

Submission
No 138

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

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**Submission to the Select Committee on Animal Cruelty Laws in NSW
Legislative Council of NSW**

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First a confession – I knew about this Inquiry some time ago, and with careless reading, assumed I had until April 2020 to put in a submission – only to discover, yesterday, that April was not the date for submissions but the date for the presentation of the final Report from the Committee.

This submission is therefore more rushed than it would otherwise have been. That said, what next.

In a first reading of the terms of reference for this Inquiry I was heartened by the breadth and specificity of the committee’s concerns. At first glance this seemed to open the door to a discussion of all the appalling dimensions of the evils perpetrated by the RSPCA. Not before time, but appreciated.

A second glance suggested there were a couple of crucial boundaries that needed serious attention, prior to being able to say anything useful in response to the terms of reference. .

a) the assumption the animal welfare laws of the state of NSW were fundamentally sound, and did not need anything more than good enforcement, and

b) that some assumptions have already been made about what is expected to happen after the inquiry – that two options were on the table (both) excluding the RSPCA. Should the NSW government establish a specialist unit to investigate animal cruelty complaints and enforce animal cruelty laws, 1) as part of the NSW Police Force or 2) as a separate statutory enforcement agency?” [See 1. (f)]

It would argue that, while getting rid of the RSPCA is overdue by decades, and a highly desirable move, the assumption built in the terms of reference at 1.(f) , that the current animal welfare legislation in NSW is fundamentally sound, is simply not true.

If the legislation can be and has been exploited and abused - right up to this week, with the extraordinary seizures (robbery ‘under colour of law!’) of some 1200 healthy cattle in Binnaway, NSW - the deficiencies in the legislation that made this even possible to think about, let alone to carry out, this has to be one of the main reasons why an inquiry into the RSPCA, and remedial action is so desperately necessary. These cattle were those saved for re-stocking, after the drought had forced each farmer to sell off almost all of the animals they had on their properties. When (if) the drought ends, how do these farmers have any chance whatsoever of re-starting.

Nor does the fact that the RSPCA opportunistically abuses and exploits the legislation does not mean that they are the sole villains, or that anybody else put in charge of law enforcement in this area would not exploit them in the same way.

A fundamental problem with the legislation is that it is based on a retributive theory of justice ('an eye for an eye, a tooth for a tooth').

The RSPCA professes to believe that punitive prosecutions 'prevent cruelty' to animals by constituting a warning to would-be animal abusers that they will be held accountable and punished for cruelty to animals.

This is a cynical justification for brutal abuse and plunder of animal owners undertaken entirely for reasons of profiteering.

The theory is that such prosecutions are deterrent. We are dealing with the assumption of the criminal 'animal abuser' who is rational and who assesses the risk of being caught against the gains to be derived from the crime. I don't know of any case study where that would be a reasonable assumption.

The theory of deterrence is also linked to "preventive policing" that has been discussed in NSW with respect to juvenile criminal behaviours. It has been assessed as counter productive.

Preventive policing doesn't work with 'animal abusers' any more than it does with juveniles.

Prosecutions of good-hearted people for cruelty to animals on the basis that this will deter sadists and psychopaths from cutting off a dog's ears, or slashing the throats of beautiful horses grounds animal welfare legislation on a *non-sequitur*. – when in fact all the legislation does is give the RSPCA the power to plunder.

The illogicality and irrelevance of the claim that prosecutions deter animal abuse is best appreciated when set alongside the RSPCA's habitual targeting of animal owners, breeders, rescues and sanctuaries, not for cruelty per se, but for alleged "neglect" of the animals

"Neglect" is described as a 'crime of omission'. It is typically conflated by the RSPCA with intentional cruelty, a crime of commission. The chief gain for the RSPCA in getting 'neglect' into the so-called 'reforms' of animal welfare legislation a decade or so ago was that it made false allegations and fabrication of 'evidence' just so much easier.

In particular it made it so much easier for the RSPCA to bypass the well-established common law protection that insisted that a prosecutor establish intent to hurt or injure an animal as the basis for a criminal charge. ("Without criminal intent there is no crime" - this is the ancient insistence that neither accident nor lack of foresight should be the basis for criminal charges, that *mens rea* be an element in any prosecuted offence.)

