Victoria NEEDS an Independent Office of Animal Welfare Campaign

Victoria NEEDS an Independent Office of Animal Welfare is a campaign originally started in conjunction with the Animal Justice Party Victoria. The Campaign has since become independent, however, remains closely aligned with many of the principles of the AJP Victoria.

Victoria NEEDS an Independent Office of Animal Welfare Campaign is committed to a separation of powers at Government level and the establishment of an Independent Office of Animal Welfare both at the State level and Federally.

There is a groundswell of support for an Independent Office as well as evidence to suggest it would not only benefit the welfare of animals, but also the interests of the agricultural sector.

The Animal Welfare system in Victoria is FAILING miserably, some animals afforded protection from POCTAA Victoria are receiving none and suffer horrific acts of cruelty, suffering, pain and misery every day! The RSPCA have failed time and time again to intervene and prevent animal’s suffering, the Minister for Agriculture has also failed on a daily basis the animals she is legislated to protect.

Change to the animal welfare system is needed immediately.

We call on the establishment of an Independent Office of Animal Welfare in Victoria to fulfil the responsibilities which the RSPCA and the Minister of Agriculture in Victoria have both failed to fulfil.

1. The appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities;
VICTORIA’S ANIMAL WELFARE SYSTEM FAILING

The animal welfare system in Victoria is FAILING miserably. The RSPCA is a non-profit organisation tasked with upholding the Prevention of Cruelty to Animals legislation and the Minister for animal welfare is also the Minister of Agriculture which is an undeniable conflict of interest.

There MUST be a separation of powers through the establishment of a truly independent office of animal welfare in Victoria. Animals suffer horrendously every day due to the completely dysfunctional animal welfare system in Victoria.

(Credit: World Animal Protection) In Victoria, section 9 of the Prevention of Cruelty to Animals Act 1986 creates a cruelty offence for causing unreasonable pain or suffering or for acts likely to cause such pain or suffering, including by failure to act. This applies to all vertebrates (including reptiles, birds and mammals after the mid-point of gestation) and to all adult decapod crustaceans. There is an exemption however for anything done in accordance with a legislated Code of Practice (section 6) or a livestock management standard.

THE POCTA Act 1986 Victoria and RSPCA

The purpose of the Prevention of Cruelty to Animals Act 1986 Victoria (POCTA) is S.1 “to (a) prevent cruelty to animals; and (b) to encourage the considerate treatment of animals; and (c) to improve the level of community awareness about the prevention of cruelty to animals.

However, this Act (legislative protection against cruelty to animals) does not apply to ‘the slaughter of animals’ or to ‘the keeping, treatment, handling, transportation, sale, killing, hunting, shooting, catching, trapping, netting, marking, care, use, husbandry or management of any animal or class of animals which carried out in accordance with a Code of Practice’. [S. 6 (1b)] Nor is there protection during ‘any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out with a Code of Practice.’ [S. 6 (1c)]

POCTA Victoria in this instance is a contradiction and an extreme failure to the animals in Victoria who are used, exploited and suffer horrendous amounts of legalised cruelty. It is only due to the efforts of non-profit organisations and others who constantly create public awareness, influence change and initiate improvements to the lives of factory farmed animals. RSPCA Victoria have been missing in every large public animal welfare story lately, unless they are making some comment after the fact. Furthermore, Codes of Practice should NEVER be allowed to supersede POCTA with their weakened and deliberately cruel standards whose sole purpose is the maximisation of profit and NOT animal welfare.

There have been many shocking acts of illegal animal cruelty to farm animals in Victoria which have been bought to the public’s attention through non-profit organisations. The RSPCA, despite their duty to the prevention of cruelty to animals in Victoria, have been absent, the Agricultural Minister has also been derelict in her duty as the Minster for animal welfare in Victoria repeatedly.

Some examples of non-profit organisations exposing the cruelty in Victoria in factory farming:
Victoria NEEDS an Independent Office of Animal Welfare – Victorian Senate Inquiry into the RSPCA

Echuca, Victoria

Riverside Abattoir exposed by Animals Australia (Not RSPCA)

Victorian Animal Welfare FAIL. RSPCA FAIL.
Girgarre, Victoria

Girgarre Piggery exposed by AussiePigs.com (Not RSPCA)

![Image of pigs in a piggery]

Victorian Animal Welfare FAIL. RSPCA FAIL.

