

Submission
No 79

**INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH
WALES**

Organisation: NSW Hen Rescue
Date Received: 29 November 2019

Partially
Confidential



SUBMISSION TO THE INQUIRY OF THE LEGISLATIVE COUNCIL SELECT
COMMITTEE ON ANIMAL CRUELTY LAWS IN NSW
29 NOVEMBER 2019

All correspondence regarding this submission should be directed to: Catherine Smith Founder
and CEO NSW Hen Rescue

RSPCA bodycam videos from Lakesland incident can be supplied if needed.



A. About NSW Hen Rescue

NSW Hen Rescue is a volunteer run registered charity that was established in 2010. We are a vegan organisation and believe that animals should not be exploited by humans. We primarily rescue, rehabilitate and rehome hens saved from the egg industry. Hens are usually sent to slaughter at 18 months old in the egg industry and instead of that, we give some individuals a chance to experience a life of love and freedom. As well as factory farmed hens, we also assist with stray hens and rescue other animals from the food industries. We aim to challenge the way people view chickens as 'disposable' and through telling the stories of rescued animals we aim to show people that chickens are individuals with their own personalities and a strong desire to live. Working in rescue we get contacted frequently about dumped or neglected animals. We often receive emails from people who have witnessed the abuse or neglect of one or more animals and who have contacted the RSPCA and police, but who have been refused help.

I, Catherine Smith, am the founder of NSW Hen Rescue. I have been involved in animal rights for most of my life and first experienced how the RSPCA works back in 2007 whilst briefly working at the Katoomba RSPCA shelter. Myself and other concerned members of the public and NSW Hen Rescue volunteers drew attention to the plight of The Lakesland Hens back in June 2018. In that case thousands of hens were being starved and dehydrated to death by farmer Shaun Stone. When the RSPCA finally attended (due to social media pressure) they refused to save a single hen and so myself and the others attempted to save the hens and were charged for our efforts by police. When the police turned up they did not assess the animal cruelty, but tackled the rescuers who had dying hens in their arms. This experience gives NSW Hen Rescue a unique perspective on the incredible failings of authorities to protect animals.

B. NSW Hen Rescue's Response to Select Terms of Reference

(a) the effectiveness of the charitable organisations currently approved under section 34B of the Prevention of Cruelty to Animals Act 1979 ("the Act") in achieving the objects of the Act, namely: (i) to prevent cruelty to animals, (ii) to promote the welfare of animals by requiring a person in charge of an animal: (a) to provide care for the animal, (b) to treat the animal in a humane manner, (c) to ensure the welfare of the animal,



The nature of our work at NSW Hen Rescue has seen us witness some extreme animal cruelty. When reported to the RSPCA, AWL and police we have repeatedly seen no action taken at all by authorities. The RSPCA will not take anonymous reports, which means that many people who witness animal cruelty do not feel comfortable reporting it due to potential retaliation from the person they report.

Example 1 - Lakesland Hens,

NSW June 21st 2018

On June 10th 2018 a member of the public (Evelyn) found approx 50 hens on the road outside a Lakesland property. As she considered the hens at risk of being run over, she tried to round them up to the large shed up the nearest driveway. When she got to the shed she discovered hundreds of chicken corpses and a vastly overcrowded 'free range' egg shed. She called the RSPCA to report the case. They took note of the case and then told her to call the police. She called the police who told her they would be there within a few hours. Evelyn waited and no one came. This 'passing the buck' from the RSPCA and AWL to the police and vice versa is something we have seen time and time again.

Evelyn took photos of some of the dead hens and the overcrowding and left the property. She then posted the photos onto a local Lost, Found and Injured Pets Facebook page where many people commented they had seen hens on the road in that area. NSW Hen Rescue were contacted by a member of this community page.

Due to our previous experiences with authorities, we lacked confidence that the RSPCA or police would take any action, so when we received anonymous footage 10 days later we were not surprised, but still shocked. The condition of the shed had deteriorated further since Evelyn had been there. Now there were many hundreds more dead and dying hens, including hens that were still alive, but could not stand up

(<https://www.facebook.com/watch/?v=2124469210914703>). The hens were shown not to have access to food or water.

The evening I received this footage I contacted MP Mark Pearson of the AJP. From past experience I was aware that the RSPCA were unlikely to act if I called their hotline and I knew that Mark Pearson had the contact for Steve Coleman (NSW RSPCA CEO). When I shared what was going on with Mark Pearson he contacted Coleman immediately and explained the situation. He also explained that we (NSW Hen Rescue) were willing and ready to assist with rehoming, vet care and rescue.