With 'neglect' treated as volitional, false allegations of neglect can be and are used maliciously by unscrupulous prosecuting enthusiasts, like the RSPCA, to vilify and asset-strip decent and caring defendants. The animal owners whose animals are 'seized' by the RSPCA are normally not in the slightest neglected but in top condition – even though the RSPCA has no scruples whatsoever about describing them as wallowing in faecal muck and pools of urine.

The RSPCA prioritises seizing animals that are in top condition because, if the "pre-trial settlement scam" works, these animals are immediately saleable, and saleable for top dollar. If, on the other hand, the occasional resistant target insists they are "NOT GUILTY" then the seizure of the best animals will a) generate the maximum 'care' costs, and/or b)

provide hostages that will constrain anything the erstwhile owner of those animals will do to fight back against RSPCA tactics.

But let us revert to the problem of relying on the legal paradigm of retributive justice.

The retributive theory of justice was first institutionalised in the social practice of vendetta, which has been most studied in its Italian version, still operative in modern Italy, albeit somewhat attenuated under assault from the state.

The retributive theory of justice loses a whole new kind of credibility when used by the state - as it is, and has been, right across the Anglo-sphere.

When the state imposes retributive penalties there is no reliable consolation for the victim, who is supposed to be pleased that the king or the parliament has 'vindicated' them by beating up on the perpetrator.

Moreover, when this retributive vindication is commodified via the substitution of monetary fines for physical punishment, and then combined with the imposition of legal 'costs', *the only beneficiaries of the 'rule of law' - as practiced by the state - become the state budget, and the prosecuting lawyer.*

The victim is now sometimes allowed the dubious entitlement of reading a victim impact statement to the court – an acknowledgment begrudgingly conceded – and otherwise still ignored.

These issues, swirling around the original decision to graft animal *welfare* legislation onto the initial criminalisation of overt cruelty, have been thoughtfully discussed in a paper by Geoff Bloom, delivered to the DAFF ([Dept. of Agriculture, Fisheries and Forestry](#)) conference in 2008.¹

My point here is that if anyone else – for instance the police - undertakes 'law enforcement' prior to re-grounding the legislation on a sounder philosophical base, then the same problems that have arisen with the RSPCA can be expected to recur when the police are in charge.

That this is not a mere hypothetical possibility can be inferred from the present occurrence of similar problems in other jurisdictions (such as child protection and guardianship of elders) where law enforcement is already the joint responsibility of the police and the DPP, or agencies other than the RSPCA.

So the question posed in the terms of reference at 1.(f), regarding whether or not the NSW government should consider establishing a specialist unit to investigate complaints about animal cruelty and enforce animal welfare laws, EITHER within the NSW Police Force OR as a separate statutory enforcement agency – this question becomes moot, until this logically prior problem is resolved, about the proper paradigms within which law enforcement should be undertaken.

¹. Geoff Bloom: *Regulating animal welfare to promote and protect improved animal welfare outcomes under the Australian Animal Welfare Strategy*, AAWS International Animal Welfare Conference, Gold Coast, 1 September 2008.

http://www.daff.gov.au/animal-plant-health/welfare/reports/regulating_animal_welfare

Restorative justice is the only philosophical framework within which animal welfare legislation should be cast. What this might mean in practice needs to be discussed in detail.

Best to hold this discussion before any changes are made that could more deeply embed the negative outcomes that have already caused the RSPCA to be reasonably accused of running a criminal protection and extortion racket.

Another aspect of the RSPCA's engagement in law enforcement that is deeply worrying is its ability to run charges through the courts despite its clear contravention of the protocols governing *locus standi*.

The rules on standing are based on the idea that individuals taking out private prosecutions, should be running cases in which they seek remediation or recompense for injuries personally suffered. If this is not insisted upon, and if proxy prosecutions are allowed to get up, then the feared outcome is a slew of vexatious litigation, in which proxy prosecutors will take up court time and force their target defendants into spending a lot of time and money to fight back in defence of perfectly lawful activities.

This is exactly what has happened with with the RSPCA! While Michael Kirby may have a point about tree-huggers needing to be able to act as proxy prosecutors to save the trees in old growth Tasmanian forests, there may be some other way to save the trees that does not involve allowing the RSPCA to asset-strip their way through the properties of older people with animals.

Malcolm Caulfield, in an exercise in focussed research on issues generated by the *locus standi* rules, has not been able to point to any legal avenue by which the RSPCA can act as a proxy prosecutor. And this is a fact which no magistrate has ever used to deny the RSPCA's prosecuting lawyer the right to lay charges in court!!