St Arnaud, Victoria

St Arnaud Piggery exposed by AussiePigs.com (not RSPCA)

![Image of pigs in a piggery]
Victoria NEEDS an Independent Office of Animal Welfare – Victorian Senate Inquiry into the RSPCA

Animal rights activists chain themselves to pig slaughterhouse 'gas chamber' in Laverton

Dandelia Miletic and Rania Spooner

Animal rights activists chained themselves to a Victorian pig slaughterhouse 'gas chamber' on Monday morning to protest against carbon dioxide stunning in the pork industry.

Four protesters walked into Diamond Valley Pork Slaughterhouse in Laverton at about 2am, sneaking into the area where carbon dioxide (CO2) is used to render a pig unconscious just before being slaughtered, and shut down the abattoir for hours before police moved in.

About 50 protesters continued the demonstration outside the slaughterhouse, blocking transport trucks and dropping banners from the slaughterhouse rooftop.

Victorian Animal Welfare FAIL. RSPCA FAIL.
Victoria NEEDS an Independent Office of Animal Welfare – Victorian Senate Inquiry into the RSPCA

Horsham, Victoria

Neuarpurr Shearing Shed exposed by PeTA (Not RSPCA)

One of seven shearers charged following an investigation by Agriculture Victoria inspectors after a series of complaints that sheep were being punched and beaten. The complaints arose after graphic footage was posted on YouTube by animal welfare organisation PETA documenting the abuse in a Neuarpurr shearing shed.

Victoria Animal Welfare FAIL. RSPCA FAIL.

Longwood, Victoria

Longwood Puppy Farm exposed by Animal Liberation Victoria (Not RSPCA)

RSPCA were tipped off in 2010 about this puppy farm by Animal Liberation Victoria. It took them 6 YEARS to ACT?

"It is understood that one of the property owners raided is a registered dog breeder who sells dogs online, and had previously been issued with a 12-month ban from showing dogs by the state’s peak body after complaints into animal welfare and sales.”

Victoria Animal Welfare FAIL. RSPCA FAIL.
The saleyards are another hotbed of large scale animal cruelty as the responsibility of animal welfare regulation is often passed between the council, the auctioneer, the seller or buyer of the horse, the members of the public or independent observers. Yet, legally speaking the RSPCA are ultimately responsible for the enforcement of the POCTAA Victoria, but RSPCA DO NOT attend sale yards as they do not have inspectors in the area and will not attend unless a ‘serious enough’ complaint has been made to them. However, there are numerous examples of complaints made to the RSPCA about breaches of animal welfare at the saleyards and RSPCA have failed to attend.

Echuca, Victoria

**Echuca Sales Yard exposed by Victoria NEEDS an Independent Office of Animal Welfare (not RSPCA)**

- A complaint was made to the RSPCA about the two horses (6-May) and RSPCA denied jurisdiction and referred matter back to Campaspe Shire Council.

- All evidence was sent to the Campaspe Shire Council who denied responsibility.

**Victorian Animal Welfare FAIL. RSPCA FAIL.**
Tooradin, Victoria

Tooradin Race track exposed by Animal Liberation and Animals Australia (not RSPCA)

THE AGE

Victorian Greyhound trainers charged over live baiting, animal cruelty

Herald Sun

Victorian Animal Welfare FAIL. RSPCA FAIL.
**RSPCA PROSECUTION POWERS**

The RSPCA, is the primary law enforcement body of POCTA in Victoria, therefore, it is reasonable to expect that the RSPCA would devote a significant amount of resources to prosecution and seeking legal justice for the animals they defend. However, in reality, RSPCA Victoria prosecuted LESS than 1% of all animal cruelty complaints received. (Credit: RSPCA) Of the 19,461 animal rescues and cruelty offences reported, RSPCA finalized only 69 prosecutions (excluding those that were withdrawn before their appearance at court).. This means that LESS than 1% of all cruelty reports are prosecuted in the Victorian animal welfare system. How is this justice for animals when there is a 99% chance that an animal cruelty offender will NOT prosecuted.

