

The Secretary, Economy and Infrastructure Committee
 Parliament House, Spring Street
 EAST MELBOURNE VIC 3002
 RSPCA SUBMISSION/3.3.2017
 Dears,

I would like to voice my concerns in regards to the RSPCA, the role of the Animal Activist who has one single goal of ending the 'Human – Animal interaction, and any form of farming. These goals will have an inevitable impact on the main economy of this country as a whole. These AA views seem to be determining the direction of the RSPCA.

RSPCA must remain on the expected role of this once respected organisation.

- High kill rates are unacceptable. The RSPCA have, in the last couple of years, lost several large and very lucrative Pound Contracts with Local Councils due to their high kill rates. Glenelg Shire Council rejected RSPCA's tender for Pound Services in 2016 when their previous 10 year contract expired.
- Unacceptable treatment of animals in their care.
 Many animals are euthanised for 'behavioural issues' and the RSPCA's Temperament Testing has been highly criticised as being unrealistic and unprofessional - a dog who is 'sensitive' and perhaps stressed from its current environment, will not respond well to being in a pound situation, when forced into confronting situations with strangers.
- Inability to enforce the Animal Act without prejudice. Their Charter has nothing to do with the work they perform when they are acting as enforcers of POCTA (Prevention of Cruelty to Animals Act). When they are enforcing POCTA, they are acting on behalf of the Crown, NOT on behalf of the RSPCA. On the other hand, whilst using their Charter to decide whether to prosecute or not, they ignore their own Constitution, where it states under Statement of Purpose 4.1.5 "Providing relief programs to assist people within the community who are experiencing adverse circumstances, to enable them to care for or manage their animals". The attitude of RSPCA Inspectors is in many cases aggressive, with a heightened desire to prosecute instead of offer assistance or care of the persons involved situations.
- Failure to properly investigate instances of cruelty - the Bulla case was a classic example of this. Many calls were made to the RSPCA over many months and all they did was look over the front fence of the property. On the day the horses were finally rescued, a neighbour got utterly sick of the stench, called them again and was told "we don't work on weekends". Neighbour then called Police, and horses were finally rescued, by Police, Racing Victoria and several small horse rescues. The RSPCA did not turn up until the following day (Monday) to see the rescued horses. As for their statement they "do not work on weekends" on the Sunday the horses were rescued, the RSPCA were actually "working" they were over at the swamps for the opening day of the Duck shooting season. Laurie Levy and his bunch of animal activists were there doing their usual crazy antics, "rescuing" ducks that had been shot - or in other words stealing them from registered licenced hunters, before the hunters could retrieve them. The RSPCA had a van there with a vet and two other staff, "saving" ducks. One activist was seen carrying around the half rotten carcass of a swan which was obviously not killed on the day, but it was added into the statistics. Statistics used by the RSPCA and the various activists group who are trying to get the duck hunting season stopped.
 - high turnover of staff suggests that all is not well at RSPCA Vic. Thirteen (13!) Inspectors have left the employ of RSPCA Vic in the last 6 months! Two of them were 'career Inspectors':

1) A Senior Inspector;

2) The Inspectorate Manager who left in December 2016 and is now working in a lesser paid situation in a small Local Council - this was the worker who started working in this field in 1999 for SPCA in America, and was bought over here by the rspca on a 457 visa.

- Lack of training for rspca Inspectors... they used to attend the same (comprehensive) training courses as Police Officers, this was abandoned a couple of years ago and training is now undertaken 'in house'. No 'recognised' animal care or husbandry training is given to rspca Inspectors yet these are the people who make judgement calls on highly experienced graziers, dog, cat, and horse breeders, and even Vets in private practice, as to whether or not a prosecution should be applied.
- Inability to complete paperwork properly and poor attention to detail. For example, in relation to a high profile seizure of pedigreed dogs last April, their 'statement' was compiled and dated in January 2017. Nine months had passed, and the wrong Police Officer's name appeared on the statement. People, who were in a specific location on the property when the dogs were seized, were listed as being in another completely different location on the statement. It is vital that these details be correct on statements, as they are tendered to the court as evidence.
- Given the nature of rspca Inspector's work, which could at times be extremely upsetting, yearly psychological examinations should be essential, such as those applied to Police Officers, Ambulance workers etc. No psychological evaluations are ever given to rspca Inspectors. This would help weed out the ones who may have become 'sour' by the nature of the duties, who then appear to become hardened and inflexible - these are the people who are more likely to indulge in bullying and stand over tactics.
- Failure to adhere to their own Constitution in relation to working 'with' other bodies that have similar objectives. The rspca has in the past been notorious for its unwillingness to work with specific Breed Club Rescues or with Dogs Victoria to achieve a working relationship which ensures 'best outcome' for the animals that come into their 'care'. In fact they conduct themselves, via lobbying to politicians, in a way that penalises Dogs Victoria members by contributing to the creation of oppressive and unworkable legislation with no exemptions for the responsible bodies i.e. Dogs Victoria and its members.
- the rspca has a spiralling member base all over Australia. Dogs Victoria has a membership base in excess of 10,000, with 280 affiliated clubs, and current liquid fixed assets of \$4.75 million. Proving Dogs Victoria are "here to stay". Dogs Victoria are possibly the BIGGEST LOBBYING GROUP in Victoria, yet they fail to use their numbers to achieve better outcomes for their members, and they fail to protect their members when they are 'targeted' by the rspca unfairly. Further, Dogs Victoria and its members make significant contributions to canine research for specific health issues while the rspca makes no contribution to research whatsoever. Whilst making no contributions themselves, the rspca feels it is acceptable to launch continued attacks against Dogs Victoria members.
- the rspca continues to ignore its MUA (Memorandum of Understanding and Agreement) between the Dept. of Agriculture and rspca Vic, whereby cattle and farm animals should be dealt with by Agriculture Victoria. The rspca appears to pick and choose cases where it will act to enforce POCTA, when it should not be involved in any cases in the agriculture sector.