Despite the urgent nature of the situation, the RSPCA did not go and check the property the following morning (20th June). We launched a social media pressure campaign where many people who had viewed the footage called the RSPCA hotline and expressed their concern.



Finally the RSPCA sent 2 inspectors on the evening of the 20th June to inspect. The following day Inspector admitted they only attended due to social pressure. From body cam footage presented in court, we see telling farmer Shaun Stone, 13:23 "... so obviously last night was just sort of a, we just had to come because of all the pressure and everything and we just wanted to sort out, you know" By their own admission they only attended due to the social media pressure.

In court when asked why not a single hen was saved that night, both inspectors explained that it was dark (court transcript). If the RSPCA cannot invest in a battery operated flood light from Bunnings then we have serious problems.

That night the RSPCA saw at least some of the situation. They saw many hens were dead and others were dying. They said they would come back the next day and asked Shaun Stone not to move the hens off the property. At NSW Hen Rescue we strongly believe that motions to seize the hens should have begun at this point (or ideally 10 days prior when first reported). Turning food and water on for the hens would only benefit those hens that could move and the hens who were stuck in the muck or who could not move would not be able to access it.

That night locals saw Shaun Stone (the farmer) and other men working by lights. They saw them holding approx 10 hens (5 in each hand) by the legs and throwing them into a skip. They saw that some hens were flapping their wings. The skip left before the RSPCA returned the next day and approx 1000 hens were bagged up and left on the property. Members of the public reported to police that Shaun Stone was destroying evidence but no action was taken by police.

The next day (21st June 2018) NSW Hen Rescue organised a gathering of concerned people to attend the outside of the property in an effort to hold the RSPCA accountable and to offer rescue assistance again. We brought carriers ready to assist and Mark Pearson informed Steve Coleman we were ready to assist.

Later, in court, the RSPCA repeatedly said (somewhat laughingly) they did not seize hens as they could not fit 4000 hens into their ute. This shows lack of thought. The hens that needed immediate veterinary treatment could have been taken to the vet or for nursing (with our help) and the ones who could walk could be given immediate care on site and rehomed using our database.

On the 21st, whilst waiting at the gate for the RSPCA to conduct their investigation we did not know what was going on inside. However, from RSPCA bodycam footage shown in court, we have since witnessed RSPCA officers walk through just one side of the shed, not stopping to check hens who were unable to move. We see that they are with the Local



Land Services (LLS) Vet. The LLS vet, along with Shaun Stone stalks 2 of the healthier looking hens. After some time they catch them and the LLS vet breaks the hens' necks. The RSPCA officers appear to ignore these killings and even though the hens continue to move for over 2 minutes (certainly not a humane death) the RSPCA officers take no action to advise the LLS vet or to help the hens. I think this shows their lack of concern for chickens. Note that the LLS vet was only there to kill and take 'samples'. He was not brought to give vet attention to the hens in need.

When the RSPCA left the shed and one of them drove the LLS vet out of the property we waited at the gate to ask what they were doing to help the hens that day. We strongly believe it is not just a matter of bringing matters to court, but more importantly to save individual hens. The RSPCA officer refused to share information. This is typical of the RSPCA's reputation of not collaborating with other groups.

Some days later on the 24th June, Steve Coleman of the RSPCA told media that they were still trying to negotiate rescue with Shaun Stone, but that activists had made it harder for them. In actual fact back on the 21st the RSPCA inspectors recorded on their own body cams that they had encouraged Shaun Stone to send the hens to slaughter---

bodycam: 25:53 *heard saying to SS "get them out of here as soon as you can"*

to media person on phone: "they're egg birds, but at the end of their life"
"they're egg production birds but at the end of the day they're to be... we had just finished discussing with him that the best option... to send these birds off, now"
Female voice sounds to me to say "to heaven?"
"yeah... to the abattoir... "

Video (Title Lakesland Chicken Farm 21.6.18), 22:09 Stone on the phone organising for hens to be transported to slaughter. Inspector says "good idea"

Left with no choice volunteers from NSW Hen Rescue and concerned members of the public entered the property and attempted to rescue the hens. All were instructed on how to handle hens by myself and people with no experience were asked to stay outside the shed to wait for the carriers.

When we reached the shed RSPCA inspector stood in our way and blocked access to the shed. Inspector called the police. Outside the shed were many corpses of hens. Inside the shed I saw dead bodies of hens in the thick sludge and dead bodies in the nesting boxes. A volunteer called me over when she found a hen in the muck who appeared dead, but was still alive. After that we looked around the shed to see if any other hens who appeared dead



were still alive. It did not take long to find another girl covered in muck. It appeared she had been there for some time. After digging her out I approached Inspector [redacted] and begged for help. He stared straight ahead and ignored me. Outside, I showed the poor hen to [redacted]

I begged them to work together to help the hens. They repeatedly said 'leave the property' and made no move to help the hens. The other volunteer also had no luck getting the RSPCA inspectors to help the dying hens.

