

**Submission
No 12**

**INQUIRY INTO 2023 INQUIRY INTO THE OPERATION
OF THE APPROVED CHARITABLE ORGANISATIONS
UNDER THE PREVENTION OF CRUELTY TO ANIMALS
ACT 1979**

Name: Ms Deborah Rouse

Date Received: 20 February 2024

In relation to the 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, please find following my issues and recommendations for your consideration.

I have been helping various animal welfare organisations, rehoming organisations and community rescue groups for near two decades, primarily for companion animals and wildlife. My issues are largely based on my own experiences with a range of relevant actions from the Royal Society for Prevention of Cruelty to Animals (RSPCA) New South Wales (NSW) and Animal Welfare League (AWL) NSW, and shared observations from a network of others in similar fields in other state / territories.

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Responses to the Terms of Reference

Regarding 1 “(a) the matters contained in the annual reports of the approved charitable organisations including their financial statements”

Issue with lack of transparency in annual reports and financial statements

- It appears there is a lack of transparency as to what each organisation receives in funding for the POCTA services, and the breakdown of quite large amounts eg is it \$2.9M that RSPCA received for Inspectorate services? I note that the number of inspectors and staff team members is possibly not mentioned in either the financial report nor annual report. However, this information may be potentially be lightly summarised on a webpage? I have been anecdotally aware that the team at RSPCA has had some members of the Inspectorate team resign, that is, team instability possibly indicating conflict within the team or compassion fatigue?
- It is of interest to understand the roles/ people, facilities involved, policies and practices at a detailed level (noting that RSPCA annual report contains a number of measurable activities, AWL NSW includes just three criteria for outcomes).
- There is concern for lack of transparency to the salaries/ remunerations for the CEO and other key management roles salaries etc and their contribution for managing the POCTA related obligations.
- In my opinion, over the years, the annual reports have become a marketing tool rather than being transparent reports on performance and improving outcomes for animals. While a proportion of the members and community may be satisfied without the details, I and others find this frustrating, as it appears a “trust us” or “you don’t need to know” approach.
- How do stakeholders in the community understand the work and value of the work that is provided? How can value for money be judged? Where are the challenges and their own recommendations for improvements shared with the public community?
- Is the NSW government (eg Department of Primary Industry, and the Office of Local Government) receiving more detailed information from each organisation? If so, what has been communicated in terms of achievements and challenges, risks and issues, and recommendations for improvements from the RSPCA and AWL?
- Anecdotally, many in our community have lost trust specifically in the RSPCA, and unfortunately hear stories where the RSPCA took too long to act to save the lives of animals, or conversely the RSPCA “sweeps” in to a perceived hoarder and takes all the animals away usually to a shelter with small enclosures which is detrimental to the behaviour of animals. That is, while physical health issues may be addressed, the mental and emotional needs of the animals appear to be ignored.

Recommendations

- It is strongly recommended that for charity-based organisations that are performing such critical and sensitive work, that much more information is shared with the public, the members of each charity, and the NSW government assessment. This will provide confidence in the organisations and our government’s oversight, and help restore trust in all of those performing a service for animals who are not able to speak for themselves.

- It is also strongly recommended that charities provide detailed information on their policies and how these are used in decision making for deciding to euthanase an animal or not. Currently it appears that the RSPCA will euthanase even when capacity in their shelters is available, or when an animal has more than one illness then the animal is euthanased – is it as the cost of treatment is more than the cost of euthanasing? Being open and transparent with the underlying business financial model will help restore trust in these organisations.
- Annual reports and financial reports need to provide more a breakdown with detailed information to avoid “hidden” expenses in the minimal categories.

References

RSPCA NSW Financial Report 2023 <https://www.acnc.gov.au/charity/charities/c6107d58-38af-e811-a960-000d3ad24282/documents/>

RSPCA NSW Annual Report 2023 <https://www.rspcansw.org.au/annual-report/>

AWL NSW Financial Report 2023 <https://www.acnc.gov.au/charity/charities/30f494c1-38af-e811-a963-000d3ad24077/documents/>

AWL NSW Annual Report 2023 <https://www.awlnsw.com.au/wp-content/uploads/2023/12/Animal-Welfare-League-NSW-Annual-Report-2022-2023-1.pdf>

Regarding 1 “(b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979”

Issue with lack of stakeholder engagement & poor social licensing

- There is a significant concern for the lack of stakeholder engagement: not all stakeholders are members of each/ both charities, and therefore not able to easily access information or obtain responses to queries and concerns. Stakeholder engagement is strongly aligned with social licensing of an organisation which includes “taking into account the interests of its stakeholders, its impact on the community and environment, and its role in the wider society” [Compliance Quarter].

Recommendations

- These charitable organisations need to engage across communities with more transparent information and be open to consultation feedback on their approaches, policies and processes.
- The complaint systems need to be operated independently.

