

**Submission
No 120**

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

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Inquiry into animal cruelty laws in NSW

Thank you for the opportunity of sharing my opinions on this important issue. I also did the online questionnaire. I required more space and time to discuss the Terms of Reference.

NSW is failing our animals, every day we hear about another act of animal cruelty, it seems animal welfare, and legislation which protects animals in NSW, is in need of debate and urgent action, this failure of our duty of care includes, all non-human animal species in NSW, including wildlife, domestic animals, and farm animals.

Most of us are disillusioned with the charitable organisations, and we are concerned about the weak legislation in place, supposedly to protect animals. It often seems it is the abusers who are protected by our legal system.

I believe animal cruelty legislation needs tougher penalties. Animal abuse should be perceived as a criminal offence, with serious consequences for the perpetrators.

Presently, in NSW an animal abuser either walks away with a warning, or a few weeks of community service, usually in a pound or shelter, or other animal facility. This is ironic, as an animal abuser should be banned from any further contact with animals.

Sadly, the charitable organisations and/or the police have no power over sentencing, it is defined by out of date, and lenient legislation, which seems to favour the abuser while ignoring the abused animal.

Surely, this is an incentive, rather than a disincentive and might account for the epidemic of animal cruelty in NSW.

Legislation should include zero tolerance for animal abusers, it is a serious crime, it should also establish the need for the psychiatric assessment of the

abuser, especially, when evidence supports the link between those who are cruel to animals and their progression to violence towards humans. NSW needs to establish an animal abuser's register. This will help the authorities to track abusers, it might also prevent them from buying or adopting animals.

In NSW horrific acts of animal cruelty are perpetrated on domestic animals, farm animals and wildlife are increasing, and usually they are not taken seriously.

(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,**

Are any of these categories included in this Act?

- Sow Stalls
- Battery Hens
- Debeaking
- Mulesing
- Factory Farms
- Horse Racing
- Greyhound Racing
- Animal Research Facilities (7 million animals die in our Australian labs and research facilities annually these include mice, rats, cats' dogs, rabbits, birds, native animals, farm animals, non-human primates i.e., baboons, macaques etc).

RPA Hospital in Sydney has a captive breeding program of Baboons hidden away from the public, these animals suffer in the name of expensive research which serves no purpose, except making non-human primates suffer.

- Council pounds and shelters/high kill rates/ including the pounds and shelters run by the large Animal Welfare Organisations.
- The cruelty inflicted on so called ‘introduced’ and /or animals categorised as ‘feral.’ for example, 1080 baits, aerial culling, traps, steel jaw traps.
- kangaroo culling, joeys pulled from the pouch and having their throats cut, joeys at foot having their heads bashed in.

How are these animals monitored by a person in charge?

Who is there to inspect the facilities, is it an independent observer, or a person employed by the relevant industries?

If inspections are undertaken by a charitable organisation, or a NSW Government representative, is there a conflict of interest?

Who is out on the field to monitor animal welfare when animals are poisoned, culled or trapped?

The ‘Freedom to Farm’ legislation, illuminates the failure of the charitable organisations in NSW to monitor and prevent cruelty to farm animals.

It is ironic to hear criticism of animal activists trying to prevent animal cruelty and alerting the public about the lack of animal welfare on some farms used for animal production (chiefly factory farms, and battery hen facilities). The activists are doing the work of independent inspectors, rather, than the charitable organisations.

Acts of cruelty, on farms should incur tough penalties, applicable to both, deliberate acts of abuse and/or through negligence.

- (a) **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,**

The charitable organisations in NSW leave much to be desired in terms of the high kill rates in their facilities. It is the animal rescues, who devote their time to saving animals.

The kill rates in NSW pounds and shelters, both those run by charitable organisations, and local councils would be much higher, if not for the work and devotion of the small rescue groups who save animals from death row in the NSW pounds and shelters, as well as animals dumped on the streets, they do this unpaid work at their own expense, and in their own time, i.e. they pay for desexing, vaccination, they socialise scared animals etc. and place the animals in foster care, until responsible “indoor” only homes (for cats and kittens) are found, these groups are not government funded.

The large animal charities do not appear concerned about the progression towards no kill pounds and shelters. We should be moving towards a no kill system in NSW.

whether the Government should establish a specialist unit to investigate animal cruelty complaints and enforce animal protection laws, either as part of the NSW Police Force or as a separate statutory enforcement agency, and

I am certain we need an independent investigative unit, with the power in NSW to enforce animal protection laws.

I am sceptical of a Government specialist unit, which would by implication come under the NSW Government control.

Perhaps, a coalition of animal welfare specialists should be established, sharing their experience and expertise i.e., domestic animals, including unowned (dogs and cats) wildlife, farm animals, exotic animals, etc.

A group of specialists drawn from urban areas and our rural community.

Individuals, and groups who have ethical concerns about animal welfare, and a love for animals. For example:

Cat and Dog, and other animal rescue groups

Farm Sanctuaries

Members of the Animal Farming Community

Wildlife Carers, and Wildlife Rescue Organisations

Sentient – The Veterinary Institute for Animal Ethics

Inspectors gleaned from the NSW RSPCA, the NSW Animal Welfare League, and the NSW Police Force

Legal representatives versed in Animal Law

Animal Behaviourists

Thank you for your time,

Kathryn Woolfe MSc.