A simple declaration that the RSPCA must cease and desist from (investigating and) prosecuting, because they have no entitlement to standing, could therefore be the easiest way to remove the RSPCA from the law enforcement scene.

Let me now respond directly to the terms of reference. With the issues above out of the way it should be possible to respond very briefly to each sub-head.

1. (a) Without knowledge of any other 'charitable organisations' enforcing animal welfare legislation, what follows here is written with respect only to the RSPCA. I have no hesitation in saying that the RSPCA is absolutely ineffective in everything except making a lot of money from duping people into thinking it is a compassionate and caring organisation.

(i) it not only does not prevent cruelty to animals, it perpetrates cruelty both by way of neglectful omission to provide care, and direct commission of cruelty by way of ripping animals from the arms of their owners, and killing them unnecessarily, including by the use of killing techniques that ignore their own stated guidelines for other people to follow. (eg : 10 German shepherds killed within hearing of each other's deaths, using captive bolt guns – an old scandal that scandalised dog lovers across the UK and beyond, and by no means a unique event. - killing Gangotri, a lovingly tended cow in a Hindu temple, using subterfuge to get access, and without

even a remotely plausible excuse. - in Adelaide, killing Vicki Brown's six cats while she was in prison for six weeks, courtesy of the non-excellent 'defence lawyer' provided by the Legal Services of South Australia. Claiming to have killed some 85 of my cats – not quite believable because they were eminently saleable. A thousand other examples.)

(ii) (a) (b) and (c) to provide care, treat in humane way, and ensure welfare – all aspects of the same basic requirement to be kind to animals that depend on these 'humans' to look after them. A fail grade on every level.

(b) ability of 'charities' to fulfil purposes of legislation :

(i) vis-a-vis government funding grants?The RSPCA pursue their own agenda, and manoeuvre govt into supporting them. They care little for anyone's else's agenda

(ii) vis-a-vis 'educating' offenders and community in general about animal welfare issues – basically they are ignorant, without specialist knowledge of animal care, and recruited because they are capable of killing animals on command, and otherwise acting in way that will effectively intimidate people. No people skills whatsoever. Therefore on both counts no good as educators- either for accused 'offenders' or for general members of the community.

(iii) conflicts of interest (a) (b) and (c) – abound, whichever way you look. What particularly aggravates the people on this level is that their 'investigations' and 'prosecutions' seem consciously purposed to put out of action anyone or any organisation that competes with them in supplying the companion animal market.

I first encountered the conflict of interest issue in the dreadful story of the way they treated _____, a University of Adelaide lecturer in engineering. _____ set up a small group of people under the name of ETA – an acronym for the Ethical Treatment of Animals - with no connection at all with PETA. He was in his seventies and had a small dog, quite elderly and paraplegic. _____ lovingly made a small cart with two back wheels to allow the dog to run around. They burst in on him, seized the dog and put it down, declaring he was cruel to keep it alive. It broke _____ heart. The attack was almost certainly provoked by the RSPCA's pique that ETA had an annual 'march' in the city of Adelaide, with posters and banners advocating for care and respect for animals. Years later I noticed that the RSPCA had gone into the business of supplying small two wheel carts for paraplegic dogs. _____ spent the last ten years of his life fighting the RSPCA, but unhappily they outlasted him!

Other stories concern the NSW legal firm run by one of the _____ brother,, with the other being the president /CEO of the RSPCA . This legal firm undertook all the RSPCA's legal 'work'. See Ruth Downey's story for the figures here. I do have them and could supply them but not in the time available to me right now...

In Adelaide, similarly, _____ law firm seems to have either done the RSPCA's legal 'work', or farmed it out to buddies. _____ lorded it over the RSPCA SA for 15 years.

