

**Submission
No 6**

**INQUIRY INTO 2021 INQUIRY INTO THE APPROVED
CHARITABLE ORGANISATIONS UNDER THE
PREVENTION OF CRUELTY TO ANIMALS ACT 1979**

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**2021 INQUIRY INTO THE APPROVED CHARITABLE ORGANISATIONS UNDER THE
PREVENTION OF CRUELTY TO ANIMALS ACT 1979**

Dear Committee,

Thank you for giving me the opportunity to make a submission on a very important and concerning area of the New South Wales Community.

In line with the terms of reference I will address the three points that form the terms of reference.

(a) The matters contained in the annual reports of the approved charitable organisations, including their financial statements.

It is not surprising that the alleged charitable organisation approved under s34B being the RSPCA is of major concern. I will not really mention the Animal Welfare league as they are insignificant compared the RSPCA.

I believe that s34B approves the RSPCA on the basis that they are in fact a Charitable Organisation. Since the Federal Court Case of *Orion* the RSPCA has been anything but a charitable organisation. There is no doubt that this authority came about as a result of a public prosecution not being allowed any more especially against the RSPCA. This is not consistent with other states of Australia.

The financial Statements supplied by the RSPCA should show the millions of dollars they have in their accounts and the amounts of funds obtained from business ventures such as RSPCA accredited chicken etc. The list is endless.

(b) The exercise by the charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979*.

Since the Minister gave the alleged charitable organisations the authority to prosecute the RSPCA has exploded to become a very dangerous organisation. There appears to be some misunderstanding as to who actually administers the *Prevention of Cruelty to Animals Act 1979*.

The Minister and the Department of Agriculture have failed in that they have failed to oversee and manage the Inspectors appointed by the Minister and his delegate and the RSPCA as a prosecution body. It is a misnomer that the Minister and the Department have no authority to supervise and manage the Inspectors and RSPCA. I am more than happy to give you this information in a meeting with the committee.

The recent establishment of the Task Force looking at Commercial Dog breeding or 'Puppy farms' has seen the illegal actions that Inspectors have been getting up to. One of the main things that the RSPCA have been targeting are Breeders of many years standing of pedigree dogs where they should have been investigating real puppy farms but it appears this is outside of their investigative knowledge. Is it just too hard for the inspectors to look at real puppy farms?

There has been lots of discussion about what constitutes a Commercial Breeding business. The previous Minister Kean was ill advised and ill informed. Let's hope the current minister does not seek guidance in the ill-informed ulterior motive advice from the current advisers.

The interpretation of the Inspectors/RSPCA on what constitutes a Commercial Business has led to the illegal entry onto peoples properties when they use the excuse that they received a complaint but since

we are here we will do an audit. The term commercial business should be aligned with the Australian Taxation Office definition.

I have it on good authority that the Chief Inspector has stood over the Department of Agriculture in relation to the Puppy Farm Audits. I ask you to have a look at the Act and go behind the curtain. There is no such thing as a Chief Inspector in the Act. The Chief Inspector has no authority. The Minister cannot give authority when there is no authority to give.

C) Any other Related Matter.

1. Removal of the Real Experts in Animal Care on the Advisory Panels to the Minister

The removal from the advisory panels of the experts such as Dogs NSW, ANCATS, Animal Care Australia and the like and replacing these experts with Scientists is nothing but shameful. Scientists like the RSPCA and not the only experts in animal breeding and care. If anything the RSPCA and the Scientists are not experts. This has been seen many times in the courts around the country.

Recently the DPI and Minister has been informed that Science does fall foul when they are not realistic. As soon as you start using a modelling approach it is no realistic. This has been found in many areas such as the amount of Brumbies that the scientific advisers determined where in the National Parks using a model and extrapolation equation that was purely inaccurate. Another example is the Great Barrier Reef where Professor Ridd challenged other scientists where there findings could not be replicated. Science is about replicating and coming up with the same or close to the same answer. That is what the whole issue is. Scientists do not and cannot obtain anywhere near the same expertise as Dogs NSW, ANCATS, Animal Care Australia do every day.

I submit that the real experts are re-appointed as a matter of urgency and the scientists are removed immediately.

2. Authorising a new charity to supervise the RSPCA and Removing the NSW Police from being able to investigate, enforce and prosecute the POCTAA.

My submission is that the Deputy Chair Ms Hurst has promoted this idea in the past and the government has not agreed.

I can understand to some extent why Ms Hurst wants this. My view and many members of the community are concerned that the RSPCA fail to help animals that need help and target Animal Owners because it is easy.

Firstly I would like to submit that authorising another charity to supervise the RSPCA is not acceptable especially when they will what to be subsidised by the tax payer. There is no need to have any other body supervising the RSPCA. All that needs to occur is that the DPI actually do what they should be doing and supervise the Inspectorate and the charity which is the RSPCA.

The New South Wales Police are the experts in investigations for the State of New South Wales. They should not be removed as one of the agencies that the enforce POCTAA. With the Police there are checks and balances from start to finish.

Whereas when you have a charity such as the RSPCA unless they are kept in line (supervised with checks and balances) you have what you have now. The RSPCA are a rabble at this time all across Australia with the RSPCA in Western Australia and South Australia and now Queensland being found

out to have been running their own race because the DPI equivalent have let them. One of the biggest failures is that DPI has employees that align with the RSPCA thinking process.

It is nonsense that the DPI in NSW is not an enforcement body. It is the DPI that administers POCTAA.

There should not be any new charity appointed because like the RSPCA they would just become an out of control entity and not a charity and require the State to protect them in any litigation that may occur. That is exactly what the RSPCA do.

Kind Regards

Grant Holman

Solicitor