Victoria NEEDS an Independent Office of Animal Welfare to ensure that the animals receive the justice they deserve from the animal welfare system which is designed to protect them.
COURT ORDERED FINES DO NOT GO TO RSPCA

(Credit: RSPCA) RSPCA conducts and funds its own prosecutions. Occasionally, a court will order people found guilty of animal cruelty to make a donation to RSPCA Victoria, or order them to pay part of RSPCA Victoria’s costs of conducting the case. However, all court-ordered fines (as opposed to donations or court costs) are paid to the Government, not to RSPCA Victoria.

This current approach is a disincentive for the RSPCA to take legal action if potentially there is limited financial reward but high financial cost involved. Victoria NEEDS an Independent Office of Animal Welfare where the law enforcement of animal cruelty is handled by a specialized department within the police. Under the current Victorian animal welfare system, the RSPCA has PROVEN with a 1% prosecutorial rate, that there is NO justice for animals when there is a 99% chance the offender WONT be prosecuted.

COURT LOSS COMES OUT OF RSPCA BUDGET

(Credit: RSPCA) Subsequent to year-end, the RSPCA was unsuccessful in an appeal of a judgement in the County Court of Victoria of $1,167,000 relating to a finding of negligence. The cost of this judgement plus an estimate of legal expenses have been included in the financial statements for the year ended 30 June 2015.

The RSPCA is a charity and NOT a Government department, therefore it is not afforded the same protection as Government welfare departments when they lose a court case against an abuser. This is a HUGE disincentive for the RSPCA to take legal action, and it DESPERATELY needs to change.

Victoria NEEDS an Independent Office of Animal Welfare so that the law enforcement of animal cruelty through POCTA is protected by adequate insurance and indemnity as other government departments are. Importantly, the Office would never be fearful to prosecute a breach of POCTAA because they were worried about a loss coming out of their budget.
MORE EXAMPLES OF ANIMAL WELFARE AND RSPCA FAIL

The RSPCA as the primary enforcer of POCTA in Victoria have not carried out their duty diligently nor prevented the suffering of animals and stopped the perpetrators. Victoria NEEDS an Independent Office of Animal Welfare to investigate the animal abuse, rescue and rehabilitate the animals, then to prosecute the animal abusers.

Mornington, Victoria

ACE-HI Horse Ranch exposed by Help the horses at ACE-HI Ranch (not RSPCA)

Investigated by the RSPCA for animal cruelty a number of times. Business still operating, horses still suffering, people continue to report animal cruelty claims to the RSPCA. Victorian Animal Welfare FAIL. RSPCA FAIL.
Victoria NEEDS an Independent Office of Animal Welfare

Ashmore Horse Haven exposed by Victoria NEEDS an Independent Office of Animal Welfare (not RSPCA)

A horse rescue organisation which are well known to have been investigated by the RSPCA for claims of animal cruelty. They are also well known (and make public themselves) that there has been police involvement in their organisation. This horse rescue organisation had 6 horses die in their care in a 12 month period! Yet they are still operating today and still taking in more horses despite repeated reports to the RSPCA. Victorian Animal Welfare FAIL. RSPCA FAIL.
Victoria NEEDS an Independent Office of Animal Welfare

Eltham, Victoria

RSPCA killed this horse through incompetence

Locals reported a starving horse to RSPCA for 6 weeks, on the day RSPCA attend, the horse is too weak to stand, but RSPCA use a sling to lift the horse, the sling breaks and the horse falls to the ground and breaks his back. RSPCA euthanise him. The animal welfare system should have acted 6 weeks earlier.

Victorian Animal Welfare FAIL. RSPCA FAIL.
Bulla, Victoria

Bruce Akers exposed by members of the public and the media (not RSPCA)

Bruce Akers was known to the RSPCA for past animal cruelty convictions and had recently had his license denied by Racing Victoria due to animal cruelty convictions. Numerous reports were made to the RSPCA but they refused to attend the property. RSPCA publicly admitted their fault in this case. Victorian Animal Welfare FAIL. RSPCA FAIL.
MEASURING ANIMAL CRUELTY IN VICTORIA

How do we accurately measure animal cruelty in Victoria?