After the RSPCA in Queensland attacked both _____ and his son and his son's wife, _____ reported on conflicts of interest between RSPCA Queensland and other trading firms up north. Up there there are quite a few more scandal stories, for instance as part of their general developmental agenda all over Australia they are now interested in expanding large pet store emporia. One such established pet store, in Queensland, had

a VERY suspicious arson attack just before Christmas a year or two ago. Another story – Geraldine Fong Robertson had developed a highly successful breeding program for Standard Poodles. She did not belong to the Poodle Club in Brisbane, the president of which seems to have had a personal relationship with the RSPCA CEO in Brisbane. The RSPCA brutally attacked Geraldine’s kennels, arriving to seize a hundred of her dogs one rainy windy day, and encouraged hate mobs to stone her property. The dogs were fostered to members of the poodle club who used this opportunity to ‘steal’ her bloodlines. I don’t know whether they were successful in stealing her Chinese customers, but that was probably what they hoped to do. Several litters of puppies were born to the ‘foster carers’ and never accounted for. And the protesting web site that put up for her (www.petmafia.com.au) has since been ‘disappeared’. Both Geraldine and are now separately dead, both in mysterious circumstances. There is much more to this story but these are the bare bones. Please note the racism that was an operative driving force behind the attack on Geraldine in much the same way that it must be reckoned to be part of the dynamic behind the attack on me.

(C) Care offered stray, surrendered or seized (STOLEN) animals? – universally condemned by anyone who has seen the conditions under which animals are kept (or killed) at RSPCA ‘shelters’

There are reports after reports of RSPCA media statements about withdrawing from accepting ‘surrendered’ animals “because they had to reserve kennel space for “case animals’. The animals thus refused ‘shelter’ probably had a longer and happier life span, no matter what difficulties beset them. That doesn’t excuse the RSPCA for failing to offer care and re-homing.

Similarly the RSPCA refuse to go pick up any stray or injured animals that are reported to them by members of the general public. They could not get any ROI on such excursions – unless they had been able to organise TV news coverage. Then they’d be there with bells on – often trying to take credit from those earlier on the scene of, say, an accident, and who had done whatever actual rescue work was needed while the RSPCA posed in front of the cameras.

High kill rates in the shelters got some attention a few years back on SBS, with two sequenced programs dedicated to airing stories about the extraordinary first resort to killing any animal from which a financial return cannot be immediately activated. Owners brought dogs into the studio, and the general consensus was that the kill rates were heart-breaking and utterly unforgivable for an organisation that pretended to put highest priority on offering care to ‘all animals great and small’.

The BBC has run several Panorama programs on the sins of the RSPCA, although the general consensus amongst critics of the RSPCA in the UK was that the BBC, despite damning narratives, nevertheless pulled its punches unnecessarily.

d) (i) – (vi) Re allowing both investigative and enforcement powers to the one organisation. This has ben variously challenged, and the RSPCA’s response is quite inadequate. They say they keep the investigative and prosecuting staff separated in the

same building, and generally walled off from each other by social distance and such like. This does not suffice. They have the same interests, and they know they have the same interests, They do not need to confer about this.

Both 'branches' are dedicated to finding and prosecuting as many individuals as they can locate on the basis of their selective profiling to find those who are less likely, or less able, to put up a fight. (They prefer folk who are known to be in distress or otherwise not up to heavy resistance. People whose marriages have just broken up. People (like who are IN HOSPITAL for hip surgery when they run their first 'inspection'), People who are in wheel-chairs. People about to retire, People in marriages where the main earning partner has just lost their job. Et cetera.

Re 'capacity' - they operate with staff who are either volunteers, or not credentialed, or under-credentialed, or only just credentialed. Who are generally rude and contemptuous in their interactions with the public, and sweet-faced sweet-talkers when they turn up court. The tag 'Bogan Bully Brigade' seems particularly apt. They are second-rate mediocrities unable to grasp why they don't automatically command the same level of respect as most perfectly ordinary people obtain without any effort.

The "inspectorate" is predominantly comprised of women in their late twenties or early thirties, many of whom have weight problems, and who may be presumed to have had difficult relationships with their mothers unresolved by any effort to understand the peculiar psycho-cultural features of Australian life that create the problems they don't understand.

They generally seem leave the farmers alone – although according to information from friends in country Australia, they do endeavor to pick up 'donations' from many farmers who pay up annually in order to keep them away from their properties. The main reason why the farmers are protected, though, must be the willingness of the Farmers Federation to have one or two members on the RSPCA's Board of Directors. It is by avoiding tangling with individuals who belong to mainstream politically powerful and organised groups that has probably preserved the RSPCA to this point in time. I understand that the Farmers Federation and other similar organisations (like the Sporting Shooters perhaps?) encourage the RSPCA to 'go away' and 'spend your time with saving the kittens and puppies from the old ladies' - if true an especially nasty support for the strategies they do in fact live by.

Freedom from FOI requests – should be removed.

