



Submission to the Standing
Committee on Economic and
Infrastructure

RSPCA Inquiry

Victorian Farmers Federation Submission

February 2017

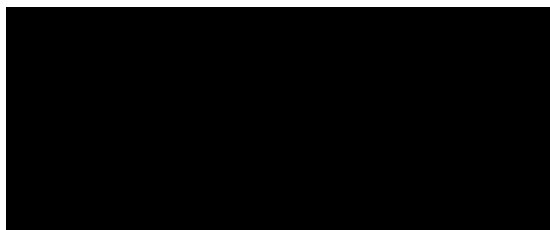
The Victorian Farmers Federation

Victoria is home to 25 per cent of the nation's farms. They attract neither government export subsidies nor tariff support. Despite farming on only three per cent of Australia's available agricultural land, Victorians produce 30 per cent of the nation's agricultural product. The VFF represents the interests of our state's dairy, livestock, grains, horticulture, flowers, chicken meat, pigs and egg producers.

The VFF consists of a nine person Board of Directors, with seven elected members and two appointed directors, a member representative General Council to set policy and eight commodity groups representing dairy, grains, livestock, horticulture, chicken meat, pigs, flowers and egg industries.

Farmers are elected by their peers to direct each of the commodity groups and are supported by Melbourne-based staff.

Each VFF member is represented locally by one of the 230 VFF branches across the state and through their commodity representatives at local, district, state and national levels. The VFF also represents farmers' views on hundreds of industry and government forums.



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Executive Summary

As a fellow member organisation the VFF is concerned around the dual purpose of RSPCA Victoria as both a member organisation and a regulator within Victoria's legal system. While doing good work in the domestic space, the VFF is concerned about the organisations encroachment into agriculture.

RSPCA Victoria does not currently have active responsibility for commercial farming animals, although RSPCA Australia, of which RSPCA Victoria is a member and has a seat on the board, is heavily involved with some agricultural industries through their farming accreditation scheme and activist campaigns. In the Independent Review of the RSPCA Victoria Inspectorate, otherwise referred to as the Comrie Report, it was recommended that RSPCA Victoria review all of the group's memoranda of understanding with other organisations, including with Agriculture Victoria, as the regulator responsible for commercial farm animals.

The VFF has concerns around the appropriateness of a member orientated, activist group undertaking official government business with powers comparable to those of the Police. The VFF is concerned about the future direction of the agreement between RSPCA Victoria and Agriculture Victoria. The conflict of interest in having a national body campaigning against farming practices while the state body regulates the law for farms would be unacceptable for the farming community.

The VFF is calling for the state government to formalise the role of Agriculture Victoria within legislation as part of the actions of the upcoming Animal Action Plan.

Farming Perspective

HOW FARMERS INTERACT WITH THE RSPCA

RSPCA Victoria currently has a memorandum of understanding (MOU) with Agriculture Victoria which gives the department the responsibility of ensuring the safety of farm animals. As such RSPCA Victoria does not have regulatory responsibility for livestock, although they notionally retain this responsibility under legislation.

In spite of the lack of regulatory responsibility over livestock, farmers continue to interact with the RSPCA, to differing degrees, as owners of pets and horses and/or through their involvement with RSPCA Australia's Approved Farming Scheme. These interactions have often not resulted in productive working relationships.

Coupled with the work the State Government is currently undertaking on creating a Victorian Animal Action Plan, the VFF, as the representative body for farmers in Victoria, sees this inquiry as a timely opportunity to look at the future direction of enforcement against animal cruelty in Victoria.

WHAT FARMERS SEE AS THE ROLE OF THE RSPCA

The agriculture sector sees RSPCA Victoria's role to protect and investigate cruelty towards domestic animals. The common feedback that the VFF received was that the RSPCA Victoria has a role to play as an inspectorate of domestic animal welfare. However that role should not extend to farm animals. In a small survey of farmers conducted by the VFF, there was unanimous opinion that Agriculture Victoria is the preferred option for regulating livestock.

