://www.change.org/p/wagga-wagga-city-council-saviour-s-petition-improve-animal-welfare-at-wagga-wagga-pound-g-r-a-s/u/22498584>).

We really would like to see this committee bring about real changes in animal welfare legislation, the way legislation is enforced, more appropriate penalties, that adequate funding

is provided for enforcement bodies/proactive programs, formal animal qualifications required for everyone working with animals, and thereby, help improve the welfare and lives of all animals.

Thank you.

Yours sincerely,
Myriam Hribar and Simone Lieschke