The statistics provided by RSPCA are confusing, whether intentionally or not, and do not show the true scale and scope of animal cruelty in Victoria. In fact, based on the RSPCA statistics, animal cruelty in Victoria appears to be grossly under reported. The result is that Victoria NEEDS an Independent Office of Animal Welfare.

1) RSPCA’S INTERNAL PROCEDURES TO RESPONDING TO REPORTS OF ANIMAL CRUELTY


- 19,461 animal rescues and cruelty offences reported
- 10,740 Complaints received.

What is the difference between cruelty offences reported and complaints received? And why are there two categories for essentially the same issue but with a 9,000 difference between the two categories?

Clarification provided by RSPCA “The same system is used for each report and the report may refer to an animal caught in a fence (needing rescue) or it could involve a puppy farm (cruelty issues). The 10,740 complaints received indicates the total number of reports logged. Therefore for the 10,740 reports received, the actual alleged offences came to the larger figure of 19,461. For ease of reporting, the number of rescues and the number of animal cruelty offences are combined, but the breakup for that number is 10,470 and 19,314 respectively. A rescue is classified as an animal who needs assistance but no cruelty is involved, whereas a cruelty report is where the animal has been neglected or abused in some way. Re the Ararat horse seizure, this was treated as one report, but involves many alleged offences.”

CONFUSING BECAUSE...

One complaint received can result in 100 cruelty offences reported, (eg Ararat horse neglect case), which inflates this number and then it appears the RSPCA responded to 19,461 cases of animal cruelty, which in reality is not the case.

Secondly, there might be 10 or more complaints made about the one instance alone of animal cruelty, which again seriously inflates the figure so it appears the RSPCA received complaints on 10,740 different instances of animal cruelty.

2) THE DEFINITION OF ANIMAL CRUELTY AND THE TIMES WHEN POCTAA DOES NOT APPLY

(credit: Lawyers for Animals) Section 6(1) of Victoria’s Prevention of Cruelty to Animals Act 1986 states that the Act does not apply to: “Any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with a Code of Practice.” Nor does the Act apply to: “...the keeping, treatment, handling, transportation, sale, killing, hunting, shooting, catching, trapping, netting, marking, care, use, husbandry or management of any animal or class of animals ... which is carried out in accordance with a Code of Practice”...
Victoria **NEEDS** an Independent Office of Animal Welfare – Victorian Senate Inquiry into the RSPCA

This means that millions of farm animals daily endure housing conditions and acts of cruelty that would be illegal for a cat or dog. The codes of practice are policy documents endorsed by a Minister, and are not subject to a democratic vote within Parliament, unless a motion is put for their disallowance.

Factory farmed animals are not represented in the RSPCA statistics on animal cruelty, because Victoria allows inhumane treatment of animals as long as it is for commercial purposes. So the many thousands of animals who are locked up, unable to move, living in darkness, force fed, denied socialization, denied vet care, suffering boredom and to have parts of their body mutilated all for the name of maximizing financial gain for businesses, are not included in animal cruelty statistics, because technically, it is not illegal.

Nor are the animals who are subjected to cruel and inhumane medical experiments on them included in the RSPCA statistics on animal cruelty. The thousands of animals kept in cages, tested on, have cruel medical experiments conducted on them, living in pain, fear and suffering, all of which would be illegal if done to a domestic cat or dog.

### 3) THE ANIMAL CRUELTY COMPLAINTS WHICH RSPCA DO NOT RESPOND TO

The statistics provided by RSPCA do not include reports of animal cruelty to herds of animals with 10 or more in size, instead these reports are passed onto DEDJTR whose responsibility it is to respond to all complaints of this size.

