



**Legislative Council Standing Committee Economy and  
Infrastructure's Committee**

**Inquiry into the Royal Society for the Prevention of Cruelty to  
Animals (RSPCA)**

**Parliament of Victoria**

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Dear Committee

Dogs Victoria is pleased to make a submission to the Legislative Council Standing Committee Economy and Infrastructure's Committee Inquiry into Royal Society for the Prevention of Cruelty to Animals (RSPCA).

Dogs Victoria (also known as the Victorian Canine Association Incorporated) is the peak representative body of pedigree registered dog owners and breeders in Victoria. The organisation is over 85 years old and represents approximately 10,000 individual members and 280 affiliated breed and kennel clubs. Dogs Victoria itself is a member body of the Australian National Kennel Council (ANKC), and works closely with its sister organisations in other Australian states.

Dogs Victoria is consistently recognised within the broader community as promoting responsible dog ownership and representing the interests of pedigree dogs and their owners. In this capacity, Dogs Victoria represents the viewpoints of our members to the Victorian and local governments, and through the ANKC, to the federal government.

We note that the objective of this Inquiry is to report on the RSPCA (Victoria) in relation to:

- i) its use of powers (as a statutory authority) in the context of its objectives and activities;
- ii) the appropriateness of use of state government funds to support the RSPCA, in the context of its objectives and activities.; and
- iii) any other consequential matters associated with the RSPCA in Victoria.

Dogs Victoria recognises the role of the RSPCA as a statutory authority, charged with enforcing the *Prevention of Cruelty to Animals Act (POCTAA) 1986* and Part 4 of the *Domestic Animals Act (DAA) 1994* in Victoria. They are the only non-government officers with the power to lay charges under POCTAA; other authorised officers under

the POCTAA include the police, local government (animal control inspectors) and state government inspectors (within the relevant Departments). However, the RSPCA deal primarily with domestic animals (and small numbers of livestock) and as such, Dogs Victoria has sought to establish a working relationship with the authority.

Given our membership numbers, from time to time animal welfare cases have arisen which have involved Dogs Victoria members; these cases have represented a very small portion of our membership. Often this relates to poor education around animal husbandry practices, financial difficulties and (most often) as a result of mental illness (particularly hoarding). Nevertheless, any case impacting on the welfare of animals requires serious action on the part of the relevant bodies, and is taken extremely seriously by Dogs Victoria.

### ***Issues of Concern for Dogs Victoria***

At times, Dogs Victoria has been frustrated by poor communications with the RSPCA and lack of transparency regarding process, particularly in relation to seizures of animals. While we acknowledge the powers of the RSPCA as a statutory authority, we have concerns over issues such as the physical and psychological well-being of seized animals and, most concerning, the refusal of the RSPCA to communicate with Dogs Victoria on matters of animal welfare. It is in the interests of both the RSPCA and Dogs Victoria to collaborate where members are involved so that Dogs Victoria may, in turn, assist the RSPCA, the member/s involved and most importantly) the dogs concerned.

It is important to note that while Dogs Victoria is not a statutory authority, we do have an active and successful compliance framework in place. In the past, much activity relating to animal welfare compliance relied on waiting for the RSPCA and Councils to successfully prosecute a case before Dogs Victoria acted. This was due in no small part to these bodies refusing to share information with Dogs Victoria, thus limiting our ability to enact our own provisions without evidence collected on seizures and in some cases, being openly hostile to any requests for information or offers to help. A further consideration on the part of Dogs Victoria was the potential consequence of a Dogs Victoria finding negatively impacting on the RSPCA's ability to effectively prosecute a case where both organisations were not working collaboratively.

Importantly, it is the experience of Dogs Victoria, that prosecutions undertaken by the RSPCA have taken years to be realised, and in the meantime, seized animals have languished in RSPCA's kennels which severely impacts the long term outcomes for the animals themselves. So while Dogs Victoria could continue to simply suspend a member undergoing an animal welfare investigation and then sit back and wait for the issue to be resolved, such approach achieved little in terms of outcomes for the dogs.

To illustrate our concerns, we have enclosed a number of de-identified animal welfare cases (see attached) – however, as these may be subject to legal considerations, we ask that these case studies be treated with confidentiality and not released publicly.

Dogs Victoria does not believe the current animal welfare structures are working as well as what we, the various agencies, government and the community more broadly should expect or accept. For our part, over the past 12 - 18 months, Dogs Victoria has adopted a proactive approach in dealing with matters of compliance within our membership. We have reviewed our compliance framework and started the process

of enhancing our regulations and codes. Resourcing of compliance has been boosted with new staff, whose work is funded by a compliance levy paid on all new puppy registrations. All breeder members are being inspected, and we are putting in place revised education programs.