This view is based on the ability of Agriculture Victoria inspectors to capably work with farmers to improve outcomes for farm animals. RSPCA inspectors, as well as the auditors for the national accreditation scheme, are seen as being more aggressive, demanding and less willing to work with a farmer to improve welfare.

Appropriateness of the RSPCA as a regulator for non-domestic animals

TRANSPARENCY AND ACCOUNTABILITY

What review process is in place for the government to ensure that the cases that the RSPCA brings to court are appropriate uses of their power as regulators?

The level of public reporting undertaken by RSPCA Victoria is currently not at a level of detail for trends in domestic animal cruelty to be discerned and analysed. For example, in their 2016 Annual Report the organisation reported a 232% increase in the number of charges laid by the inspectorate, over the previous year, however what is not indicated is the proportion of these cases that are successfully upheld.

The concern is that superfluous charges could add to the seeming effectiveness of the inspectorate, but not truly represent the impact that the RSPCA is having on stamping out animal cruelty. The VFF would consider this data to be a key measure of the effective use of the inspectorate's power. Indeed these results may show that the inspectorate is in fact being successful in investigating complaints against domestic animal owners. We would support the requirement for this information to be included in a regular review process of the inspectorate that would be made publicly available each year, as a matter of public accountability.

Is RSPCA Victoria audited by the government to ensure funds go towards the inspectorate, rather than to other parts of the business?

As RSPCA Victoria has other functions outside of the inspectorate, there needs to be some transparency as to the use of funding that is provided by the government for the purpose of funding the inspectorate. On the other hand, government funding of the inspectorate must be at an adequate level, so that RSPCA Victoria does not require funding from the national body and thus become beholden to that organisation, creating further conflicts of interest.

Does RSPCA Victoria see itself as responsible for its members or the government duty they have sworn to undertake first?

Questions should also arise regarding who RSPCA Victoria is ultimately responsible to, regarding its regulatory duties. As a membership based organisation, RSPCA Victoria is beholden in some capacity to the wishes of its members and in its need to maintain and further grow its member base. Additionally being a member of a national body that is not itself a regulator of legislation could open the inspectorate to not only a conflict of interest, but a conflict of management. It is the view of the VFF that a regulatory body should be openly accountable to the state government first and foremost in matters of regulation. It is unclear whether RSPCA Victoria's other interests interfere with its regulatory responsibility.

RSPCA VICTORIA'S CAMPAIGNING

As the inspectorate only makes up a small part of the greater body of RSPCA Victoria, it seems that the view of RSPCA as a whole is important in defining the way RSPCA Victoria views its responsibility. When the Comrie Report was released the VFF was encouraged by their agreement to cease activist activities. However, a number of concerning practices continue to be carried out by RSPCA Victoria that could be seen to contradict this agreement.

The group has continued to give opinion in the media regarding perfectly legal activities including duck hunting, for which the inspectorate has a role in regulating. It is the view of the VFF that an inspectorate's job is to regulate activities, with that regulation being founded in the law. Campaigning against the legal actions of those that the same body is responsible for regulating would appear to be a conflict of interest.

Example of a media release we would consider to be more activist than advocate.

3 January 2017

A full duck shooting season announced for 2017

We were disappointed to hear the Government's announcement to hold a full, 12-week duck shooting season in 2017 and to allow a daily bag limit of 10 birds each day per hunter. Whereas in 2016, hunters were only allowed to kill 8 ducks on the opening day of the season, and 4 ducks each day thereafter.

As reported by the Game Management Authority (GMA) 25,681 hunters were licensed to hunt ducks during the 2016 season and 271,576 ducks were killed.

Greg O'Brien, acting CEO of RSPCA Victoria states "We are concerned at the impact this number has on the duck population and the cruelty involved in the hunt.