Accountability mechanisms do actually exist, but they don't work. The best explanation is likely to be located in the RSPCA's addiction to setting up 'Memoranda of Understanding' with various other governmental agencies of various kinds – eg the DPP's offices everywhere, the Minister of the portfolio into which 'responsibility' for oversight of the RSPCA has been tossed, the police, local councils, etc.

Magistrates are apparently brought into the RSPCA camp by the offer of special orientation sessions aimed at "familiarising" magistrates with the 'work' the RSPCA does, and their 'expertise' in all aspects of the procedural and operational functioning of the animal welfare legislative provisions.

I don't know anything about the Administrative Decisions Review Act of 1997, but if it can help pull the RSPCA's teeth, then all the help it can offer should be sought.

e) The problems associated with the RSPCA's exploitation of the opportunities to extort that are available through the doorway to the courts via the 'private prosecution' are found widespread right across the Anglosphere.

In Canada, [redacted], wrote a powerful two page letter in defence of his neighbours [redacted] in 2005, in which almost all of the abuses from which we all still suffer were set out with great clarity as well as extraordinary brevity. .

A Report on the RSPCA clone (sorry, I forget their name) in New Jersey give an excellent description of the kinds of problems we see here existing there. Ref: "Wolves in Sheep's Clothing", being absolutely scathing about the Wannabe Cops that infested their city.

The Internet is burning with sites denouncing RSPCA clone operations. See the SHG facebook page for the UK, along with one of the best of the others from UK Facebook pages "RSPCA Reality".

In the US, there is much interesting material on the Facebook pages of the Animal Caregivers Alliance – USA Chapter, along with its companion page Animal Caregivers Alliance – Ohio Chapter. Also on Facebook, see the page "From Farmers to Felons"

In Ohio, Congressman Steve Hambley has been slowly working his way through the most obvious abuses of the 'rule of law' as they have affected his constituents. I am not up to date on the latest news here, but he has had reforms to the legislation successfully passed and now on the books.

Laura and Rick Bell have written a book now into a second revised edition, detailing their observations of the internecine politics and scamming that occurs as animal owners come under attack from those organised under the banner on Animal Rights.

New Zealand has been relatively quiet lately, but news from a decade ago was that this domain of asserted compassion for animals as a cover for ripping off animal owners was rife there also.

It is my unhappy discovery that the RSPCA is attempting to open up 'franchises' in non-English-speaking countries also. Wikipedia provides data on this development.

There is much further information that could be set out – if I had a book length word limit. This may have to do for the moment.

Could I suggest that the NSW Committee obtain an extension of time sufficient to allow committee members to acquire and read up on selected submissions made to the Victorian Inquiry of 2017, as well as to the immediately preceding Inquiry in WA, conducted in response to the initiative of Rick Mazza, MP.

END OF PART ONE

PART TWO

In answer to the question that automatically arises from the observations made in PART ONE concerning the irrelevance of the idea of deterrence in explaining the RSPCA's ardent pursuit of prosecutions, we should ask a subsidiary question – why, then, do they do it?

We need to keep in mind the overall picture of what is going on. This is best summarised as the need to sort out the convoluted RSPCA proposition that they can prevent cruelty to animals by prosecutions based on their selective profiling of owners of companion animals in order to choose those least likely to be able to defend themselves in court, and then using neglect charges, while using defamatory and false language in charging their soft target victims with volitional indulgence in overt cruelty.

Maybe they believe their own lies?

There is a better explanation, and I wrote it up in the middle of 2019. I think it will help the committee to understand the true nature of the crimes committed in the current pattern of the RSPCA's involvement in enforcing animal welfare legislation. I shall simply insert that paper here in its entirety.

WHAT IS THE REAL PURPOSE BEHIND THE RSPCA'S CAMPAIGN FOR HIGHER PENALTIES FOR ANIMAL CRUELTY CASES ?

