

Submission  
No 80

## INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

**Organisation:** Animal Liberation ACT

**Date Received:** 29 November 2019

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# **Animal Liberation ACT**

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**29 November 2019**

**Animal Liberation ACT submission for the Select Committee on Animal Cruelty Laws in New South Wales Inquiry into animal cruelty laws**



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### **Animal Liberation ACT**

Animal Liberation is an Australian animal rights organisation dedicated to ending all human activity that harms nonhuman animals and all anthropocentric and speciesist attitudes. As such, we act as a voice for the most exploited and vulnerable creatures on earth. Animal Liberation was founded in 1976 and now has branches in all states of Australia and many thousands of supporters.

Animal Liberation ACT is an incorporated association, managed by a committee elected each year by voting members of the association.

### **Summary**

Animal Liberation ACT has concerns with the limited terms of reference with most of them appearing to limit consideration to the RSPCA only. Mention is made of police and 'registered charities' but overall we feel there is a severe limitation inherent in this Parliamentary Inquiry into animal cruelty laws in NSW while the focus remains on the RSPCA as the body solely given responsibility for the prevention of cruelty to animals which is implied by the Terms of Reference. Rather, our recommendation is the setting up of an independent office for animal welfare and prevention of cruelty to animals based on a broad representation of stake holders taken from the community.

### **Key issues**

#### **RSPCA and the RSPCA Board Membership**

Currently the RSPCA is the main body approved to achieve the objects named in the Act. But we have several concerns with this.

Firstly, its history links it to the government in such a way that makes it inherently biased towards government norms or ideology. The first forms of the RSPCA were instated by the then colonial 'states' and were given a 'Royal Warrant' in 1923 (<https://www.rspca.org.au> 2019). This 'Royal Warrant' exposes the link to, and thus inherent bias towards, those in power. This creates a problem whereby whatever the current or prevailing 'norm's and 'values' are of any given period will see these values or 'norms' filter the understanding of which animals are worthy of protection from cruelty. Indeed, it underpins the understanding of what cruelty is because in most prevailing ideologies only certain actions are considered cruel.

Secondly, the RSPCA board consist mostly of either primary producers, retirees who also have stock on their land and hence dabble in primary production, veterinary scientists, and members who have worked on government and industry committees, an accountant, or who have worked in policy



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development and strategic communications, or law (<https://www.rspcansw.org.au> 2019) . We argue this mix of qualification creates barriers to defining cruelty and welfare. For example, as a primary producer many of the routine interventions completed by primary producers such as tail removal, horn removal (de-budding) would not be viewed as cruel. Rather these types of common (and legal) interventions) would be considered the norm and cruelty free. Also, members who are primary producers would inherently view the actions other primary producers as the 'norm' and not necessarily 'cruel'. Primary producers view animals in their charge (particularly their stock) as objects for sale and consumption. They would not view them as sentient and thus capable of different 'feelings' and 'perceptions' because from a primary producer's logic and 'object' cannot 'feel' or 'perceive'. Whereas in fact their sentience is now recognised ([Bekoff 2013](#)).

Secondly, veterinarians, do not necessarily view animals, for example stock, but even domestic animals as more than an object either. Veterinarians are trained in a science that has always viewed animals in a disconnected manner. For example, the main characteristics of science are systematic observation and experimentation, inductive and deductive reasoning, and the formation and testing of hypotheses and theories. What this creates is a disconnect between the observer (the scientist) and the observed (the animal). This disconnect can and often is a barrier to viewing the animal in front of them as sentient, rather if positions the animals as 'object'. Thus, some interventions upon animals (as the above) of what a veterinarian may allow will be seen as the 'norm' and not necessarily cruel. In addition, most veterinarians who practice in the country areas will of economic necessity reflect and practice the prevailing 'norms' of the farming and country community generally.

Further, those who were or still are involved in the legal profession might seriously be hampered in deciding upon what are cruel actions and what are not. Again, with reference to domestic animals such as stock, from a legal perspective these animals are property in law, and it would be difficult to say the least for those trained in law to be able to view these particular animals as sentient and not instead as objects. And one cannot be 'cruel' to an object.

In addition having occupation types as those previously mentioned plus policy developers and communications experts and accountants indicates the board membership is more akin to the membership of a typical corporation but an organisation such as the RSPCA needs to be more than just a corporation to be an effective instrument in the reduction of animal cruelty.

Having such a narrowly defined organisation which is given precedence by the government in terms of the necessary powers to intervene in animal cruelty cases will mean that many animals miss out on protection, particularly livestock and certain wildlife such as kangaroos that are commercially hunted for industry purposes and emus that are farmed for commercial purposes. This also includes animals classified as 'feral' such as camels, donkeys and brumbies that are killed for commercial purposes. We see this problem quite clearly in both the horse racing and greyhound racing industries where it is considered the actions they are forced to take, that of racing, and the highly concerning lack of welfare they have to endure are considered 'normal' (for those industries) and not cruel.



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We argue that the community at large has a stake in the prevention of cruelty of animals and animal welfare generally as evidenced by community concerns regarding Live Export, the greyhound racing industry and the more recent reactions to the cruelty involved in the horse racing industry. We argue that animal protection and animal welfare outcomes will be secured best by a representation from the broader community of organisations involved in animal welfare and protection rather than by the much more narrowly confined vision and inherently biased approach of the RSPCA.

## Recommendations

Animal Liberation ACT recommends the following steps be taken:

1. That an independent animal welfare office be created to achieve the objects currently embedded in the legislation which are summarised in The Prevention of Cruelty of Animals Act, NSW.
2. That this independent office consists of members representing the various stake holders who involve themselves in the rescue and rehabilitation of various animal species. For example, the membership should be broad enough to include membership of wildlife organisations, cat and dog rescue organisations, organisations whose aims are to prevent cruelty to those classified as 'feral' animals, and others that represent animals embedded in niche industries such as rabbits, and include a member of the RSPCA board as representative of that organisation. Membership should also reflect legal organisations whose primary work is advocating for the welfare of animals and whose work primarily involves animal law. If the membership is representative of all stake holders in the prevention of cruelty to animals, then all animals will be included within the protections. Otherwise the protections become limited to only certain animals that are valued by the dominant ideology of the few.

## References

Bekoff, M (2013). After 2,500 Studies, It's Time to Declare Animal Sentience Proven (Op-Ed). Retrieved from <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

<https://www.rspca.org.au/what-we-do/about-us/our-history>

<https://www.rspcansw.org.au/who-we-are/the-board/>