

Submission  
No 72

## INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

**Organisation:** Australian Equine Unification Scheme

**Date Received:** 28 November 2019

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*Dedicated to initiating positive changes in the  
Australian horse industry*

28<sup>th</sup> November 2019

**Submission online** - <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=263#tab-termsreference>

**NSW RSPCA Year in Review 2018 - 19** [https://www.rspcansw.org.au/wp-content/uploads/2019/07/2018-2019\\_Year-in-Review\\_Online.pdf](https://www.rspcansw.org.au/wp-content/uploads/2019/07/2018-2019_Year-in-Review_Online.pdf)

Dear Legislative Council Select Committee on Animal Cruelty Laws in NSW,

**RE: Submission into: Inquiry into animal cruelty laws in New South Wales**

Thankyou for the opportunity to make a submission to this inquiry.

AEUS have monitored and documented the arrival of horses from saleyards to abattoirs across Australia and have identified the clear failure of the horse transport standards in protecting the welfare of these horses in NSW and across other states. The AEUS have collected reports on the failure in the protection of the welfare of horses in NSW, a sample of these are attached to this submission.

In regards to this submission, the AEUS is advocating for legislative enforcement powers to be removed from the RSPCA (a charity) and given to an independent office of animal welfare, this is based on the poor response to animals, in particular horses and the **unacceptably low prosecution rate of .5% of animal cruelty offences.**

#### **THE AUSTRALIAN EQUINE UNIFICATION SCHEME**

The **AUSTRALIAN EQUINE UNIFICATION SCHEME** (AEUS) is a collection of volunteers and members dedicated to initiating positive changes in the Australian Horse Industry via, forcing upgrades of current poor regulations and standards to provide a better quality of life for all equines and a balanced system for all owners.

One of the functions the AEUS performs is to monitor the horse industry and collate evidence for evidentiary reports on potential animal welfare breaches at saleyards, transport, dealers as well as the treatment of wild horses. We then forward these complaints to Australian Horse Industry Governing Bodies for investigation as well as to the local authorities, then we compile these reports and advocate for system change.

#### **RECENT ABC INVESTIGATION INTO THE HORSE SLAUGHTER INDUSTRY**

A recent comprehensive investigation into the Australian Horse Slaughter Industry, over a 2 year period, included media involvement, provided evidence of severe abuse of horses in the slaughter system and failure to comply with National and State based animal cruelty legislation. Further evidence of very concerning animal welfare breaches show the inherently broken and corrupt state of the Australian Horse Industry.

To watch the 7.30 REPORT: <https://www.abc.net.au/7.30/the-dark-side-of-the-horse-racing-industry/11614022>



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## **FIRST HAND OBSERVATIONS OF FAILURE IN THE PROTECTION OF HORSES IN NSW**

Please see the following attached AEUS reports for an indication of the breaches to current animal welfare protection standards and legislation:

**AEUS REPORT 18** – Maitland saleyard, an injured horse, no veterinary attention

**AEUS REPORT 29** – Young saleyard, transport breaches, starving horses

**AEUS REPORT 57** – Brumbies at 4BP, starving horses, lactating mare working.

The current system of protection for horses in NSW is failing:

- 1) There is no consistent definition of horses across states,
- 2) Prevention of Cruelty to Animals legislation in NSW offers little to no protection for horses at saleyards, transport and at slaughteryards. There is NO authority enforcing regulations
- 3) There is no compulsory registration for horses, despite there being existing technology and bylaws with councils for dog and cat registration. In NSW, horses need a PIC (Property Identity Code) with councils in where there has been Hendra and other viruses, but once they cross borders, they do not need a PIC.
- 4) Brumbies in NSW are referred to in government documents as **feral pests** instead of wild horses and are therefore not awarded the same protection as domestic horses, they instead are seen as a pest to be eradicated.
- 5) Does the RSPCA NSW know how many horses there are in NSW?

## **AN INDEPENDENT OFFICE OF ANIMAL WELFARE IS NEEDED**

As a charity and not a legislated agency of the government, the RSPCA is vulnerable to losses at court, this ultimately negatively impacts the financial position of the charity and thus reduces their protective ability. This significant flaw also seriously undermines the RSPCA's ability and willingness to prosecute for fear of failure and the costs involved.

In 2018 / 2019, the RSPCA NSW received 15,673 reports of animal cruelty, yet only 77 prosecutions were commenced, **that is a prosecution rate of less than 1%, at approx. .5%**. An unacceptably low rate and one which must be changed! The RSPCA NSW can be responsible for the rescuing, rehoming and education of animals (and be funded accordingly), but the prosecutorial powers **MUST BE REMOVED** and placed within an independent office of animal welfare, which would be a legislated body and thus afforded the same indemnity as a Child Protection department.

The AEUS also note that the RSPCA in their Submission to Voice for Animals (Independent Officer of Animal Welfare) Bill 2015, support an independent office of animal welfare.

See attached RSPCA submission.



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An independent office of animal welfare would significantly improve the welfare of horses in NSW through potential initiatives, such as:

- Enforce compulsory registration of horses – this would put an end to overbreeding as all horses could be traced back to the owner and therefore any rescue or other costs can be associated to that person.
- A stallion register, discounts for gelding – operated by councils using existing bylaws and pet registration technology.
- Enforce transport legislation – horses are suffering and dying while being routinely and openly transported in illegal trucks, they pick up at the saleyards in front of saleyard officials and drop off at slaughter yards with these trucks with stallions mixed in with mares, foals, pregnant mares and miniature horses. RSPCA do not investigate, saleyard managers do nothing, slaughter yards do nothing. Horses continue to suffer.
- There are Animal Welfare Standards in place which cover horses - however, these standards are misinterpreted, not applied and exclusions in place when it comes to saleyards, slaughteryards and transport as the definition of horse changes between companion animal and livestock. These standards are therefore never enforced.
- Enforce accurate declaration at slaughteryards – Currently horses are being misadvertised at saleyards then sent directly to the knackery, these horses have then been given false declarations and are potentially placing a significant risk to humans who consume horse meat.
- Equine Auctioneers to obtain special auctioneer licence and are to abide by conditions of that licence – this would eliminate the ‘black market’ between dealers and non cash payment ie: dummy bidding.
- Allow the Government to collect revenue – through registrations, prosecutions of animal cruelty and other administrative activity.

## **IN CONCLUSION**

The AEUS are concerned at the failure of the current protective system in NSW for horses, we have written numerous letters to Ministers, agencies, councils etc advocating for change and better enforcement of protective framework. The prosecutorial powers **MUST BE REMOVED** from the RSPCA in order to effectively enforce existing protective legislation for horses (and all animals) in NSW.

If you would like more information, please contact me on the details below.

Yours sincerely,

Debbie Barber  
Manager / Founder

**AUSTRALIAN EQUINE UNIFICATION SCHEME**