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July 2019

- 1. Magistrates rarely impose the maximum penalties already available to them when sentencing in animal cruelty prosecutions brought by the RSPCA**
- 2. So why does the RSPCA think that even higher penalties are necessary?**
- 3. The answer to this question takes us to the heart of the racket that the RSPCA is running - with the help of the legal system and 'the rule of law'**
- 4. The truth is that neither the RSPCA nor anyone else involved in the legal machinery of 'animal cruelty' prosecutions cares very much about what penalties are actually imposed by the courts as a result of an RSPCA case.**
- 5. To understand why this is so we need to know the procedural steps involved when the RSPCA determines to bring charges and prosecute an animal cruelty case.**
- 6. First of all, the RSPCA ignores the Crown Prosecution Service (CPS) in favour of bringing a 'private prosecution'.**

- 7. Many people are puzzled by this, insofar as the RSPCA is thus using a route to access the court system that has been abandoned by other charities – and a route that on the face of it is more difficult and expensive than if they were to do as others do, and take their information to the CPS with a request for the CPS to prosecute.**
- 8. The RSPCA' explanations – that the CPS does to have enough resources at its disposal to prosecute the number of cases the RSPCA thinks should be brought, or, alternatively, that the RSPCA wants to take on the mantle of good citizenship and save the government the expense of pursuing animal abusers – these explanations can be ignored as window dressing to hide their real reason.**
- 9. The real reason is that by taking on the role of prosecutor the RSPCA is able to access “prosecutorial discretion”.**
- 10. Prosecutorial discretion gives the RSPCA the power to determine whether or not to prosecute, what charges to lay, and what penalties to seek.**
- 11. Armed with this power, the RSPCA's hired hand prosecuting lawyer can ‘negotiate’ with the individual(s) targeted for prosecution, and for instance, offer to drop charges, for a ‘consideration’. Or, can offer to reduce the number of charges. Or, can offer to reduce the level of penalty that they will ask the court to impose.**
- 12. The ‘consideration’ that the RSPCA will demand of the accused can have various dimensions. They can ask for animals to be “surrendered” - to ‘save’ the RSPCA from the ‘need’ to seize them. They can ask for (highly inflated) fees to ‘cover’ the RSPCA's claimed ‘costs’ supposedly incurred by (owner un-authorized) veterinary bills. They can ask for (highly inflated) fees to ‘cover’ their supposed legal costs. And they can ask for (highly inflated) charges to ‘cover’ their supposed costs of caring for seized animals. The quantum under negotiation at this point can be a small fortune – tens of thousands of dollars, up to hundreds of thousands!**
- 13. The ‘negotiations’ that take place at this juncture, after charges have been laid at the court, but before the trial has commenced, are referred to as ‘plea bargaining’.**
- 14. Plea bargaining takes place outside the purview of the court, and will not be referred to in court. It is strictly a matter between the prosecutor and the accused. In America it is referred to as ‘the deal’, and agreement on its terms by the accused is referred to as ‘taking the deal’.**
- 15. Plea bargaining is system wide across the entire ‘criminal justice system’ in any country that has derived its ‘rule of law’ from its membership in the Anglosphere.**
- 16. But in other kinds of cases the prosecution does not usually seek payment for costs of the kind sought by the RSPCA.**
- 17. The way the RSPCA uses plea bargaining is in fact identifiable as extortion.**
- 18. In extorting their supposed ‘costs’ in this way, the RSPCA is in fact using ‘the law’ as a lever with which to threaten the accused with dire consequences if they do not pay up the amounts the RSPCA believes it can get away with demanding.**

19. The amount of money the RSPCA will find some excuse for demanding will be determined by the amount of which they estimate the accused can be relieved, without causing too much of a scandal.
20. It is reasonable to believe that the RSPCA's strangely privileged access to police data bases is their primary source of information about the financial resources of the accused.
21. We presume that this access is deemed acceptable once charges have been laid. This is because as soon as charges are laid the accused can be described as a 'suspected criminal' - and suspected criminals can have their bank balances and any other resources at their disposal freely researched by the police.
22. The RSPCA assiduously cultivate their relationships with the police to the maximum possible so as to aid their appearance of mandated social authority, but we may assume that one of the greatest benefits of a close 'working' relationship with the police is precisely this ability to discover 'legally' exactly how much they can inflate their 'costs' to determine how much they will demand in the plea bargaining process.
23. All this is by way of necessary background to understanding why the RSPCA wants higher penalties 'on the books'.
24. The higher the penalties with which the accused can be threatened, the more likely they will succumb to the RSPCA's demand that they 'admit guilt' when asked at the outset of the trial "How do you plead? Guilty, or not guilty?" and later, when sentencing is scheduled, rely on 'mitigating circumstances' to minimise court imposed penalties.
25. However, as soon as the accused pleads guilty, at the very outset of 'the trial', the point is that the trial is immediately aborted. All that is left to do is to impose the penalty.
26. This, above all else, is the chief gain from the RSPCA's reliance of running private prosecutions.
27. A fair trial with due process, is the heart of the claim of the British criminal justice system to superiority to all other forms of "providing justice".
28. But the plea bargain, using the demand for an initial plea of guilty, instantly removes the requirement for a trial, the requirement that the defence lawyer actually do some serious defending, and that the prosecutor 'prove the charges to be true 'beyond reasonable doubt'.
29. How infuriatingly tiresome it must be when some of the more idiotic individuals who have been accused and charged refuse to play along with this game and insist on the fact that they are NOT guilty as charged!
30. Since the number of people tempted to plead 'Not Guilty' can be maximally reduced if the legislation under which they are charged can be cited as providing for intolerably heavy penalties, the logic of the RSPCA's campaigning for heavier penalties for 'animal cruelty' becomes transparently clear.
31. This is why the actual sentencing, and the court room use of those legislated penalty levels is not really important at all. The RSPCA has obtained their rake-off from the