The VFF also notes that the RSPCA Victoria website continues to contain material campaigning for the end of live beef exports, which as was confirmed in the 2016 independent inquiry, is a lawful activity, and represents a key source of income for the beef industry in Victoria.

In addition to specific campaigns, there are facilities advertised through the RSPCA's Choose Wisely website that single out individual private businesses that the organisation encourages users to patronise. The Choose Wisely website is advertised and linked to through RSPCA Victoria's website. It is the view of the VFF that a regulatory body should be somewhat impartial in its dealings with the public outside of exercising its regulatory power. The inclusion of the Choose Wisely program on the Victorian RSPCA's website is not indicative of impartiality and raises the question of whether there is an entrenched culture of activism contained within the RSPCA.

If RSPCA Victoria is to remain a regulator then the VFF would suggest that the appropriate path of advocacy for the group would be to contribute to any review of legislation and to offer insight into the actual extent of issues around animal health and welfare issues in the domestic space.

As part of this inquiry we would encourage RSPCA Victoria to further clarify their intention to cease campaigning, and for the government to determine what an acceptable level of campaigning should be for a regulatory body.

RSPCA Australia

THE LINKS BETWEEN THE NATIONAL AND STATE BODIES

While RSPCA Victoria currently doesn't regulate behaviour in relation to farm animals, the national body has involved itself heavily in farming through the RSPCA Approved Farming Scheme. Only a small number of farmers in the egg, pig and aquaculture industries have adopted the scheme voluntarily. However the scheme is widely used in the Chicken Meat industry as processors require their farmers to grow under the scheme. These farmers find themselves in a position of having to adhere to a scheme which was written by those with less direct experience of farming.

It is understood the value of this commercial arrangement between the retailers and RSPCA Australia is substantial, while the majority of costs are imposed on the farmer. RSPCA Australia is certainly not the poor, cash strapped charity the media sometimes portrays them as. Such a commercial arrangement, tied to the agriculture sector, is a conflict of interest for both RSPCA Australia, in commenting on agricultural issues, and for RSPCA Victoria, as a member of the national body and as a law enforcement agency. We are encouraged by RSPCA Victoria's commitment to ceasing their political campaigning, given the conflict of interest for the inspectorate. .

With RSPCA Australia currently conducting a campaign on banning caged egg production, which is a legal practice with good welfare outcomes for the birds, the question of appropriateness remains. At the VFF our stance is that, production systems which are scientifically backed to provide good welfare outcomes, should be allowed to operate to give consumers choice. With this current campaign RSPCA Australia shows its agenda is neither to improve welfare nor to create a sustainable future for farming in Australia. As a member of RSPCA Australia, RSPCA Victoria has as much of a conflict of interest as if they campaigned themselves.

It is not clear whether or not RSPCA Victoria will rely on the national branch of the organisation to campaign on their behalf. Currently RSPCA Victoria actively promotes national campaigns on their website. Additionally the Comrie Report mentioned that the national body sets the direction of policy for all state groups, suggesting that the two groups are inextricably linked.

As the Comrie Report concluded, although RSPCA Victoria is not necessarily involved in regulating animal welfare in the agricultural industry, campaigning against legal practices represents a conflict of interest with their inspectorate duties.

We ask the inquiry to consider the broad context of RSPCA Victoria's operating environment and activities when evaluating the appropriateness of the regulator.

Role of Agriculture Victoria in investigating cruelty

FORMALISING AGREEMENT BETWEEN AGRICULTURE VICTORIA AND RSPCA

In the Comrie Report it was suggested that the RSPCA update all of its MOU's with other organisations. While the intention behind this suggestion appears to be founded in developing a closer working relationship with the Victorian Police, the inclusion of all MOU's has concerned the VFF. Agriculture Victoria currently has the knowledge and skills in place to effectively deal with any complaints relating to livestock, they are in the best position to regulate the agricultural sector.