However, Dogs Victoria firmly believes that this is not enough.

It is our strong view that, while the RSPCA performs an important role, there are failures in the system. Our case studies attached to this submission highlight where there have been problems with the current processes. There have also been numerous media reports <sup>1</sup> which have reinforced these issues.

We note that an internal review undertaken by the RSPCA in September 2016 (the Comrie Review) identified a number of areas for improvement, including staff training, supervision, case management and analytical and intelligence capabilities<sup>2</sup>. It also identified that major reform needed to be a priority for the organisation, and that the RSPCA must move away from an activist focused approach, which appeared to be interfering with their welfare duties<sup>3</sup>. Importantly, the Inquiry noted that:

*“The Review team is convinced that the RSPCA can be more effective in preventing animal cruelty by becoming a trusted partner with other key stakeholders (including Government) who have the capacity to bring about legislative reform.”* (pg 10)

However, despite Dogs Victoria being a ‘key stakeholder’ in relation to dog ownership, breeding and health, and supported by a substantial membership, the RSPCA has often avoided working with Dogs Victoria on important issues, including around welfare. For example, the current activist based campaign targeting pedigree breeds (<http://loveisblind.org.au> - which is directly linked to on the RSPCA Victoria’s website) is in partnership with the Australian Veterinary Association (AVA) and calls for “...a fundamental shift in the way purebred dogs are selected and bred in Australia.” Yet, while the campaign targets ‘breed standards’ and calls for changes, there has been no inclusion of any of the state based kennel clubs or the ANKC. Instead, we have been actively excluded from the campaign, which seems to primarily target the puppy buying public. The RSPCA and AVA also appear to be unaware of the work being done on educating judges and breeders and in prioritizing health and moderation (see the reference to the “*Fit for function, fit for life*” approach by the Kennel Club (UK) at <http://ankc.org.au/HealthAndWelfare/?id=1100>). It does, however, set up an atmosphere of conflict where none needs to exist.

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<sup>1</sup> See Herald Sun *Starving Bulla horses highlight RSPCA failure*, Justin Smith, July 22, 2016 <http://www.heraldsun.com.au/news/victoria/starving-bulla-horses-highlight-rspca-failure-writes-justin-smith/news-story/e28a40a866601098b8c51517367c1940>

<sup>2</sup> Comrie, N. *Transformation of the RSPCA Victoria Inspectorate. Independent Review*. September 2016 [http://www.rspcavic.org/documents/RSPCA\\_IndependantReview\\_final.pdf](http://www.rspcavic.org/documents/RSPCA_IndependantReview_final.pdf)

<sup>3</sup> For example, the RSPCA in Victoria has led a campaign against jumps racing, and the current website lists activist campaigns around the greyhound racing industry, the live export trade, puppy farms, cosmetic testing, and a number of specific livestock campaigns – including the meat chicken campaign, which promotes RSPCA labelled chicken for consumers

### ***Where improvements could be made – establishment of a MoU***

We agree that animal welfare would be better served if ‘key stakeholders’ – in this case, Dogs Victoria, the RSPCA and the relevant councils – could work together in a productive way, with animal welfare as the priority. We believe that establishing a Memorandum of Understanding (MoU) would facilitate such an approach, in effect setting out the parameters of a working relationship. Aside from broader issues related to pedigree dogs (as illustrated in the *Love is Blind* campaign), a co-operative approach would have benefits in the handling of specific animal welfare cases.

For example, although not a statutory authority, as a condition of membership, Dogs Victoria members must allow entry to a Dogs Victoria field officer upon official request (if this is denied, their membership is automatically suspended). As such, we are often in a position to work with the member – and the relevant statutory authority – to achieve better animal welfare outcomes. This may involve anything from helping the member to reduce their animal numbers and/or fostering their dogs out to other members familiar with the needs of those breeds, to providing further education around animal husbandry and even supporting the member to access relevant medical and psychiatric services.

Furthermore, in cases of animal welfare it is not unusual for the member to have previously come under the radar of a statutory authority – and in some cases, it is necessary for us to contact the authority (e.g. if we are concerned about cruelty). It therefore, in our view, makes sense for all authorities to work together rather than in isolation. We believe a multi-organisation approach would be to the benefit of all parties, and to that effect have approached the RSPCA to establish a Memorandum of Understanding (MoU).