I walked down the driveway with a carrier of hens in one hand and a hen in desperate need of help in the other. I saw the police and hoped that when they saw the terrible condition of the hens they would be compelled to act. Instead they tackled me to the ground. I tried to hold onto the carrier and the hen but dropped the carrier.

On RSPCA body cam shown in court *RSPCA officer [redacted] is heard clapping her hands and whooping as a rescuer with a dying hen in tackled to the floor. [redacted] bodycam video 19:07 says "we just heard a tackle" and laughs and claps her hands in delight. No concern for hens who were victims of the tackle as well.*

19:15 [redacted] says "it is (funny) when you're trespassing and breaking the law".

I find [redacted] reaction to show extreme lack of concern for the welfare of the hens.

The RSPCA told police that rescuers had caused a stampede of hens that had killed many. This was totally false and there was no evidence to support it on the RSPCA body cam, but it was accepted as fact by the police and was used to divert negative attention from the authorities.

Even if they believed that was true we see on the RSPCA body cam that no officer went into the shed to check for injured hens after rescuers had left. Even when Shaun Stone was collecting stray hens, grabbing them by the wings the RSPCA inspectors did not advise him to handle them more carefully.

It became clear in the following days that the RSPCA media spin machine was in full action. Rather than make efforts to save the hens Steve Coleman spent time calling donors to blame the rescuers for the cruelty to hens and try to ensure the donor continued donating to the RSPCA. Here is a conversation between Inspector [redacted] and Steve Coleman just after the attempted rescue by NSW Hen Rescue:

BODY.X78072067.0083.180621.121734.1802

06:55 [redacted] "and these guys are still going on that this complaint went in to us and police 10 days ago, and I said well not to my knowledge..."

Steve "just so you know I listened to the phone call and a wire did ring on the 10th at 4 o'clock on a Sunday afternoon. And our operator, the truth is, our operator could have done a bit



more... look I'm just ringing to let you know that I've um pushed a few stray chooks off the road and pushed them back up towards what we think is a chook shed um but there's dead and dying birds, is that something reportable? and she said well have you reported it to anyone... well I've rung the police and she said oh well let's leave it with the police. Up until now... if they get there and see there's a need to involve the rspca they'll ring us."

says "good, and they would"

Steve says something like "it's not the best ? but it's not the worst"

***"well you can cover up on that"** and laughs*

No birds were saved by authorities and in court interviews who has worked for the RSPCA for 15 years admitted she has **never used her powers to seize animals**. This is very troubling given the amount of serious abuse cases she must have seen over the years.

Due to public pressure the RSPCA did press charges against Shaun Stone and he was convicted of aggravated animal cruelty. But the fact remains that the RSPCA did not seize any living animals from Stone and did not save a single hen.

Note - The RSPCA use the word 'euthanasia' and 'humane' to describe slaughter. For the Lakesland hens there was nothing humane or kind about their death. It was totally unnecessary. I think this points to a workplace culture where inspectors are trained that killing animals is a 'humane' thing to do, even if it is in a slaughterhouse or by breaking a neck and dying over a 2 minute period in immense pain.

Example 2 - Steve's Farm Fresh Eggs,

NSW, August 2013

In August 2013 NSW Hen Rescue and Animal Liberation NSW received anonymous footage of extreme cruelty at Steve's Farm Fresh Eggs in NSW. The footage showed dead hens in battery cages with live hens standing on top of them.

Animal Liberation NSW's CEO Lynda Stoner immediately emailed the RSPCA. AWL were also contacted.

The RSPCA said they conducted an investigation yet no action was taken and no animals were seized. The birds remained in the same conditions and in May 2019 the farm was again found to have horrific conditions with many dead birds. It was eventually found to be contaminated with salmonella which was no surprise given the highly unsanitary conditions the poor hens lived in.

Example 3 - Roosters. On multiple occasions NSW Hen Rescue have received reports from concerned people who have tried to report extreme neglect to the RSPCA and had received no help. We repeatedly see examples of passing the buck. Roosters are regularly dumped in parks



or in bush. They are then likely to starve to death or be predated. Repeatedly when the RSPCA are called they say to call the police. The police say to call the council and the council say to call the RSPCA. In the end massively under resourced charities such as NSW Hen Rescue are contacted.