References

<https://www.compliancequarter.com.au/what-is-a-social-licence-and-why-will-it-be-critical-that-businesses-understand-this-term/>

Issue with the lack of consistency with performance of duties

- There is concern for the lack of consistency with performance of inspectors: the anecdotal experiences with enforcement agents / inspectors appear to vary from one extreme to another. The application of legislation and policies appears to vary most likely based on the experiences and aptitude of the people in those roles rather than detailed policies and procedures.
- What training is available for inspectors in dealing with people where financial penalties are not a deterrent? What avenues / directions are there for inspectors to follow for the best outcomes for animals?
- It appears many are constrained by legislation and it is likely limited funding is driving decisions on the steps, rather than best outcomes for people and their animals. In practice there appears more support where farm animals (where animals are a \$ product) are involved over companion animals.

Recommendations

- It is recommended that more information / guidance is provided by the NSW government for the duties of enforcement and proactive activities to minimise neglect, ie beyond the minimal animal welfare care codes and standards, beyond information provided on webpages.
- It is recommended that more detailed information and guidelines are available from the NSW government on determining physical harm, and mental and emotional harm including “animals psychological harm in the form of distress, torment or terror may also constitute animal cruelty” (RSPCA).
- It is strongly recommended that the Ag-Gag Laws are revoked, or refined for instances where biosecurity of animals is not put at risk, as evidence from concerned citizens should be available for use by these POCTA enforcement organisations.

References

<https://www.rspcansw.org.au/blog/news-inspectorate/reporting-animal-cruelty-at-rspca-nsw/>

<https://www.austlii.edu.au/au/journals/AdelLawRw/2018/5.pdf>

Issue with the lack of consistency across different categories / classes of animals: livestock versus companion animals

- There is great concern that there is a noticeable difference in the NSW government approach to animal cruelty issues with livestock/ farm animals versus companion animals. It appears cruelty to livestock ie animals that are considered a \$ product usually to be killed, versus companion animals. However, it appears that our NSW government will invest more effort and mercy to the owner of farm animals versus owners of companion animals. For example, the Department Of Primary Industry (DPI) includes on their webpage

“Stock will only be euthanased in serious circumstances.

In the majority of cases, enforcement agencies will seek to resolve animal welfare issues through the provision of education and advice.
Euthanasia is considered to be a 'last resort' measure that is taken to ensure appropriate animal welfare outcomes."

It is presumed stock remain on the property of the owner while assistance is provided through education (training) and advice, and possibly more?

However, in the case of companion animals be the animals owned by individuals as pets, breeders, rehoming organisations or community rescuers, then anecdotally we see all animals removed, and there is a high risk of euthanasia due to capacity limitations or multiple illnesses with the animals, most likely due to constraints at shelters.

Recommendations

- It is strongly recommended that DPI, RSPCA and AWL review the approaches for different categories / classes of animals and align the approaches, with companion animals potentially remaining with the owners while education (training) and advice are offered.
- While this may/ may be possible where extreme numbers of animals are involved, currently Sydney greater metropolitan areas is experiencing the worst rate of abandoned companion animals, with euthanasia seen as the only option offered by some councils. Some councils appeared not to provide any assistance for stray animals, especially stray cats advising that cats are allowed to roam as a contributing reason.
- While animal welfare organisations and their shelters, council pounds and rehoming organisations are turning away intakes due to capacity reasons, the burden of the animals being left on streets is most often left to community cat rescuers. It is strongly recommended that proactive steps are offered by DPI, RSPCA and AWL to assist community cat rescuers instead of punitive actions, especially where healthy animals are removed for euthanasia. It appears the RSPCA see all the animals as a whole when a report is received rather than looking at options.
- It is strongly recommended that government authorities, RSPCA and AWL also take on board that removing animals from care givers may be more detrimental than addressing issues with animal care, similar to the research finding for the cat culling at Newcastle which includes "the severity of the adverse psychological impacts, and the morbidity rate amongst the cat caregivers we interviewed, was far greater than would be expected as a risk to the community if the cats had remained at the site. We therefore suggest that potential legal ramifications should be considered before authorities intentionally choose a method of management that is likely to inflict substantial harm on community members."

References

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/reporting-animal-welfare-concerns/animal-welfare-enforcement/inspections-and-enforcement>

Punishment to Support: The Need to Align Animal Control Enforcement with the Human Social Justice Movement www.mdpi.com/2076-2615/10/10/1902

The Impact of Lethal, Enforcement-Centred Cat Management on Human Wellbeing: Exploring Lived Experiences of Cat Carers Affected by Cat Culling at the Port of Newcastle
<https://www.mdpi.com/2076-2615/13/2/271>

Regarding 1 “(c) any other related matters”

Issue with lack of an independent office for animal welfare

Recommendations

- It is strongly recommended that an independent office of animal welfare and role is established in NSW for oversight and management – ensuring there are no conflicts of interest, and targeting the outcomes for animals. Refer Animal Liberation and World Animal Protection.

References

<https://www.al.org.au/ioaw/>

<https://www.worldanimalprotection.org.au/news/independent-office-animal-welfare-will-help-give-australian-animals-better-lives>

Issue with Ag-Gag legislation

Recommendations

- It is strongly recommended that the Ag-Gag Laws are revoked, or refined for instances where biosecurity of animals is not put at risk, as evidence from concerned citizens should be available for use by these POCTA enforcement organisations. Our legislation through our government appears to place the remote risk of (biosecurity) infection to animals above stopping evidence gathering of obvious animal cruelty.

