

The Secretary and Committee
Economy and Infrastructure Committee

31 March 2017

Dear Secretary and Committee Members,

Inquiry into the RSPCA Victoria

I appreciate the opportunity to make a submission to this Inquiry. I only heard about it earlier this month and am pressed for time, but hope what I can pull together will be helpful in this important discussion in how best we move forward to ensure all animals have full protection under the law (POCTAA). And as importantly, that the law does indeed protect all animals and is enforceable.

My Background

I am the founder (1978) and current Vice President of Animal Liberation Victoria Inc. (ALV). I have spent the past 40 years, in a full time voluntary capacity, working to help animals. ALV is an Incorporated (1984) non-profit organization www.alv.org.au whose mission statement vows non-violence and respect to all, regardless of species membership.

Over the past 40 years I have been involved in hundreds of inspections (both supervised and undercover) inside Victorian animal based industries. These include: Abattoirs; Knackeries; Saleyards; Pig and Chicken (both meat and egg production) industrial farms as well as 'free-range' facilities; Sheep, Dairy and Cattle production (both feedlots including live export and openrange); Puppy Production facilities, both large scale and backyard. During these investigations hundreds of sick and dying animals have been taken to veterinary treatment. Alongside others I documented their conditions with photographs and video footage.

I estimate over the past 30 years I've made some 100 documented cruelty complaints to the RSPCA, Department of Agriculture and the Police and at no time has any of these authorized enforcement agencies lodged a single cruelty prosecution. My correspondence/reports/documentated evidence is all boxed up in my attic and available if required.

To sidetrack and briefly comment on Submission 67 (Victorian Farmers Federation) statement: **"...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..."**

The POCTAA clearly states who may lay information in a cruelty prosecution, yet periodically there are changes and MOU and the RSPCA and Department of Agriculture (DEDJTR) keep passing the ball back and forth. After many years of appealing to both the RSPCA and Department of Agriculture for help, I gave up and now direct cruelty complaints to the Police (who sadly pass them back to either RSPCA or DA). The reason there are fewer complaints about farmed animals is that millions upon millions of them are locked away behind closed doors and no one ever sees or hears them. We know for a fact that RSPCA inspections rarely if ever take place, they simply don't have the staff numbers to even begin to accomplish this basic task.

And for the Department of Agriculture inspections? Well, let's get the fox to guard the hens. It's a well established and understandable culture that the Agriculture Department is first and foremost there for the producers. They do a great job with plant production, but sadly animals are treated in the same way as plants. Animal welfare must not be trusted to the Department of Agriculture for this reason.

ALV try our best with extremely limited resources to shine some light on the misery and suffering of the majority of animals in Victoria. Dead and dying animals being eaten by shed mates, crippled animals/birds unable to walk who slowly and routinely starve to death, exhausted and emaciated animals pushed to the point of collapse... The list goes on and we have the video documentation over decades to prove this routine and widespread suffering that is unaddressed by the legal authorities in POCTAA for one reason or another.

We are a classic case of 'Shooting the Messenger'. We are humiliated, disregarded and even branded as radical terrorists!? During my peaceful activism I have been imprisoned twice, arrested, handcuffed and charged/prosecuted numerous times. Essentially why? For taking sick, dying and neglected animals to medical treatment when all the legal authorities failed to help them.

I was imprisoned for 10 days for returning to Happy Hens Egg World near Geelong in 1998 after lodging numerous cruelty complaints to the RSPCA over a couple years yet they failed to help. This after repeatedly finding dead and dying hens rotting in battery cages, crippled hens unable to reach food or water, cobwebs so thick you couldn't even see some of the hens inside the cages, rats and feral cats eating the dead inside the sheds. Dr Hugh Wirth was quoted in the local papers saying that he advised the egg factory to up their security to keep us out.

It needs to be made clear that ALV and myself are strictly non-violent. We abhor violence in any way shape or form. Our activism is modelled along the lines of Martin Luther King Jr and Ghandi, non-violent civil disobedience and *always* done with respect and for justice.

Other submissions declare we are radical extremists, this is not the case. I am a widow and doting grandmother who has lived in Melbourne for the past 42 years. I have a BSc from the University of Illinois, one of the USA's top agricultural colleges. I'm a professionally trained mental health therapist and worked in this field prior to founding ALV, as well as giving regular volunteer hours both in the USA and here in Australia to aged care and mental health.

I'm one of 12 children who grew up in a farming community in Midwest USA. I personally know very well how hard working farmers are and respect this. However, I'm now also traumatized at the horrific widespread and unsustainable abuse of animals in animal agriculture and realise both personally and scientifically that things have to change.