Example 4 - Ducks and hen, , Denistone 5th August 2018

We were informed of 4 ducks and a hen living in extreme filth inside an old air conditioner at this property. They were being fed white flour and were only surviving due to a neighbour feeding them greens. The RSPCA had been informed and took no action despite the lack of proper food, clean water and a clean environment. Despite having far less resources we attended the property and negotiated with the owner to release the animals to us. We then gave them veterinary care and rehomed them.

Example 5- 12 Chickens at , Penshurst 2018

<https://www.facebook.com/NSWHenRescue/videos/2054546584573633/>

NSW Hen Rescue were contacted by someone who lived in a garden flat. The people in the main house were severely neglecting chickens and around half had already died. They were being fed a diet of only white rice and had inadequate shelter. The RSPCA had been contacted and took no action, not even an inspection.

We were able to negotiate with the owner to surrender the chickens. They needed urgent vet care as some were struggling to walk.

Example 6 - Rafael the Indian Ringneck Parrot. , Ryde May 30th 2019

A neighbour reported an Indian Ringneck parrot who was caged in the front garden with no shelter by a busy road. The RSPCA had been informed and took no action. We were able to negotiate with the owner to release Rafael to us. It turned out he had been caged for 13 years.

Example 7 - Dog in Kariong 22nd May 2015

When working with Animal Liberation NSW we received a report of a dog chained on a short chain in a back garden at Kariong. The dog was thin and you could see his ribs. The RSPCA visited and advised the animal guardian to put up a shelter but took no further action. The dog remained chained 24 hours a day and continued to be underfed.

Example 8 - RSPCA vs Police

Time and time again when someone calls the police about animal cruelty, they will refer the person to the RSPCA. It also often happens when someone reports cruelty to the RSPCA, they will refer to the police. This leads to incidents such as Lakesland where no one helps the animals. The police often seem unaware that they have the power to help animals under the law, especially outside of the RSPCA hours



Example 9 - Hoarder with cats 2015, rural NSW (documents available from Animal Liberation NSW)

When someone reported more than 80 cats in a hoarding situation I called the RSPCA to make a report. The person had not wanted to do it themselves as they wished to stay anonymous. I had to say I had seen it myself or they would not take the call if I had not seen it. For once an inspector actually attended. I informed him that Animal Liberation NSW would assist with rehoming the cats. The inspector said all 80+ cats would be killed. He said that none could be rehabilitated, despite there being many kittens.

(b) the ability of the charitable organisations currently approved under section 34B of the Act (“the approved charitable organisations”) to achieve the objects of the Act, including: (i) the level of funding provided by government, (ii) perpetrator and community education about ensuring animal welfare, (iii) any conflicts of interest or potential conflicts of interest between the investigation and enforcement of the Act, and one or more of the following: (a) commercial activities of the approved charitable organisations including corporate sponsorship, (b) industrial proxy membership payments or donations, (c) private interests of board members, consultants, and senior staff,

The RSPCA repeatedly state that they do not have enough funds from the government and perhaps for that reason they focus on bringing in funds as opposed to saving animals. Perhaps this is the reason Steve Coleman spent the days following Lakesland calling donors instead of helping the hens. They do a small number of seizures or big cases and use those to fundraise whilst ignoring the vast majority of cases. Their focus on bringing in money leads to programs such as the massively problematic RSPCA approved food program.

iii - conflicts of interest

The RSPCA approved foods program causes a massive conflict of interest. The RSPCA make a large amount of money from animal agriculture and therefore want to keep animal ag on side. RSPCA approved chicken farms still keep chickens that are slaughtered at only 6 weeks of age so the chickens are still bred to grow at a very fast rate leading to disabilities. This expose of an RSPCA approved chicken farm shows the truth about what happens in the industry:

<https://www.facebook.com/animalswithinphotography/videos/218164402115682/>

Euthanasia Bonus

Due to the distressing nature of euthanasia staff are paid extra on days when they kill animals. This leads to a culture where some staff members or managers will seek to kill more animals as a way to gain more income.



Animal ag board members

Board members of the RSPCA include the very people who abuse animals, animal agriculture farmers. The RSPCA board should not include anyone who profits off of the exploitation of animals.

Example 1 - Wally's Piggery

After they received footage of unimaginable cruelty at Wally's piggery the RSPCA attended. From their own inspection, they found 53 counts of aggravated animal cruelty and started procedures to take Wally to court. On the court date the RSPCA dropped all 53 charges letting Wally off the hook and letting the animals down.

In this case concerned members of the animal rights and rescue community offered to help care for the pigs who were left under Wally's care. This offer of help was refused.