### ***Example of where an MoU would be of mutual benefit: Dogs Victoria’s Fostering Proposal***

To date we have not received a response from the RSPCA as to whether they would be open to a MoU with Dogs Victoria. However, should we be successful in negotiating one, an example of where an MoU would be mutually beneficial could be seen in fostering arrangement with Dogs Victoria.

Under such a proposal, Dogs Victoria could co-ordinate the fostering (and where appropriate, rehoming) of dogs that belong to a member, where that member is being investigated by a statutory authority and whereby the animals are subject to seizure.

As part of this, we refer to the following core RSPCA policy as a basis:

*7.6.1 RSPCA Australia believes that impounded animals must be treated with the same consideration for their welfare as owned animals. Impounded animals must be housed and properly cared for under appropriate conditions which meet their physiological, behavioural and social needs. Immediate veterinary treatment should be provided wherever necessary.<sup>4</sup>*

However, we note that the Comrie Review was critical of the impact of the RSPCA keeping animals for prolonged periods in shelter conditions, stating that:

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<sup>4</sup> [http://kb.rspca.org.au/RSPCA-Policy-A07-Companion-animal-management\\_595.html](http://kb.rspca.org.au/RSPCA-Policy-A07-Companion-animal-management_595.html)

*While the commitment to the welfare of these animals by RSPCA paid staff and volunteers is admirable, the Review has received veterinary advice that these prolonged periods of confinement are damaging to the animals which often display signs of stress and become further psychologically damaged. A further impact of the prolonged care in shelters is that these animals occupy a considerable amount of space which limits the ability of the RSPCA to house other animals in need of care. This situation was obvious when the Review inspected the shelters at Burwood East and Pearcedale. Activities by the Inspectorate to seize a substantial number of dogs that have been badly mistreated at puppy farms have exacerbated this problem.*

*The Review team received proposals to reduce the time spent in shelter by seized animals, particularly cats and dogs. Suggestions included the fostering out of seized domestic pets, once mentally and physically fit to do so, to accredited foster carers whilst court outcomes are determined. This could reduce the length of stay of pets in an institutional environment and provide a more normal daily existence for the animal by living in a household while the owner pursues natural justice through the courts. As well as improving animal welfare outcomes, this approach would also free up valuable shelter resources and reduce cost. (Comrie, 2016: Pg 57).*

Comrie's recommendation that the RSPCA should look to have the relevant legislation amended so as to allow the fostering out and/or transfer of ownership of seized animals held for extended periods, pending investigation and/or legal proceedings, is welcome, with the proviso that there must also be improved clarity in the processes around this.<sup>5</sup>

This is because a core concern of Dogs Victoria is what happens to a member's dogs should they be seized by the RSPCA. Comrie referred to considerable evidence as to the negative impact of shelter conditions on dogs and cats.<sup>6</sup> However, Dogs Victoria also has concerns as to the transparency of process around seized animals. Currently, neither we, nor the member, are told what happens to that animal once in the shelter system; and in at least one recent case (see Case Study 1), we discovered that seized dogs were released to another party and transported interstate, despite the matter being under investigation. This discovery was only made when we were contacted by the new owner requesting the transfer of pedigree papers. Our inquiries with the RSPCA as to the circumstances and regulations that allowed the dogs to be transferred were not responded to by the RSPCA and any information we have has come from our own inquiries with the member<sup>7</sup>. As shown in the case study, this

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<sup>5</sup> Comrie, 2016 Pg 57.

<sup>6</sup> There have been numerous studies in animal shelters and laboratory settings that identify the behavioural and physiological responses of dogs to environmental stressors. Dogs that are socially and spatially restricted can show reduced activity, increased vocalisation and elevated urinary cortisol to creatinine concentrations (Beerda *et al.* 2000; Beerda *et al.* 1999; Hetts *et al.* 1992; Hubrecht *et al.* 1992; Schipper *et al.* 2008; Stephen and Ledger 2006). Dogs housed under these conditions for an extended period may also show an increase in unusual movements, described as stereotypic pacing, whirling, circling and leaping (Beerda *et al.* 2000; Hetts *et al.* 1992; Hubrecht *et al.* 1992).

<sup>7</sup> The Comrie report noted that under the provisions of Section 24X of the POCTAA (Court orders as to costs and disposal of animals) there was no power for the RSPCA to foster out seized animals where it became obvious that they would be held in a shelter for a prolonged period and where it would not be possible for them to express natural behaviours. The Review is not aware of any authority under POCTAA for the RSPCA to transfer ownership of seized animals. We are therefore unsure as to what processes were followed to allow these dogs to be sent interstate and rehomed.

situation hampers our own abilities to investigate the conduct of the member, and we remain concerned over the welfare of the animals.