Clarification provided by RSPCA *“For livestock only with numbers 10+, this report is referred to another agency for actioning, ie. Department of Economic Development, Jobs, Transport and Resources (DEDJTR) as part of a Memorandum of Understanding (MOU) between DEDJTR and RSPCA Vic. When the report has been referred to an outside agency (ie. DEDJTR), it is then listed as ‘Finalised’ on RSPCA Vic Reporting system as ‘Forwarded to DEDJTR’ and no further action by RSPCA Vic Inspectorate occurs.”*

**CONCLUSION:** RSPCA statistics DO NOT accurately reflect the scale and scope of animal cruelty in Victoria because so many animals are excluded. Victoria **NEEDS** an Independent Office of Animal Welfare.
2. The appropriateness and use of funding provided by the Victorian Government, including in the context of its other objectives and activities;
RSPCA FINANCIAL SITUATION

Victoria NEEDS an Independent Office of Animal Welfare as the current animal welfare system is failing and animals are suffering and dying as a result. However, the answer is NOT simply to give RSPCA more money. The 2015 Financial report states “the RSPCA Victoria earned total income amounting to $33,226,000,” therefore with an excess of $30 million dollars annually, and not having to respond to herds of larger than 10 animals in size, it would appear that the RSPCA Victoria is in a strong financial position to use its extensive resources to maximize its capabilities as the protector and defender of animals.

EXAMPLES OF INEFFICIENT USE OF RSPCA RESOURCES

However, there are numerous examples when resources have not been allocated to maximum potential and animals have suffered as a result. For example, allegedly, there is only one after-hours inspector on duty, the Bulla case is an example of limited to no response from RSPCA inspectors over the weekends. Neighbours called the RSPCA over the weekend but were not given a response, therefore the Animal Cruelty Hotline was called, who contacted the police and took immediate action on the Sunday meanwhile RSPCA reacted on Monday.

There are no RSPCA inspectors in regular attendance at livestock saleyards, even though their ongoing presence is required, instead RSPCA attend if a direct report has been made on a specific issue only.

The RSPCA do not have a physical presence in Geelong, the Western suburbs or regional Victoria, despite the same legal responsibilities towards animals and the animal welfare system. To be deficient in services outside of Monday to Friday, 9-5 and anywhere outside of metropolitan Melbourne given there was total income of more than $30 million for 2015, means the issue is NOT simply an increase in funds. Instead the RSPCA need to better use what they have and focus on the animal welfare system with an animal centered approach as opposed to a human centered approach.

An alternative model which would ensure animals are the center of the animal welfare system would be the establishment of an Independent Office of Animal Welfare.

PROBLEMS WITH THE CURRENT SYSTEM

(Credit: Voiceless) Currently, the RSPCA sits within the Department of Agriculture which is responsible for the farming sector AND animal welfare. This arrangement is problematic and disadvantageous for animal welfare for a number of reasons:

- **Conflict of Interest:** The Department of Agriculture is incapable of legitimately acting in the best interests of animals when it simultaneously represents the interests of farmers (who unlike animals are able to vote).
- **Industry influence:** Industry representatives have disproportionate influence over the animal welfare standardsetting process, resulting in welfare standards being established that fail to adequately protect animals and function to reinforce existing industry husbandry practices.

SOLUTION: An Independent Office of Animal Welfare
AN ALTERNATIVE MODEL: AN INDEPENDENT OFFICE OF ANIMAL WELFARE FOR VICTORIA

The establishment of an Independent Office of Animal Welfare (the Office). The Office could potentially act similar to the current DHHS model which oversees the rescue and rehabilitation of young people through the welfare system and simultaneously working within the police department for law enforcement. The suggestion is for the Office to report to the Attorney-General.

The Office would have two branches, Branch One: rescue, rehabilitation and community education, this branch would essentially be the RSPCA except it would be free from any law enforcement duties. As a result this Branch would be able to form strong, long lasting relationships with the community and rescue groups and really create a ground swell at the front line for genuine prevention of cruelty towards animals.

(Credit: RSPCA) The vast majority of the Inspectorate’s work involves educating animal owners about how to take better care of their animals. However, in some cases, Inspectors were obliged to issue Notices to Comply, seize animals and/or prosecute owners.

Branch Two: Law enforcement: who would concentrate solely on charging offenders and prosecution through the POCTAA. This branch would be within the police force and reporting to the IOAW, thereby giving inspectors equal powers to police.

The management of the Office would be responsible for the coordination and development of the animal protection standards, including facilitating the conversion process of the Model Codes of Practice to Standards and Guidelines.

The requirement of the Minister to table reports in Parliament would provide much needed political representation for animals and facilitate political debate on animal protection issues.