accused during the plea-bargaining process, and the actual court imposed penalty becomes relatively immaterial to the RSPCA. Direct fines can in fact be assigned to the RSPCA by the magistrate, or they can go to top up the state budget – but no-one is personally or organisationally really concerned about the exact quantum of fines imposed at this point.

32. The more the prescribed maximum penalties are disproportionate with respect to the offences charged, the closer to zero will be the actual number of people prepared to plead not guilty – and the harder it will be for ordinary people to call upon common law protections and resist the railroading process of the regulatory state and its machinery for creating revenue streams channelled to lawyers, the RSPCA and the maintenance of a predatory regimen skilled in asset-stripping, false accusations, and “over-criminalisation” - all designed to facilitate the upward trickle of the community’s wealth, small bundle by small bundle, into the resource accumulations of the ‘professional classes’.
33. We are looking at a scam in which public moneys laid out for running the court system have been successfully parlayed into private benefits – to the RSPCA, to the lawyers both for and against, to the career line employment of the judiciary or magistracy and other court and associated personnel (including prison guards if the accused ends up with a jail sentence), etc.
34. For this to work properly the RSPCA must appear invincible, and needs allies to achieve this reputation. They must never let an accused person be acquitted. Some level of penalty, no matter how small, must be imposed – even if only a good behaviour bond. They must have ‘co-operation’ from both the defence lawyer and the ‘tribunal of fact’ (i.e. in the person of the judge or magistrate). They must have the media on side, mainly to ensure they can whip up a lynch mob mentality to fuel public support and to sabotage or silence any kind of public protest or negative comments about what they are doing. And they must have Parliament of a mind to support whatever they ask for.
35. The chief reason for this is to abate the risk of an appeal for compensation. To get any such appeal up and running the convicted felon must first have won an appeal against conviction.
36. Their primary weapons are a variety of “dirty tricks”.
37. Presumably both the RSPCA, and all who help them, fob off their consciences with some variant on the ‘noble cause’ justification.
38. “Dirty tricks” can and do include intimidation and/or bribery (subtle or unsubtle), direct lying, witness tampering, witness collusion, fabrication of evidence (eg talking about non-existent offensive circumstances onto videotape in the near certainty that the transcript will be the only way this will be accessed by anyone interested enough to check some of the evidence), disappearance of animals after seizure, sale of animals prior to trial - either with a mandate for civil asset forfeiture or by claiming missing animals to have died or needed to be ‘euthanased’ - then add car stalking, phone harassment, Chinese whispers to destroy the target’s social reputation and ensure maximum isolation, provision of false friends, phone and

computer bugging, monitoring of target's consultations with lawyers, multiple raids and "checks on compliance with directions" and so on.

