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The Secretary, Economy and Infrastructure Committee
 Parliament House, Spring Street
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 rspcavinquiry@parliament.vic.gov.au

RE: INQUIRY INTO THE RSPCA VICTORIA

The Canary and Cage Bird Federation of Australia (CCBFA) represents many hundreds of clubs nationally including well in excess of 100 clubs throughout Victoria. We support Animal Welfare initiatives in all jurisdictions and have represented aviculturists on a variety of government committees nationally. Aviculture has a proud animal welfare history in Australia largely via the clubs and their various governing and representative bodies.

Birds are not humans and hence their welfare needs differ significantly. Avian welfare is a hugely diverse area with a broad range of species and management practices to consider. Bird clubs are the primary avian welfare experts, educators and advocates in society.

We continue to support the RSPCA in its compliance and enforcement role under the current *Prevention of Cruelty to Animals Act 1986* (POCTA Act 1986). Nevertheless, we do have specific concerns in two broad areas. The inappropriate support of RSPCA Victoria for the animal rights movement and the broad proactive direction of the review of animal welfare legislation which will potentially alter the traditional role of the RSPCA.

The inappropriate support of RSPCA for the animal rights movement.

Animal welfare and animal rights are often thought to lie on the same continuum – this is not the case. The RSPCA should actively support animal welfare and MUST NOT be involved in animal rights issues.

Generally accepted principles defining these terms are as follows.

Animal Welfare

- *The need for a suitable environment.*
- *The need for a suitable diet.*
- *The need to be able to exhibit normal behaviour patterns.*
- *The need to be housed with, or apart from other animals.*
- *The need to be protected from pain, suffering, injury and disease.*

Animal Rights

- *Animals are sentient beings that should not be owned by humans.*
- *Humans and non-human beings should have equal rights both ethically and legally.*
- *Animals should not be kept in captivity, including for food, entertainment, research, companionship, conservation or any other reason.*

The following presentation by Federal Senator and Veterinarian David Leyonhjelm explains the difference between animal welfare and animal rights and is recommended viewing -

<https://youtu.be/gmkeFBAW3bg>

It is clear animal welfare and animal rights are distinct. Many of the current animal activist organisations involve themselves in both animal welfare and animal rights. This confuses the two areas in the eye of the public.

The RSPCA is an animal welfare organisation and must avoid involving itself in animal rights matters. There are pressures that make this easier said than done. Marketing is keen for a share of the public's animal donation pie and the animal rights based organisations are particularly savvy media operators. Nevertheless, the RSPCA must resist the temptation to engage in animal rights activism.

The following recommendation largely reflects Recommendation 21 of the September 2016 Independent Review of the RSPCA Victoria Inspectorate.

Recommendation 1

RSPCA Victoria implement policy and procedures to ensure animal rights support and activities DO NOT occur.

The broad proactive direction of the Victorian review of animal welfare legislation.

The RSPCA Victoria is the primary compliance authority under the POCTA Act 1986 and the current review of animal welfare legislation in Victoria centres on this Act with input from RSPCA and other interested groups including the CCBFA.

This POCTA Act 1986 review process aims to build a proactive legislative instrument. The term proactive is of concern when legislation is under consideration. It implies an intention to pre-empt or prevent illegal activity by making certain precursors to such activity illegal. In theory, such a strategy has merit, however in practice excluding only the relevant precursor activities is difficult. It is important that freedoms we enjoy are protected and not encroached upon unnecessarily.

We express concern over the animal welfare review due to the influence of animal rights organisations who have representation on statutory committees including the Animal Welfare Advisory Committee (AWAC) – a committee central to the review process. As stated, these organisations operate in both the animal welfare and animal rights areas. The review process must focus on animal welfare, and avoid legislating in the area of animal rights. In particular, care is needed to avoid restricting the ability of Victorians to keep captive animals, in our case birds, under the guise of proactive animal welfare. It would be a disaster for the RSPCA to be tasked with compliance duties for legislation restricting the public from keeping animals.

Recommendation 2.

Deliver regular and transparent updates on the progress of the Animal Welfare Review, including AWAC minutes, to all stakeholders.

Thank you for the opportunity to contribute to this inquiry. Please feel free to make contact if we can be of further assistance.

Sincerely,



Samuel Davis
Vice President – Canary and Caged Bird Federation of Australia Inc.