The Office would be protected in statute, including it’s funding and independence.

RSPCA’s official position is the support of an Independent Office of Animal Welfare, both federally and at the State levels.

In New York they have already taken steps and separated the powers of law enforcement AWAY from the charity ASPCA and the results are a triple increase in animal cruelty arrests.
3. Any other consequential matters the Committee may deem appropriate
3 August 2015

Dear Committee Members,

Submission to Voice for Animals (Independent Office of Animal Welfare) Bill 2015

RSPCA Australia thanks the Rural and Regional Affairs and Transport References Committee (the Committee) for the opportunity to comment on the Voice for Animals (Independent Office of Animal Welfare) Bill 2015 (the Bill).

We support the intent of the Bill. A national approach to animal welfare policy and independent oversight of the effectiveness of the live animal export regulatory framework is desperately needed.

In 2013 the Australian Government withdrew its funding support of the Australian Animal Welfare Strategy (AAWS) and disbanded the advisory groups that oversaw its implementation. As a result, Australia no longer has national leadership or direction on important matters of animal welfare policy such as achieving national consistency in animal welfare standards. State and territory jurisdictions are largely left to pursue their own agendas and this is creating a fragmented, reactionary and undemocratic approach to animal welfare policy and standards development. The Australian Farm Institute’s (AFI) recent report on animal welfare policy stated that the dismantling of the AAWS framework ‘leaves considerable ambiguity as to the way that scientific issues, community perceptions, and socioeconomic impacts will be represented.’ We agree with much of the AFI’s analysis. There is currently no national government forum for stakeholders to come together to discuss animal welfare policy issues, nor is there any framework for reviewing and incorporating scientific advances on animal welfare into the development of animal welfare standards.

A national approach is needed to promote consistency and to develop a proactive strategy that addresses animal welfare issues before they become national headlines. This will create further certainty for business, investment and trade, reduce unnecessary duplication at a state government level, and most importantly, contribute to the sustained improvement of animal welfare standards across the country.

1 Australian Farm Institute, Designing balanced and effective farm animal welfare policies for Australia, 2015, p.42.
Submission 3

New Zealand, the United Kingdom, Canada and the European Union all have formally established expert animal welfare advisory bodies operating at the national or supra-national level. The absence of any equivalent body in Australia represents a lost opportunity for promoting better standards of animal welfare and is putting our industries at a competitive disadvantage when it comes to trade, market access and consumer confidence.

To be truly effective at leading national policy and standards development the establishment of a federal Office of Animal Welfare should ideally have the support of the state and territory jurisdictions. While we support the intent of the Bill and believe a federal Office of Animal Welfare would be a historic development in Australia’s approach to animal welfare policy we would like to see further discussion and consultation with state jurisdictions before proceeding with the proposed model.

Accordingly, we call on the Australian Government to respond to the community’s demands to see animal welfare taken seriously by facilitating consultations with key stakeholders on the establishment of a national approach to animal welfare policy and standards development. This will not only be in the interests of animal welfare and the growing number of Australians who are concerned about the treatment of animals, but it will also be in the long-term interests of Australian businesses and industries.

We trust our submission has been of assistance in conveying our position on the Bill. Please do not hesitate to contact our office should you require further clarification or information.

Yours sincerely,

Heather Neil
Chief Executive Officer
RSPCA Australia
AN INDEPENDENT OFFICE OF ANIMAL WELFARE – Australian PRODUCTIVITY COMMISSION POSITION

“A national, independent body should be created to deal effectively and comprehensively with the evidence in this area and develop nationally consistent farm animal welfare standards,' said Commissioner Ken Baxter.” Australian Productivity Commission Media Release
In New York, there is a special department within the police which is responsible for the law enforcement of animal cruelty.

"Today, we train law enforcement teams around the country in the best ways to stop animal cruelty in their communities, and a number of police departments and district attorneys are creating specialized divisions to focus on animal cruelty crimes." When the law enforcement responsibilities were removed from a charity and taken up by the police, there was a triple digit increase in both animal cruelty arrests.

Read More: http://www.aspca.org/blog/aspca-150-next-steps-preventing-animal-cruelty
End of Submission