References

<https://voiceless.org.au/hot-topics/ag-gag/>

<https://www.farmtransparency.org/campaigns/high-court-ag-gag>

<https://www.austlii.edu.au/au/journals/AdelLawRw/2018/5.pdf>

Issue with encouragement of animal cruelty on social media posts and comments

Recommendations

- It is strongly recommended that social media posts/ comments voicing animal cruelty be addressed in a proactive way. Given the loose Facebook community standards then it appears it is up to each administrator to monitor and act.
- Examples from Invasive Species Council Facebook posts by their followers are numerous for any introduced species.
- A video where images of domestic cats are interwoven with discussion of feral cats, and where an animal death from 1080 is described as “dies quite peacefully” when 1080 is known to cause an excruciating death likened to “being electrocuted for two-plus days”,
- When and how will animal cruelty on social media be addressed beyond specific photos or videos? Who will perform this role?

References

Centre for Invasive Species Solutions Facebook post September 7 2023 leading with “A good day to welcome #feralcat Threat Abatement Plan... “

Media on draft TAP release Channel 9 <https://youtu.be/4iHJa7W7t94>

Animal Liberation Australia <https://www.al.org.au/ban-1080#gsc.tab=0>

Issue with allocation of POCTA enforcement duties to charitable organisations

Recommendations

- It is strongly recommended that all cruelty enforcement responsibilities be allocated to the NSW Police. Currently, NSW Police is empowered only if RSPCA or AWL inspectors are not available to attend, or if urgent or serious attention is required. There are relationships between animal cruelty and other forms of criminal activities. Other countries have seen the advantages with police enforcement, such as the Netherlands. In Ontario Canada, it has been identified that enforcement by the police is the most potentially successful approach.

References

<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/reporting-animal-welfare-concerns/animal-welfare-enforcement/inspections-and-enforcement>

<https://www.nytimes.com/2018/01/29/world/europe/netherlands-animal-police.html>

<https://theconversation.com/why-animal-cruelty-should-become-a-matter-for-dedicated-police-units-114158>

<https://humanejobsdotorg.files.wordpress.com/2019/03/a-more-humane-and-safer-ontario-report-2019-03-25.pdf>

<https://theconversation.com/new-report-shines-light-on-who-commits-animal-cruelty-and-how-they-are-punished-111262>

Issue with current limited scope of council AMOs that needs to be transformed for proactive engagement with communities and animal owners

Recommendations

- It is recommended that the NSW government (or an independent office of animal welfare) lead, fund and enable each council with their Animal Management Officer roles to proactively address minimising the occurrence of the majority of animal cruelty cases being primarily of neglect. Including delivering cultural education and change management programs to respect and care for companion animals or stock animals. The AMOs may work collaboratively with their communities, with support from the Australian Institute of Animal Management, the Australian Veterinary Association, and collaboratively addressing end to end human and animal welfare issues with departments such as health and housing etc.

AMOs are better placed with establishing close working relationships with their communities including “taking steps to ensure that local communities are consulted and involved in decision-making, and that their interests are taken into account.” (Compliance Quarter)

References

Refer: Punishment to Support: The Need to Align Animal Control Enforcement with the Human Social Justice Movement www.mdpi.com/2076-2615/10/10/1902

<https://www.compliancequarter.com.au/what-is-a-social-licence-and-why-will-is-it-critical-that-businesses-understand-this-term/>

Issue with lack of proactive policies and funded actions to decrease the likelihood of neglect of animals

Recommendations

- Sydney greater metropolitan area is experiencing an extreme situation of abandoned pets and has done since Covid restrictions lifted three years ago. It is strongly recommended that the NSW government and councils take proactive steps in addressing the abandonment of pets. It appears that euthanasing strays at council pounds appears as treatment to a symptom rather than addressing the causes.
- It is strongly recommended that the NSW government embrace Oscar’s Law which implemented years ago in Victoria includes shutting down backyard breeders, ensuring pet shops only sell pets from rescue organisations and not breeders.
- It is strongly recommended that companion animal breeders, all breeders should be following more stringent codes of practice and be held responsible for their animals not being abandoned nor euthanased in council pounds – in a way similar to thoroughbred horses being tracked for life.

- It is strongly recommended that the NSW government supports and funds the application of the proactive approaches by the Australian Pet Welfare Foundation for which better outcomes are achieved for companion animals, and minimising the intakes to council pounds and euthanasia. This applies to reducing cruelty (neglect and harm) to animals abandoned to the streets. Some of the approaches include: free targeted desexing, subsidised desexing, community cat programs, “Best practice in communities, shelters and pounds”, etc. The organisations responsible for addressing neglect (over physical or mental harm).

References

<https://www.oscarslaw.org/>

<https://www.theguardian.com/australia-news/2023/oct/10/nsw-retired-horses-racing-racehorses-nsw-stats-unknown>

<https://petwelfare.org.au/saving-live/>

<https://petwelfare.org.au/community-cat-programs/>

<https://petwelfare.org.au/advocacy/>