

**Submission
No 131**

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

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Inquiry into animal cruelty Laws in New South Wales

I am strongly concerned about the need to reform animal cruelty laws in NSW and to strengthen their implementation. The two charitable organisations currently approved under s34B of the Prevention of Cruelty to Animals Act (“the Act”) do not appear to have the same capacity as the police force to adequately respond, investigate and prosecute reports of animal cruelty and neglect. However, they should be acknowledged for those cases where they do respond, investigate and successfully prosecute. It will be argued in this submission that the creation of a network of Animal Liaison Officers within the NSW Police Force, along with other measures, would greatly assist in prosecuting crimes of animal cruelty.

AWL NSW

The Animal Welfare League NSW notes in the latest available annual report that their inspectorate received 1292 complaints, 1944 attendances were conducted by an inspector in response to these complaints, 59 notices of direction were issued under s24N of the Act, and 29 penalty notices were issued to offenders.¹ The statistics reveal much lower euthanasia rates than the RSPCA NSW.

RSPCA NSW

The latest annual report from the RSPCA NSW records there are 32 inspectors, 15,673 cruelty cases were investigated, \$102,110 fines were imposed, and 77 prosecutions were commenced.² The statistics also reveal a very high euthanasia rate for cats which is of concern as well as more than a 30% euthanasia rate for all animals.

A comparison of the annual financial statements of both organisations shows that the RSPCA NSW works within a much larger budget.³ Both charities have a significant and valuable focus on other animal welfare services apart from their inspectorate activities.

Example of a recent failure to assist

I am aware of incidents where there has been an apparent lack of response by one of the delegated charities to callouts by animal rescuers regarding animal abuse and neglect. There is strong community concern about this issue, and it is very concerning that although animal abuse and neglect is a crime under the Act, cases being reported are not being investigated or prosecuted. This is constantly documented via social media networking and hopefully some of these cases will be brought to the Committee’s attention by those directly involved.

A recent animal hoarding case in Goulburn was resolved by a veterinary nurse who rescued, treated, rehabilitated and successfully rehomed, or reunited to the people who had lost them, over 40 cats

¹ See <https://tinyurl.com/AWL-annual-report-2017-2018>

² See <https://tinyurl.com/rspca-2018-2019>.

³ See <https://tinyurl.com/AWL-annual-report-2017-2018> and <https://tinyurl.com/rspca-finance-2019>.

and kittens after the local Council, AWL NSW and RSPCA NSW had refused or been unable to attend and assist. This rescue was carried out at her own expense and with the support of other rescuers and community members. It is unacceptable that the burden of addressing such cases of cruelty and neglect can fall on individual good Samaritans/rescuers while the perpetrators escape prosecution and may need psychiatric treatment and management without which they will continue to hoard and abuse animals.

Conflict of interest

The Board of RSPCA NSW includes members who have interests in raising farm animals for profit. This arguably raises a probity issue as it creates a conflict or perceived conflict of interest. There is growing community concern about animal cruelty in animal industries. Animal cruelty investigators should also have no conflict of interest in industries they are investigating.

Exemptions

It is of strong concern that organisations granted investigative and enforcement powers under the Act are exempt from other laws that allow accountability and administrative review.

Capacity

Of relevance to this discussion is the recent closure by the ASPCA of their enforcement unit in New York. The New York Police then took over dealing with animal abuse complaints. The ASPCA closed their unit because ASPCA staff simply couldn't handle the volume of abuse complaints whereas the New York Police could respond promptly. The ASPCA believed the police force was better equipped to deal with the volume of complaints it was receiving. It still works with the police force in taking in abused animals and gathering forensic evidence, however the police deal with the criminal complaint.⁴

Below is a list of options taken up in other jurisdictions that could be considered if the police force were to become the investigating body for animal cruelty offences.

Police Animal and Wildlife Liaison officers

The Police Service of Northern Ireland has an Animal and Wildlife Liaison Officer (WLO) who is based within district policing command in Belfast headquarters. The WLO is a point of reference for police officers and staff:

The WLO is the central point of contact within the PSNI for police officers and police staff when advice, support and assistance is required in relation to all animal welfare or wildlife crime with particular links to a suspected breach in the legislation and/or any associated queries. A crime is a crime and therefore every investigating police officer can investigate wildlife and animal crime with the specialist knowledge of the central wildlife liaison officer.⁵

⁴ <https://tinyurl.com/tharhg2>.

⁵ <https://tinyurl.com/qt6nlpk>.

The NSW Police Force already has a network of community liaison officers that focus on different types of communities. It would be possible to place an Animal Liaison Officer in every area command and police district to play a similar role to the WLO in Northern Ireland.⁶ This would greatly enhance the police force's ability to promptly respond to animal abuse and neglect complaints and enforce the Act. According to the NSW Police Force's latest annual report there are 11,187 police officers and 1014 police staff stationed around the State. Implementing an Animal Liaison Officer program would effectively equip each of these officers and staff with advice, support and assistance in relation to animal cruelty crime.⁷ In comparison RSPCA NSW has only 32 inspectors.

Dedicated police units

A dedicated police unit or specialist command that coordinates with Animal Liaison Officers around the state and focuses on education and professional development within the police force might be more effective than one dedicated unit without an Animal Liaison Officer network. Police have a better ability to respond quickly throughout the State but need advice and guidance on dealing with animal cruelty cases. A dedicated unit could assist in specialised training of police animal cruelty investigators.

Dedicated animal hoarding unit

Animal hoarding has been recognised in the DSM5 as a specific mental illness. Abuse and neglect of large numbers of animals in a hoarding situation requires a coordinated response including liaising with a mental health team. It is arguable the police are better equipped to do this rather than a charitable organisation which focuses on animal welfare.

Other potential strategies

There are many possibilities to consider that have been created in other jurisdictions that could significantly improve the implementation of animal cruelty laws in NSW:

- Specialised animal crime unit within the DPP
- Specialised animal crime court in areas of high population e.g. Sydney
- Education of judicial officers about animal crime
- Education of animal cruelty investigators in law enforcement degrees⁸
- State law enforcement centre on animal abuse⁹
- Education of shelters and rescue groups about how to tell individuals to report cruelty¹⁰
- Compilation of animal cruelty crime statistics

⁶ See <https://tinyurl.com/Police-NSW-2019-Annual-Report>, p7.

⁷ Ibid.

⁸ <https://tinyurl.com/tftzh9y>.

⁹ <https://tinyurl.com/sruzvhv>.

¹⁰ <https://tinyurl.com/qu966qf>.

Other related matters - Breaches of animal cruelty legislation in council pounds

In council pounds in rural areas some companion animals are kept in conditions of neglect and shot rather than being advertised for reclaim or adoption. There is a need for better scrutiny of council pounds and enforcement of animal cruelty legislation against councils who allow such abuses.

Finally, existing animal cruelty laws should be extended to cover all animals. There should be no exemptions in the Act, regulations and Codes of Practice for animals used in agriculture.

Thank you for the opportunity to make this submission.

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