39. The biggest 'dirty trick' of all has been to prosecute for 'neglect' while speaking of 'cruelty'. This is because 'neglect' is easy to fabricate, and the stitch-up can be rolled out on the basis of a check-list of standardised accusations – notably including 'evidence' that is completely impossible to produce in court, such as 'smells', where the court is required to accept the sworn testimony for instance of three RSPCA employees. This needs to be further discussed elsewhere.
40. To grasp the full extent of the tentacles and reach of the RSPCA's criminality the first need is to understand the absolute hypocrisy that drives everything they do. Taking the moral high ground and grandstanding about the need for compassion and love and care is ruthlessly formulaic.
41. In South Australia, in the middle of June, about a month ago as I write this, [redacted] suffered a heart attack and died, just outside the RSPCA's fancy head office in Stepney. [redacted] was the RSPCA's local prosecuting lawyer, who replaced [redacted] a couple of years ago, when [redacted] appears to have taken fright and disappeared into a more secure placement within the deep state of our Aussie version of America's deep south.
42. [redacted] He was not quite sixty. While we cannot know what medical issues affected [redacted] heart, it is open to speculation whether or not his heart attack was brought on by realising the depths of the chicanery he had to engage in as a function of his employment by the RSPCA. We extend our sympathies to his wife and family. Albeit misguided in his willingness to accept an RSPCA job offer, he seems to have been a decent enough kind of bloke.

END OF PART TWO

PART THREE

The next logical question to ask is how they have gotten away with this game for so long?

This is an important question, because it carries an alert with it – namely what vested interests are involved in supporting the RSPCA's nefarious career in elder abuse, and theft and generally disreputable dishonesty and self-interested game-playing with the lives of decent people.

Answering this question requires pulling apart the way the RSPCA has used and distorted prevailing cultural values (like kindness to animals) to embed itself in our institutional cultural history, essentially to set up a conspiracy to defraud. It is too difficult to pull this apart right now, and it will have to be set aside for another day.

END OF PART THREE

PART FOUR

I think it might be helpful, despite the possibility of overload, if I were to attach to this submission as few extra documents relevant to the committee's interest in all things linked to understanding the RSPCA's role to date in law enforcement.

I will attach the following items to the emailed submission.

1. Two flyers, intended for public distribution, to alert general members of the public to the need to think through the marketing spiel they were being fed, in order to understand the realities the marketing spiel was hiding.

a) "*Homegrown terrorism*" (2013), and

b) "*Explosive claims*" (2017)

2. MEDIA RELEASE, 52pp version, put together for journalists to alert them to different sources of data, to encourage them to investigate further. An anthology of sorts. It includes, inter alia, a CALL FOR A ROYAL COMMISSION, and a set of RECOMMENDATIONS FOR IMMEDIATE ACTION. It also includes some case studies. This Media Release was written and circulated in December 2016.

3. Documents linked to the *Victorian Parliamentary Inquiry*. This Inquiry had very broad terms of reference compared to the NSW Inquiry, and seems to have been an inquiry the Andrews government was forced to set up in response to the public scandals created by the Framlingham court case and the terrible fate of the Bulla race-horses.

Daniel Andrews made clear that he was supporting the RSPCA, and the Report that the Victorian Committee produced was an insult to the intelligence of Victorian citizens, and partook somewhat in the nature of a cover-up, by way of silence (There were just 27 pages of text!!!).

However, despite these drawbacks a couple of papers in particular were eye-openers to those generally concerned with the public interest, and the negative impact of the RSPCA on that interest. Specifically, Submission 18, from John Maitland (lawyer) and Submission 43 (from Heath-Ellison Holdings) deserved much more attention than they received.

I am also attaching here the cover letter I wrote for the numerous documents I supplied to the Victorian Committee, and well as the review I wrote of the Report they subsequently published.)

4. I have other material that could be useful, eg My Open Letter to David Speirs, Minister for Environment and Water in SA – a portfolio into which the RSPCA has been tossed as some kind of afterthought. But since this is 78pp long I think it must be regarded as overkill at this point in time. It does, however explore the doctrine of ministerial responsibility in the Westminster system to which Australia's system of governance is inheritor – a doctrine which The Honourable David Speirs currently stands guilty of flouting. Should the Committee desire to read this document it can always be supplied at a later date.

END OF PART FOUR

END OF SUBMISSION

PS : The discussion needs to include a large contribution from people who have direct personal experience of being on the receiving end of RSPCA attentions. So far this has been notable gap in enquiries about RSPCA behaviours. But from whom else can one expect to find out that which the RSPCA would prefer remained under the table, unseen, and undiscussed.

All provisioning for justice to prevail In the community should be revenue neutral for personnel involved in that provisioning. Criminal law should not be an item in the state budget's income column, nor anybody else's entry item in their income column.

Contemporary discussions therefore ought to address a) the problem of false allegations, b) the removal of the neglect clauses, and c) the denial of access to the courts to all proxy prosecutorial entrepreneurialism.