- the rspca believes ALL Dogs Victoria members are breaking the rspca Charter by crating dogs. Any dog sport is a form of entertainment and this is condemned in the Charter, they say dogs should be free to develop their inherent qualities. Yet item 2 of the Charter says "no animal should be used in the production of food or «fibre» ", therefore they are saying Maremma and other herd guarding breeds should not be used to guard fibre producing animals. The Charter is at odds with itself and is not based on the reality of hundreds of years of agricultural traditions. In any case, a written law (legislation) will always take preference over a Charter; therefore the Charter is not relevant to any prosecution work they may undertake.
- the rspca heavily promotes the details of its prosecutions on their social media forums then does not discipline or moderate the comments that are made by their followers. I have seen such comments as "take her out and hang her from the clothes line" or "lock her up and throw away the key and don't feed her" and too many more to mention, made in relation to an accused animal abuser. No attempt is made by the rspca to control these death threats and horrible remarks in their social media forums. This serves to inflame the Animal Rights devotees who get whipped up into a frenzy of hatred and vitriol. A responsible organisation would not allow death threats to stay on its social media.
- when the rspca do a seizure, particularly when pedigreed dogs are involved, they 'cherry pick' the dogs they seize, taking show dogs in full coat, or in show condition, whilst leaving old and desired ones behind. This highlights inconsistencies in their decision making processes, if one dog is at risk then surely all dogs at that location are at risk.
- in relation to animals used for research, all applications to conduct research are run past an Ethics Committee, and if that research has been done anywhere else in the world, the research will not be approved. The rspca does have a Chief Scientific Officer but that person is not an expert in the field that may be the subject of the research application. The rspca should leave matters of this nature to the experts who have been dealing with the scenario of using animals for scientific research purposes for a very long time.
- Why is there no ACCOUNTABILITY applicable to the rspca, they are answerable to no one, even in the area of prosecutions. There is no rspca Ombudsman where you can lodge a complaint if you feel you have been unfairly treated, or targeted by the rspca. When pursuing prosecutions rspca Inspectors are Officers of the Crown, and as such, should be accountable for their actions. Yet they are not. You can't even complain to the Minister. Further, why aren't the rspca accountable for every animal they seize? Once seized, an animal becomes the property of the Crown, yet animals are being seized by the rspca and are somehow just disappearing? Never to be seen again.
- the rspca at Pearcedale recently sold a un desexed pedigree dog, why would they do this? In the past they have only ever sold desexed dogs, are they cost cutting? or knowingly and willingly putting dogs capable of being bred from back out into the marketplace?
- why is the rspca allowed to wear their uniform when appearing in court to prosecute a case? Any prosecution they do is as a representative of the Crown NOT as a representative of the rspca. This gives a misleading view to the public that the rspca are prosecuting the accused. They are NOT. The Inspectors are in court as a representative of the Crown and should be suitably attired. This also serves as a form of 'advertising' for the rspca, and the privilege of representing the Crown should not be abused.