I am unsure why this case was dropped when there had been such obvious animal cruelty.

Could it be that the farming board members had enough sway to get it dropped?

<https://animalsaustralia.org/features/RSPCA-drops-charges-against-Wallys-piggery.php>

(c) the adequacy of the standard of care and kill rates for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations,

Bugs the blue cattle dog - 2007

For a very short time, before I knew what they were really about, I worked for The Blue Mountains, Katoomba RSPCA in 2007. A dog named Bugs was surrendered. He was a very friendly boy with buggy eyes hence his name. It soon became apparent he was finding kennel life very hard. We were contacted by a cattle dog rescue organisation who wanted to take Bugs on to rehabilitate and rehome him in a more home-like environment. The shelter manager, _____, refused. Bugs remained in the kennel until _____ deemed him 'driven mad' by shelter life and he was killed.

Jessie the Whippet and Fence Jumpers - 2007

One day in Katoomba RSPCA shelter a lady brought in a dog named Jessie. Jessie was a whippet whose guardian said she kept escaping out of the garden in storms. In the latest storm Jessie had broken from her chain and dug under the fence and off the property.

The RSPCA deemed Jessie an escape artist, despite the fact she could have been kept in the house and she was killed.

All dogs deemed 'fence jumpers' or 'escape artists' were killed.

The 3 bunnies - 2007



I was working on the Katoomba reception desk when a man brought in 3 bunnies from his rabbit's accidental pregnancy. He felt bad about letting his male and female breed and had tried to give the bunnies plenty of handling so they were very friendly. He paid the surrender fees. After he left the manager, _____, instructed me to choose the cutest one and the other 2 would be killed. This was despite only 3 other rabbits being at the shelter and multiple rabbit runs being piled up in the shelter unused. I refused to choose and shortly after this I was fired. _____ had kept a list of my so-called wrongdoings including things I was accused of doing from days I was not even working.

The Chicken Lunch - 2007

_____ at Katoomba RSPCA and her staff ordered chicken for lunch and asked if I wanted any. I said no thank you, as I had brought a bagel and hummus for lunch. I told her I was a vegetarian (I was not yet vegan at the time). She said, 'I would not have hired you if I'd known you were a vegetarian.' I think this shows an interesting bias against those who choose not to consume animals.

Ginger and Mr T the Rats - 2007

Shortly after I began work at Katoomba RSPCA 2 domestic rats were brought in, in a picnic basket. The woman paid the surrender fee. The rats' names were Mr T and Ginger. _____ said that Ginger would be put down as she may be pregnant but Mr T could live. I offered to adopt both of them and take on any babies she may have. _____ agreed but it was the first sign that euthanasia was a quickly chosen option.

The Lakesland Hens - June 2018

In June 2018 the RSPCA took 10 days to inspect a Lakesland egg farm where thousands of hens were being reported as being starved to death. They only attended due to social media pressure (see above). Despite rescuers being on site to assist them, the RSPCA refused to save even a single hen. This was a case where hens were on their sides unable to move to the food and water even when it was turned on and the inspectors on site refused to help any of them. In a court interview Inspector _____ admitted to not using her powers to seize animals over her 15 year long career (available in court transcripts). I think this points to the RSPCA massively underusing their powers to seize animals and more often than not (including in the case of Shaun Stone) leaving animals in the hands of their abusers.

In conclusion

The RSPCA, AWL and police are currently failing to do their job. They are failing at protecting animals from their abusers and neglectful guardians. That is made plainly evident by the case of



The Lakesland Hens where not a single hen was saved despite the willingness of NSW Hen Rescue and hundreds of members of the public to help. We can see from the RSPCA's own comments on bodycam that is unlikely they would have visited at all if it were not for the social media pressure. We saw PR spin and donor retention becoming the main focus of the RSPCA and lies were told to the media to cover up the failing of the authorities. Both the police and the RSPCA failed to inspect the property until they received massive public pressure. When they did finally inspect they refused to save even a single animal.

I believe the RSPCA should be stripped of their investigative powers, the board of directors should be dissolved and new board members who have no animal agriculture ties should be recruited. CEO Steve Coleman needs to be dismissed as do all the inspectors involved in the Lakesland hens case or those that have links to animal farming. The RSPCA approved scheme should be dropped. A properly funded, independent animal inspectorate should be established. There should be no links with animal agriculture so that animal ag facilities could be held accountable the same as members of the public when it comes to animal cruelty. A formal apology should be made by the RSPCA to the Lakesland hens regarding how they let them down.

The police should also be made aware that they are able to help in cases of animal cruelty, especially in emergency situations or when other authorities are closed.