

Submission
No 123

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

Name: Name suppressed
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Partially
Confidential

1a the effectiveness of the charitable organisations currently approved under section 34B of POCTA in achieving the objects of the Act, namely:

- (i) To prevent cruelty to animals

With reference to the RSPCA, they are grossly ineffective in preventing cruelty to animals. In fact if considered as an entity, they are the largest and most persistent offender of acts of cruelty to animals in Australia. The number of dogs and cats they kill every year in Australia is unconscionable and they have firmly stated repeatedly that they do not support the "no kill" ethic, even though it has been shown by many organisations that it can work.

When the RSPCA investigates a complaint they generally would rather seize the animal/s and prosecute the owner, instead of working with, and educating the owner, to achieve a satisfactory outcome for the animal. There have been many scientific studies done which show that the shelter environment is one of the most stressful places an animal can be, yet time after time the RSPCA chooses to remove the animal from the only home it knows and place it into a highly stressful situation in their shelters, for relatively minor husbandry matters.

In recent years the RSPCA have intensely pursued minor neglect situations, such as a puppy that has a flea on it, a dog that has long toenails, or a dog that has minor tartar on it's teeth. It should be noted that the name of the Act is the PREVENTION of CRUELTY, and the Act should not be used to persecute animal owners for such minor husbandry issues, which do not endanger the life of the animal in any way. These minor issues should be dealt with by educating the owner, if necessary issuing a Direction Order, and working with the owner to achieve a satisfactory outcome for both the animal and it's owner. To send these minor neglect cases through the Courts is an enormous waste of Court time, and only serves to create ill will between the RSPCA and the general public as it can plainly be seen that they are abusing their power and stepping outside of the original intent of the Act. Minor neglect is NOT cruelty, the Act should only be brought into play when there is actual cruelty which is endangering the life of the animal or causing it intense and prolonged suffering.

Now I would like to focus on one particular case which is indelibly engraved into my memory, and I will give details of this case in response to the term of reference which says...

- (iv) accountability to government and the community.

First I would draw your attention to a very comprehensive document called BEYOND OVERWHELMED which is a paper commissioned and funded by Catholic Community Services NSW/ACT for the NSW Hoarding and Squalor Taskforce.

The case I refer to is Valerie Elizabeth Hicks, 65, of Deepwater NSW who was raided in May 2015. In January 2017 she was sentenced to one month's jail after pleading guilty to 19 charges of animal cruelty in the Glen Innes Local Court. She was fined \$1,000 for each offence and the Magistrate ruled she could not own more than one dog for the next five years.

The 43 cats seized were all euthanised by the RSPCA. The 31 dogs seized were all pedigreed dogs with some considerable value, which were subsequently sold by the RSPCA.

<https://www.abc.net.au/news/2017-01-25/animal-cruelty-charges-see-woman-jailed-31-dogs-43-cats/8213076>

It is obvious even to a layperson that Ms Hicks had serious mental health issues. This was her 2nd incident involving hoarding animals and living in squalor.

Ms Hicks had previously been convicted of 83 animal cruelty charges in Queensland in 2008. She was fined \$7,500 and ordered not to own any animals for 3 years after 19 cats and 64 dogs were found living in squalor in her home in Central Queensland.

Reading through Beyond Overwhelmed it states that these types of cases are 100% guaranteed to re-offend and they should not be prosecuted. Did the RSPCA refer to the wealth of information and contacts provided by the NSW Hoarding and Squalor Taskforce? Why was Ms Hicks prosecuted a 2nd time and why wasn't she given the help outlined by the Taskforce in Beyond Overwhelmed? This poor sick lady should never have been jailed as that would have affected her precarious mental health state enormously. A person who is this ill is never going to "learn" a lesson by being imprisoned, she should have been helped, not persecuted, especially when the RSPCA became aware this was her 2nd offence of this nature. Why was no compassion shown to this elderly lady? The RSPCA are members of the Hoarding & Squalor Taskforce yet they completely disregarded all the recommendations of the Taskforce. This is completely unacceptable to the community and can only be described as "elder abuse".

In BEYOND OVERWHELMED it says "RSPCA NSW suggests the animal welfare problem cannot be solved without assisting owners to improve their own welfare and that a collaborative approach between sectors is needed. Consistent with their goal of preventing animal cruelty is continuation of program development and partnerships that have both an animal and a human welfare focus. By supporting pet owners they support the welfare of their pets and assist with reducing incidences of abuse and neglect".

Clearly RSPCA NSW says things that portray them as caring individuals who have a genuine interest in helping the most vulnerable sector of society, but when they are faced with an actual situation they don't use all the knowledge gained from Task forces like Beyond Overwhelmed and proceed to present the poor sick old lady to the wolf pack on social media, releasing photos of her situation which drew death threats from RSPCA followers on the facebook page, which, I might add, were not monitored and removed by the RSPCA. It almost seems that the RSPCA delights in 'exposing' these extremely vulnerable mentally ill people to the most horrendous public judgement and "trial by facebook". It is on this basis that I submit to the Select Committee that the RSPCA is most definitely not acting with accountability to the government and the community.

It is my opinion that the RSPCA should have all prosecutorial powers removed from them, and a separate government department set up, like the Dept of Fisheries, staffed by public servants who are accountable to the Minister as the RSPCA had demonstrated by the abuse of the powers given to them, that they are not a fit and proper organisation to be handling such specialised work as enforcing the Act on behalf of the Minister.

Thank you for the opportunity to present these horrific failures of the RSPCA to you for your action,

Yours sincerely,

The following organisations are members of the NSW Hoarding and Squalor Taskforce:

- Catholic Community Services NSW/ACT
- Sydney Local Health District – Concord Repatriation Gen Hosp
- South Eastern Sydney Local Health District
- NSW Ministry of Health – Mental Health Drug & Alcohol Office
- NSW Trustee & Guardian
- Housing Policy & Homelessness Directorate, Housing NSW
- City of Sydney Council
- RSPCA NSW
- NSW Fire and Rescue
- University of Sydney, School of Psychology
- University of NSW, School of Social Sciences
- Mental Health Coordinating Council
- Local Government NSW