- a registered Charity, who is in the 'business' of selling dogs and cats, should NOT have any powers of prosecution. This is a massive CONFLICT OF INTEREST whereby they can actually put people or businesses who are also selling cats and dogs, out of business.
- a recent case in Victoria that is going to court involved many pedigreed dogs being seized by the rspca and kept for 12 months before charges were laid on the alleged offender. When the charges were finally received by the alleged offender, 12 months after the seizure, they contained photographic evidence of so-called abuse to dogs. One of the 'offences' was failure to provide veterinary attention because the dogs had worms. It is not against the law (POCTA) to not worm your dogs, unless they are at death's door with a massive worm burden. The photos included with the charge sheet were not dated and could have been taken at any time in the preceding 12 months; they could have even been taken the day before the charges were received by the alleged offender. This is NOT good enough; procedures must be followed in such a manner as Police would conduct an investigation. The rspca has the capacity to ruin people's lives, and these duties should not be taken lightly, or abused or manipulated.
- a recent rspca "kennel cleanout" was selling all dogs, cats, horses, pigs and goats for \$29. Any animal that was normally priced under \$29 was FREE. This category included rabbits, guinea pigs, roosters, pigeons, pet rats and mice. how is this "responsible" or ethical when it encourages "impulse buys" if you can get a small animal for FREE or a horse for \$29. Were the rspca emptying their kennels to sweeten their figures, and make them appear to be more like a no-kill rescue? and therefore gain more public favour? What vetting was completed for these new owners to ensure the homes that these animals were sold to were suitable for each animal?
- what action can you take when the rspca comes onto your property and is cruel to your own animals? None. A case going to court very soon in Victoria involves some stray horses who were in poor condition, being let onto, or breaking into a woman's property. The rspca arrived to seize the horses, which were now mixed in with her own horses, and as they were rounding them up, one of the rspca Inspectors belted the woman's own pony across the head; she had to be forcibly restrained by the Police. She then began videoing everything taking place and one of the rspca Inspectors said to her "you video this, you will never see your horses again". Unconscionable.
- in another recent case, the rspca were raiding a property occupied by a woman and her octogenarian mother. They seized horses, ponies, a couple of pet dogs and some very highly priced pedigreed cats that were kept in very good accommodation. When seizing the octogenarian's personal pet cat off her lap!!!, the old lady lost it and reached up to grab a handful of the Inspector's hair - could you blame her? - the rspca had her charged with assault, took her to court and she now has a criminal record. These Inspectors have no "people skills", that is not a satisfactory way to treat an octogenarian, then to press charges and make her go through the court system is bullying to the extreme. Especially when the rspcas' own Charter says : Point 11 : The State shall enact and enforce laws, regulations and codes for protecting animals from exploitation, and for ensuring that their basic individual needs are maintained at all times and that their environment is kept free from illegal or irresponsible intrusion on hard working law abiding citizens.
Whilst the rspca Charter cannot be referred to in any prosecution matter, as all prosecutions are done in the name of the Crown, it does seem that the rspca are more than happy to act, and are very capable of conducting themselves in a way that exhibits blatant defiance of the rules they would like us all to obey i.e. their rules, their Charter.

- what becomes of the funding the Victorian Government gives to the rspca? In 2015 they received \$3,250,000. In 2016 they received a further \$3,000,000 in new funding to be applied to establishing a Task Force to address Puppy Farms. How many Puppy Farms have been closed down as a result of this new funding? One has to question the efficacy of the rspca in achieving their oft stated purpose of closing down Puppy Farms, when we very seldom hear of any being shut down.

- why is rspca Vic so secretive about their future developments? In their report to the Charities Commission last year (a report is required to be submitted annually), under the heading of Future Developments, they stated... "Disclosure of information regarding likely developments of the consolidated entity (rspca Vic) in future financial years, and the expected results of those operations IS LIKELY TO RESULT IN UNFAVORABLE PREJUDICE to the consolidated entity. Accordingly, this information has not been disclosed in this report". What could the rspca possibly do that would result in unfavourable prejudice being directed against them?

- how can a "Charity" maintain its Not-For-Profit Charity status with the Charities Commission (ACNC) when it has so many different business arms? When registering with the Charities Commission, which is a federal body, an organisation must state its "main aim". The Victorian rspca has stated its main aim under the Entity Subtype as an animal rescue organisation who is involved in "the prevention and relieving of suffering of animals".

Where do all its other business arms fit into this category i.e. boarding kennels, grooming salons, pound contracts, pet insurance, Approved Farming Scheme, and Crown prosecutions. All of these activities, whilst they are involved with animals, general income, and as such, should be taxable like any other business activity. These additional business activities are not what the general public traditionally associate with the functions of the rspca.

- the ATO (Australian Tax Office) says in relation to a Not-For-Profits Animal Rescue Charity... Making A Profit "a not-for-profit can make a profit, but any profit made must be used for its purpose(s). It can keep profits as long as there is a genuine reason for this and it is to do with its purpose. For example, a good reason to keep profits may be to save up for starting a new project, building new infrastructure or accumulating a reserve so it continues to be sustainable. If an organisation continues to hold onto significant profits indefinitely, without using them for its charitable purpose, this may suggest that the organisation is not working solely towards its stated charitable purpose (and is not operating as a not-for-profit)". Why does a Not-For-Profit Charity need to accumulate to an enormous amount of reserve, and in remaining at such a high level consistently, aren't they in violation of the ATO's definition of a Not-For-Profit Charity?