Agriculture Victoria has built up the necessary knowledge and experience to determine the condition of livestock animals, just as the RSPCA has inspectors which are expert in determining when a domestic animal is being subjected to cruelty. For this reason any move to alter or dissolve the current MOU between the organisations would be disastrous. If responsibility were to transfer to the RSPCA it would take years before the expertise was available to accurately assess livestock, as has occurred with horses. RSPCA officers may have an understanding of appropriate care for domestic animals and the triggers that require intervention, however understanding the position of animals in production systems requires a greater understanding of those farm systems and the way in which different animal's needs are met. Submissions to the Comrie Report mentioned the expertise of horses hasn't yet spread into the all facets of the inspectorate.

There are situations in agricultural systems that could be misconstrued by an untrained regulator as representing a breach when in fact an animal's needs are being met. For example, to the untrained eye some production animals, like dairy cows, could seem undernourished as a result of their genetic makeup, even though they are well fed and cared for.

While the legislation currently names the RSPCA as responsible regulator for livestock, farming communities are not entirely comfortable with the current memorandum of understanding. This discomfort stems from the direction the RSPCA has taken in their other activities as well as the experience of farmers in dealing with RSPCA inspectors and auditors. The farming community would be more comfortable if the current memorandum of understanding between the RSPCA and Agriculture Victoria, regarding the division of labour between the two organisations, was formalised in legislation.

As the Draft Animal Action plan included an action item to review the Prevention of Cruelty to Animals Act 1986 within the next five years, we see this as an opportunity to formalise the lines of responsibility for the different animal sectors in preventing cruelty. This could also assist in raising the departments profile as the lead investigator in livestock animal cruelty cases, which the VFF believes isn't common knowledge in the community.

The VFF expects that because of the RSPCA's high profile as an animal welfare regulator that the general public would be more likely to report any animal welfare issues to the RSPCA rather than the relevant body. A similar finding was made in the Comrie Report in relation to domestic animals, where a significant number of complaints should have been made to councils rather than the RSPCA, as they related to the Domestic Animals Act. The VFF suggests that Agriculture Victoria should advertise their responsibility for livestock more broadly to the community to ensure people know where to report animal cruelty incidents relating to livestock, especially among regional communities.

The good work of farmers

Looking at the number of complaints received by RSPCA Victoria and Agriculture Victoria there is a clear disparity between the number of reports of cruelty in the commercial sphere compared to the companion and non-commercial livestock sphere. The department investigated 3,287 animal welfare complaints between July 2012 and June 2016. Over the same period the RSPCA received 74,369 complaints.

With the RSPCA receiving 21 times the number of complaints as Agriculture Victoria, even though the number of farm animals vastly outnumbers domestic animals, it is clear to the VFF that cruelty is more prevalent in the domestic sphere and that is where the RSPCA should be focusing their efforts.

We would like to take this opportunity to praise the fine work of farmers in ensuring their animals are well looked after in accordance with the relevant codes of practice, standards and guidelines as well as to the higher standard of many quality assurance programs in the different sectors.

We know through our interaction with our members that most farmers invest in their animal's welfare. Farmers recognise that to get quality produce from their animals they need to provide good care of their animals and as such many have undertaken their industries relevant quality assurance program. The VFF calls on the State Government to recognise the good work that farmers are doing by recognising quality assurance systems while it goes through the process of finalising the Draft Animal Action Plan.

Conclusion

The VFF has concerns around the appropriateness of RSPCA Victoria as a government regulator. There appears to be some conflict of interest between the inspectorate and the rest of the organisation at both state and national levels.

Fundamentally RSPCA Victoria has the skills and experience to deal with domestic animals and has done exemplary work in preventing and punishing cruel acts to these animals. By the same token Agriculture Victoria has the necessary experience and resources to investigate livestock and should have its responsibility formalised as part of new prevention of cruelty legislation.

Ultimately, farmers care about their animal's welfare. Now is the time, with the future introduction of the Animal Action Plan, for the government to recognise the good work of the sector.