

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Inquiry into the RSPCA Victoria

Melbourne — 31 May 2017

Members

Mr Bernie Finn — Chair

Mr Khalil Eideh — Deputy Chair

Mr Jeff Bourman

Mr Nazih Elasmr

Ms Colleen Hartland

Mr Shaun Leane

Mr Craig Ondarchie

Mr Luke O'Sullivan

Participating members

Mr Greg Barber

Ms Samantha Dunn

Mr Cesar Melhem

Mr Gordon Rich-Phillips

Witnesses

Dr Paul Martin, Victorian Division President, and

Dr David Middleton, Victorian Division President-Elect, Australian Veterinary Association (AVA).

The CHAIR — Gentlemen, welcome to the public hearings of the economy and infrastructure committee. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things those comments may not be protected by privilege. The evidence that we are conducting today is in relation to the inquiry into the RSPCA Victoria. Could I ask you to begin by, for the record, stating your name, organisation, position and suburb or town in which you are based, and then a 5 or 10-minute address to start things off, and we will fire some questions at you.

Dr MARTIN — Okay. Thanks, Mr Chairman. My name is Dr Paul Martin. I am president of the Australian Veterinary Association's Victorian division. I have been a vet for 40 years and have worked in small animal, large animal and mixed animal practice in the Yarra Valley, which has had a large component of dog breeders over a long period of time. I am joined today by the division's president-elect, Dr David Middleton. David, in his much younger days, worked for RSPCA Victoria, and in more recent times was in charge of the Healesville Sanctuary as a zoo veterinarian for in excess of 20 years.

I would like to begin by thanking the committee for this opportunity to contribute to this inquiry. The AVA's 9000-plus members are made up of veterinarians across Australia that work in all fields of veterinary science. Veterinarians are key experts in animal health, and the highest priority for the AVA is animal welfare.

There is no doubt that the RSPCA Victoria is an institution of this state. If the public were asked to name organisations that protect animals from cruelty, care for and provide treatment of animals and find homes for animals, the RSPCA would be at the top of the list. I wish to state that we think RSPCA Victoria do an amazing job in their quest to protect animals, and we are extremely grateful for all that they do. In fact all Victorians should be grateful.

RSPCA Victoria operate within an extremely emotive environment in their endeavours to protect all animals. Witnessing cruelty, abuse and neglect, whether it is deliberate or not, is heart wrenching. Veterinarians also see this, but certainly not to the degree that RSPCA Victoria does. RSPCA Victoria's inspectorate often operates within very dangerous situations. In 2015–16 RSPCA Victoria received over 12 000 reports of animal cruelty. Within those reports over 21 000 animal cruelty offences were reported, and of those 1146 charges were laid.

This inquiry's terms of reference focus on two areas, which I will now address. The first is the appropriateness and use of the RSPCA's powers, pursuant to the Prevention of Cruelty to Animals Act 1986, including the context of its other objectives and activities. As you would be aware, the RSPCA conducted an independent review of their inspectorate last year. One of the recommendations of this review advocated that RSPCA Victoria be granted authority to issue infringement notices for lower level offences, meaning those that are not of the level of seriousness to warrant criminal prosecution. We absolutely support that this recommendation should happen. It is my understanding that this is being considered within the new animal welfare act, so we are hopeful that this will eventuate. This would enable RSPCA Victoria's inspectorate to be more efficient and more effective, thus assisting them with their enormous case loads.

The second point that I would like to address is in regard to the appropriateness and use of its funding provided by the Victorian government, including its other objectives and activities. It is our understanding that RSPCA Victoria receives \$1 million in funding annually from the state government to assist with the RSPCA Victoria's regular activities. For the years 2016–2019 an additional \$5 million was also granted by the state government to fund a special investigations unit to assist in the abolition of puppy farms.

The inspectorate costs alone for the RSPCA totalled \$5.9 million in the 2015–16 year. These costs are made up of legal fees, prosecution costs, caring for the animals rescued from cruelty, large-scale operation equipment and obviously staffing. So the total animal welfare related expenses, which includes the inspectorate costs, totalled \$22.6 million in 2015–16. So realistically the state government only contributes a fraction of the funds that it costs to protect and care for Victorian animals.