The situation noted above contrasts with the details provided in Case Study 2, where it appears that the RSPCA has taken a very different approach to the case management involving seizure of animals, despite our attempts to assist in the situation from the very start. We are unable to determine the reason for these different approaches as the RSPCA does not discuss case matters – however, we would argue that this is about broader policy settings, and the need for transparency<sup>8</sup>.

Drawing upon our experiences, in a case whereby there are concerns for the welfare of dogs owned by a Dogs Victoria member, we believe all parties would be best served if Dogs Victoria was able to act as the fostering organisation. This is for a number of reasons:

- The member is more likely to voluntarily surrender their dogs if they know they are going to Dogs Victoria coordinated fostering, rather than the RSPCA shelter system;
- There are considerable savings for the RSPCA in terms of housing and the resources required for the care and upkeep of animals in their care;
- Many breeds have specific care requirements that are difficult, if not impossible, for a general shelter environment to cater to. Furthermore, there is much evidence to support the conclusion that dogs kept in a shelter confinement for extended periods of time can suffer both physical and mental stress. However, these dogs could be fostered with breed experts who are best placed to take care of their particular needs and ensure that they receive the appropriate diet, exercise and socialisation;
- Should the situation with the member then be determined to be resolved with the member being permitted to retain ownership, Dogs Victoria may assist with the return of the animals and further monitoring and support if needed. If, however, the dogs are to be rehomed permanently, Dogs Victoria can assist in finding appropriate homes, and vet these in terms of their suitability for that particular breed.

As Dogs Victoria is a not for profit, membership driven organisation, we do not source any government income, nor do we rely on charitable donations to operate. As such, there would be no cost to the tax payer for services provided by Dogs Victoria as part of an MoU. Indeed, we would see our part of any agreement as related to our core mission of looking after animal welfare and promoting responsible dog ownership. We note that this would possibly require amendment to the POCTAA to allow for fostering, but believe that it would be a positive outcome from this review for that to occur.

## Summary

It is fair to say that the RSPCA holds a great deal of both power and privilege as a non Government statutory authority. This means, however, that the organisation must realise the responsibility associated with its position, and while we understand that the RSPCA has acknowledged the need for internal changes following the Comrie Review,

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<sup>8</sup> We note that Comrie review found inconsistencies in case management and recommended that officers in the field have ready access to the RSPCA's own policies and processes to assist them

there are still areas that are of concern for Dogs Victoria and its membership. We do, however, believe that the RSPCA performs an important function in enforcing the POCTAA, and has finite resources to do this with. Therefore, we do not support calls for the abolishment of the RSPCA nor for the stripping of its statutory authority or for Government funding to be withdrawn, as some submissions to this Inquiry have argued (notably from some extreme animal rights groups, who no doubt would seek to fill the role of the RSPCA themselves). However, we do believe that the RSPCA needs to improve both the transparency of its process, its training and support of field staff (as per the recommendations of the Comrie Review) and avoid being side tracked by animal rights activist campaigns, particularly in relation to legal activities.

Most vitally for the welfare of dogs in Victoria, we believe that the RSPCA needs to work on improving relationships with stakeholders. The recommendations below go to these points in further detail:

**Recommendations:**

**That the RSPCA and Dogs Victoria seek to negotiate a Memorandum of Understanding (MoU), to allow for a more co-operative working relationship in regards to compliance and animal welfare more broadly.**

**That the possibilities of Dogs Victoria fostering program be explored by Dogs Victoria and the RSPCA, with a view to allowing Dogs Victoria to co-ordinate the fostering/rehoming of member's dogs that are subject to investigation by statutory authorities**

**That the Government look to amend the POCTAA (*Prevention of Cruelty to Animals Act 1986*) to enable fostering of animals that have been seized by the RSPCA.**

**That the RSPCA policies around processes concerning animals seizures be more transparent and that the RSPCA investigators are fully briefed on these and the POCTAA, more broadly.**

**That the RSPCA's continued support of activist campaigns be moderated to ensure that their welfare activities are not jeopardised, and that any campaigns related to dogs (be it pedigree breeds or more broadly, such as breeding) do not exclude Dogs Victoria and its membership.**

Dogs Victoria is available to speak further on the issues raised in our submission, should the Committee wish to do so.