ALV is part of a powerful and rapidly growing global consciousness that human's treatment to other earthlings, especially those farmed in the trillions on land and in water, is unethical and driving climate change. This will also be our own demise if things don't change. I don't have the time now to meet this deadline to give you all the links and incredible work being done globally to support this statement, but if given extra time or you want this information I am more than happy to supply it to you.

I acknowledge it is not within the scope of this Inquiry to fully investigate the global situation or more importantly the fact that the numerous Codes of Practice hand deliver to animal abuse and cruelty a defence to an offence under the POCTAA. This *alone* ensures that the majority of animals have no

protection at all no matter *who* is the authorized Government Authority for POCTAA. But important background.

Terms of Reference

1) The appropriateness and use of RSPCA powers pursuant to the POCTAA 1986

I submit that in 2017 it is entirely inappropriate, unworkable and preposterous to expect one of numerous Animal Charity Organisations to enforce the State's cruelty legislation. The RSPCA use to stand out as the one and only (main) animal organisation in Australia, now it is one of countless Incorporated non profits and/or registered DGR charities working to help animals. As someone else remarked in their submission, we don't and shouldn't expect human charities to uphold the law when humans are abused, tortured, injured or killed.

Times are changing, animal rights is overtaking animal welfare and this must be addressed as it's not going away. Nonetheless, animal welfare is ignored for the majority of animals even if one discounts animal rights.

Also of enormous concern is the conflict of interest with the growing animal business partnerships the RSPCA enters into. RSPCA Australia's submission (55) proudly displays their RSPCA Approved Farming Scheme. ALV have often found ourselves in the ridiculous situation of investigating cruelty complaints from the public at RSPCA approved business partners and then having to ask them to investigate their own business. Other times it gets handballed to Department of Agriculture and all times it gets ignored. I refer you to a recent major two year investigation ALV carried out at RSPCA approved piggeries after being alerted by employees.

<https://www.bing.com/videos/search?q=vimeo+alv+free+range+fraud&&view=detail&mid=610DDOC263F2DA0D7220610DDOC263F2DA0D7220&FORM=VRDGAR>

RSPCA Australia and RSPCA Victoria were well aware of the horrific suffering inside their 'approved' piggeries including their (at the time) banner producer OTWAY PORK, but did nothing. The result, Otway Pork dropped their RSPCA approval rating to stop any further bad publicity. And now puppy farmers in other submissions are wanting to enter similar business type agreements with the RSPCA which may eventually occur? We have also inspected these puppy farms and not all meets the eye.

No one should be expected to ask a Government appointed legal authority to investigate their own business interests and expect it to be taken seriously.

2) Appropriateness and use of funding provided by the Victorian Government to the RSPCA

I submit that the Government's funding to the RSPCA to enforce the POCTAA is minimal. It is clearly an insult to suggest that Victoria's strong POCTAA (without all the Codes giving a defence to an offence of course) could anywhere or anyhow be enforced by the small amount of money the RSPCA receives for this service. This is clearly an indication of the lack of respect and acknowledgment our Government gives to the wellbeing of animals. And the result that we can all see and that I know I've experienced over the past 40 years is the RSPCA fails miserably in upholding the POCTAA by investigating and then prosecuting cruelty.

I've also seen over the years RSPCA morph into a money making endeavour where securing money is as, or more important than the original task at hand. If the increase of funds equates to more hands-on care and advocacy for all animals good luck to them, but this is seldom the case. And one would hope or think the RSPCA would be channelling more of their large annual donated funds and bequests towards

their inspectorate knowing how very important this duty is. While at the same time lobbying the Government to take animal welfare seriously and to properly fund this responsibility. At any rate the RSPCA should be submitting to this inquiry that the task at hand as an enforcer of POCTAA is too enormous a task for them to achieve successfully as well as running a Charity and several animal shelters around the state.

Conclusion

I believe that submission 58 (LFA Lawyers for Animals) targeted the 3 best key reform (my bolding) proposals. I couldn't add anything more to theirs and it's something ALV have been speaking out about for some time. And as I mentioned earlier I only take cruelty complaints to the Police now as there is no hope what so ever with the other legal authorities in the POCTAA.

So I submit the best way forward at this time is as LFA proposes:

- * creation of a dedicated Animal Cruelty Investigation Squad (or similar) within Victoria Police;**
- * creation of an Office of Animal Welfare within the Department of Justice to oversee the Animal Cruelty Investigation Squad and fulfil many functions of the former Bureau of Animal Welfare, keeping it independent from the Department of Agriculture; and**
- * removal of RSPCA's Inspectorate powers and funding, permitting it to refocus on animal care and to engage in public advocacy for animal welfare without any perception of conflict of interest.**

Thank you very much for considering my submission. I am more than happy to answer any questions.

With great hope that times are changing and animals will get some relief from their overwhelming suffering.

Patty Mark
Founder/Vice President
Animal Liberation Victoria Inc.

██████████
██████████
██████████