Currently RSPCA Victoria is responsible for the enforcement of POCTAA, the Prevention of Cruelty to Animals Act, in essence meaning that the government relies on RSPCA Victoria, which is a charity, to investigate and prosecute breaches of the act. It is the AVA's strong belief that the Director of Public Prosecutions should prosecute animal cruelty cases after RSPCA Victoria has prepared briefings. We do not believe that it is appropriate that RSPCA Victoria, whilst also prosecuting cases, runs the risks of having costs awarded against them. Surely it is the state of Victoria that should take responsibility for prosecuting

perpetrators of animal cruelty. The link between perpetrators of animal cruelty and domestic violence is well documented, and therefore the state should be taking responsibility for the safety of our community and its animals. I would hate to see the day when RSPCA Victoria is bankrupted because of legal proceeding costs.

One of the recommendations of the Western Australian Parliament's Select Committee into the Operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia in late 2015 was that the Animal Welfare Act 2002 be amended for indictable aggravated cruelty offences prosecuted by the department of public prosecutions. We really believe that this is the way forward.

In regard to the objectives and activities of RSPCA Victoria, the AVA believes that they have taken the correct steps to cease their public activist campaigning against existing state legislation while continuing their legitimate advocate role via the recommendation of their independent review. The AVA's view is that having policy positions and advocating for change within animal welfare should remain a focus for RSPCA Victoria, but funds should not be directed to public demonstrations and advertising campaigns against current laws.

In closing I just want to reiterate our respect and appreciation that the AVA has for the work that RSPCA Victoria does, and I am sure the majority of the Victorian public would also share this sentiment. Thank you for the opportunity of addressing you, and we would be happy to answer any questions from the committee.

The CHAIR — Marvellous, thank you so very much indeed. My first question is to Dr Middleton in fact. You worked for the RSPCA some years ago.

Dr MIDDLETON — Some years ago, yes.

The CHAIR — We have heard today that there has been somewhat of an evolution in the attitudes of the RSPCA, particularly over the past decade or so. Have you noticed that change in the emphasis — the change in the mindset, if you will — of the RSPCA over a period of time?

Dr MIDDLETON — I think it has always been there to some degree in the sense that there have always been people within the RSPCA that were so emotionally drawn to rapid change that they were prepared to undertake activism and perhaps make enemies of people, and it would have been a whole lot better if they had not made those enemies. Because I have worked in animal cruelty cases, both as a private practitioner obviously when I was working for the RSPCA and in my role as a zoo veterinarian, I have seen firsthand the difficulties that are produced and the time and the energy that are wasted when people take the view that the RSPCA is just on the wrong tram because it has got this emotive and activist mindset. So it does come out every now and then.

As to whether or not that is getting worse, perhaps we see them being more determined to make change via that method. I would much prefer and the AVA would much prefer to see them creating change through the traditional methods of negotiation and no legal representation.

The CHAIR — So you see that adversarial role that they have taken on as being a drawback to the effectiveness of the RSPCA as an organisation.

Dr MIDDLETON — Absolutely. I have seen on a number of occasions that the absolute last way you are going to influence anyone is by taking it up to their face. If you tackle these issues sensibly and scientifically, then you will get to a much better conclusion more rapidly.

Ms HARTLAND — I am particularly interested in this issue around the Director of Public Prosecutions. Is this something that is policy? Has it been developed any further? Have there been discussions with police or public prosecutions in Victoria, and is there anywhere else where it is happening that way?

Dr MARTIN — We are not the appropriate people to answer that question per se. The RSPCA themselves would be. I understand that as part of their independent review they have a much closer liaison now with Victoria Police. That is obviously a developing situation, but we have concern that two things can happen in RSPCA prosecution cases. One is that magistrates certainly have a reluctance to award costs to the RSPCA, and often that is because of the individual circumstance of the person being prosecuted. Secondly the risk of damages against the RSPCA when they may be acting in good faith seems to us to outweigh the benefit. We fully believe they should be investigating and preparing briefs, but then we believe that they should go to the DPP for review, the same as other contraventions of Victoria's laws.

Ms HARTLAND — It is something I will ask them when they are here, but do you think this also goes to the issue about the fact that, as we heard earlier, there are anything up to 10 000 cruelty cases reported but a very low number actually prosecuted? Do you think that is part of that?

Dr MARTIN — Absolutely.

Ms HARTLAND — A case going wrong can be — as we saw with dangerous dogs, some councils spending phenomenal amounts of money defending those cases — —

Dr MARTIN — Absolutely. If they have got a certain pot of money, they have to run it as having to balance their budget per se, so they obviously only pick a percentage of those cases.

Ms HARTLAND — I will come back to something else, but that was helpful.

Mr BOURMAN — Thanks for your submission. You have actually covered most of what I would have asked in that. Do you think changes regarding the exposure of the RSPCA to costs in a court case, if the legislation was changed to address that, would actually make any difference to their problems that we are looking at and the amount of cases they would investigate?