- how does a Charity, who in pursuit of their duties of enforcing POCTA, and therefore being a representative of the Crown, when it conducts itself in such a manner that they are sued, found guilty of NEGLIGENCE, and ordered to pay \$1.4 million damages to the owner of the cattle, SUFFER NO CONSEQUENCE from the Crown, in relation to its behaviour?

Any other public servant, such as Police, Customs Officer or government employee would surely be dismissed from his position and perhaps lose pension benefits for bringing such disrepute upon his employer, but not so an rspca employee. How is this so? To tell the whole story of the shooting of the 131 head of Murray Grey cattle, we must look at the employment history of the rspca Inspector who shot them, his name is Inspector Jason Nicholls. In June 1999 Inspector Jason Nicholls was at a drought stricken 1,280 hectare property owned by Victorian farmer Finlay Glynn Robertson.

Robertson had already been prosecuted by the rspca for cruelty and when he came across Inspector Jason Nicholls taking video footage of his drought affected sheep, he snapped and shot at Nicholls hitting him once and as Nicholls fled to his vehicle further shots were fired, shattering his windscreen as he drove off. Findlay Robertson was arrested by Police, charged with attempted murder and jailed. In December 1999 while still in jail awaiting trial Robertson died of a heart attack. The rspca sued Finlay Robertson's estate and in 2003 were awarded \$53,000 damages for economic loss caused by the shooting. Moving forward to 2005, Inspector Nicholls was responsible for the shooting of 131 purebred Murray Grey cattle that "he" deemed to have been in emaciated condition. Various witnesses, including abattoir workers at the processing facility where the cattle were taken said that the condition of the cattle did not warrant them being killed. In 2005 the RSPCA prosecuted the breeders for breaches of the Prevention of Cruelty to Animals Act in the Ballarat Magistrates Court. The magistrate dismissed the charges. A long battle ensued, resulting in a May 2015 finding that the rspca were 'negligent' in shooting the cattle, and they were ordered to pay the owner \$1.45 million damages. In this case, the rspca attempted to argue that they "were not responsible for the actions of its Inspectors". The Judge gave this manoeuvre short shift; nevertheless the rspca position is disturbing.

The rspca enjoys a privileged position; it is a private organisation which exercises legal powers conferred by the Crown i.e. the Parliament. The idea that it was not responsible for the consequences of its employee exercising these powers is one which out to be of great concern to governments and the community generally.

This case against the owners of a farm in drought conditions was the first time the rspca was forced to pay for its abuse of its privileged position. Inspector Jason Nicholls is still currently employed by the rspca even though he has cost his employer \$1.45 million damages and a charge of negligence in the provision of prosecutorial services.

- in 2010 rspca Victoria charged Andrew Duff, a barrier stall worker at Warrnambool with animal cruelty for removing a horse injured in the first lap of a jumps race to prevent the risk of further accidents when the remaining horses raced around the track for the second lap. If found guilty, Mr. Duff faced the possibility of up to 12 months jail or a \$14,000 fine and banishment from working with animals for 10 years. The rspca did not charge Racing Victoria or the Warrnambool Racing Club.

The opinion of Professor Paul McGreevy, a veterinary ethologist at the University of Sydney and well-known anti-racing campaigner upon which the rspca relied, was dismissed by three leading equine veterinarians. According to journalist Patrick Barley, who won a media award for a story about this affair, 'they blasted the rscas' prosecution brief as curious, obsessive, lacking serious firsthand experience of handling injured or distressed horses, and a philosophical or political intrusion'. Two years later the rspca dropped the case, thereby avoiding the possibility of being required to pay Mr Duff's legal costs, including the cost of the senior barrister he had to engage.

The rspca did not apologise for the pain and suffering it inflicted on Mr. Duff or for his face being plastered over hundreds of anti-jumps posters that lined the entry gates to major Spring Carnival race meetings.

- the time has come for the Dept. of Agriculture to take direct control of any prosecution in relation to POCTA, and set up new systems and structures for the enforcement of POCTA, because the rspca has a long term history of abusing this privileged position of power.

The rspca has lost credibility across the board, as evidenced by its high levels of staff turnover, and its ever decreasing membership support, because it does not apply the standards it seeks to enforce on others, to its own organisation. Rspca Victoria states its mission as: "to improve the welfare of animals through leadership, collaboration with stakeholders, and the provision of quality services". So many of its actions would indicate it is failing badly in every aspect of its Mission Statement

Regards

Darren Wooster

