

Parliament of Victoria
Standing Committee on Economy and Infrastructure
Inquiry into RSPCA Victoria

Submission by Dr Malcolm Caulfieldⁱ

In my view, the main contentious issue concerning RSPCA Victoria is its ability to investigate and prosecute breaches of the *Prevention of Cruelty to Animals Act 1986*. In 2009 I pointed out that the role of RSPCAs in this country was completely anomalous. There is no precedent for a private society enforcing part of the criminal law. As a private society, RSPCA Victoria is likely to be subject to various outside pressures which a government agency would not be subject to (not least because its officers and employees are not public servants). Moreover, the work of such a private society cannot be conducted in the same way as the work of a government agency. Regardless of how things are arranged, investigation of alleged animal cruelty offences by RSPCA Victoria will probably not be at the same level of professionalism as, for example police investigations, there will not be the same level of accountability to Parliament, nor even the same level of public accountability. The level of funding will always be inadequate for the task.

I am aware that the Victorian Farmers Federation in its submission has expressed the view that RSPCA Victoria should not be involved in dealing with cruelty complaints involving farm animals and this should be the responsibility of Agriculture Victoria. I disagree with that position, which I would argue should be discounted as coming from those with a commercial stake. Agriculture Victoria has the task of looking after the interests of farmers, not looking after the interests of the animals which the farmers use. For that reason, it should not be involved.

It is clear that what is needed is a statutorily based independent body which has powers of investigation and enforcement under the Act. In 2007 the UK Farm Animal Welfare Council commented that the UK government should establish an agency with responsibility for animal health and welfare matters, including enforcement of relevant laws. The Council said this was essential 'if the government really does wish to give animal welfare issues a high priority in livestock farming'. I believe this to be equally true for Victoria today.

As I write this, I am aware that Minister Pulford has instituted a review of the *Prevention of Cruelty to Animals Act 1986*. I am also aware that her officers in her Department have enlisted the assistance of truly independent scientists to move forward with that review. No doubt this is partly motivated by the disengagement of the Commonwealth government from the animal welfare area. This means that any hope of a unified Australian animal welfare strategy has disappeared. But that does not mean to say that a state such as Victoria cannot make

significant progress. Indeed, it could be said that the current state of affairs offers positive opportunities.

Whilst I disapprove of what I personally regard as the aggressive and counter-productive attitude of the Victorian Farmers Federation, I nevertheless think that there is a tremendous opportunity here to establish a modern and progressive system to improve the welfare of animals in Victoria. In my view, the main issue is with farmed animals, particularly those in intensive farming systems.

I strongly recommend that RSPCA Victoria be removed from all responsibility for enforcement and prosecution of breaches of the *Prevention of Cruelty to Animals Act*, and that the Victorian government grasps the nettle and establishes an independent agency with responsibility across the board, including providing independent advice on animal welfare science and legislation.

Clearly there is a possible role for auditable industry standards and guidelines to form part of the whole procedure of monitoring and improving what goes on with farmed animals. But that will require a positive and sincere approach from farmers. That has been singularly lacking to date. However, I am hopeful that this might be achieved with a true commitment by the Victorian government to take animal welfare under its wing, in the way I have suggested. An independent body, with all the powers of investigation, enforcement and prosecution, which is truly independent of farmers' interests, and also of advocacy interests, but is nevertheless charged with engaging farmers to move forward, is surely the way to go.

ⁱ *Biographical note*

I am the author of the first textbook on animal cruelty law in Australia (*Handbook of Australian Animal Cruelty Law*, 2008), over 30 peer-reviewed scientific publications and several papers and chapters on animal welfare matters. I am an Honorary Research Fellow in the School of Humanities and Social Inquiry at the University of Wollongong. I have been a member of the Minister's Animal Welfare Advisory Committee in Tasmania for over ten years. I am a member of the Voiceless Scientific Advisory Committee. I was a founder member of Vets Against Live Export.