Dr MARTIN — It is a hypothetical obviously, but as I was just pointing out to Ms Hartland, they only have a certain pot of money and they have to be able to balance their budget per se. I am not sure as to the thinking within the RSPCA as an organisation, but they have obviously lots of different arms to what they do. All I can say is they seem to balance their budget, because if they were not to balance their budget, they are going to go out of business per se.

Mr BOURMAN — Which obviously is not happening. I will cover one thing. I will probably cover it with RSPCA again. You said they spent around \$5.9 million a year in inspectorate costs and they get about \$1 million back from the government. It is good value for the government, but would it be fair to say that the rest of that money, the \$4.9 million, is coming from maybe activism campaigns or other things which — —

Dr MARTIN — It is coming from Victorians, isn't it, and generally through donations and the other aspects of how they fund their overall operation. But on the 2015–16 figures, less than 20 per cent of the costs of running the inspectorate — of those funds — are provided by government, so the RSPCA is providing those funds out of consolidated revenue.

Mr BOURMAN — It is not really fair on them.

Dr MARTIN — We would agree; it is not fair on them.

Mr LEANE — Taking note where your submission says that the AVA has the utmost respect for the RSPCA, I am interested in your members and what sort of direct interaction they would have with the RSPCA inspectorate. Are there times when your members would notify the inspectorate of a concern, or does it not necessarily work that way?

Dr MARTIN — Yes, it does. It operates two ways. Certainly there are plenty of instances of where veterinarians have become aware of animal welfare cases, and I personally have been involved in some of those, where I have brought them to the inspectorate's attention. But equally it comes back the other way — that the inspectorate will contact the local veterinarian to go out and do an inspection on their behalf. It is a two-way street.

Mr LEANE — I think we briefly discussed this during the day. There are a number of cases that relate to a person that may or may not be the perpetrator and their mental health. Is that what your members are finding? There is a causal issue that is not necessarily being completely taken into account. Is that fair to say?

Dr MARTIN — The comments I would make around that are that in numerous aggravated cruelty cases, the majority of people would believe that there are mental health issues associated with the perpetrator. I believe that this also becomes a problem when it gets into the Magistrates Courts, for example, and that magistrates tend to take a softly, softly approach, because there are often extenuating reasons for why that perpetrator may have been involved with a particular case. Hoarders are often a great example of how and why that happens. I believe

that that further supports why the DPP should be much more involved in prosecution of cases, because the DPP actually represents Victorians per se in prosecuting those issues.

Mr LEANE — I know I am probably taking it outside your complete expertise. There has been discussion around different parties working together and being aware of different things, but does this committee need to be recommending that mental health expertise needs to be weaved somewhere into that going forward?

Dr MIDDLETON — There is a well-established link between domestic violence and animal cruelty — I think most people would accept that that is true — and this makes the perpetrators of animal cruelty perhaps more difficult to deal with. The RSPCA inspectorate, in my experience anyway, is perhaps underequipped to deal with the complexities once those additional elements become involved in a case.

Coming back to the question earlier, when you take the scope of those cases, the RSPCA is well and truly under-resourced to deal with those issues, and especially when you think that they are drawing on the generosity of the citizens in order to run the show. As veterinarians, when we become involved — either being requested to make investigations of animal health in relation to cruelty or being called upon as expert witnesses in cruelty cases — we really do not have anywhere to go other than the RSPCA in order to develop a case that is meaningful in animal cruelty terms. So there are complexities there that I think are outside the current scope of the RSPCA that need to be addressed. I think resourcing is a part of that, but training is also going to be a part of it.

Mr LEANE — Yes, and maybe not necessarily all that responsibility falling within the RSPCA as well.

Dr MIDDLETON — Exactly, because you can see the inspector suddenly having to deal with someone who is mentally disturbed, and suddenly they have got a situation that is way beyond their expertise and training.

Mr LEANE — Following on from this, I want to ask a question outside this reference. I find very interesting your comment that perpetrators of animal cruelty can sometimes, a percentage, be linked to perpetrators of domestic violence. I think there are different parts of society that actually see triggers of domestic violence in different forms. Has there ever been a conversation with the AVA with other authorities around sending — —

Dr MARTIN — Mandatory reporting?

Mr LEANE — Sorry, you have got me there. That is where I was going.

Dr MARTIN — Okay. In regard to mandatory reporting, the AVA actually has a policy that, because we rely on clients to bring their animals to us, clients are going to be very reluctant to do that in specific animal welfare cases if they know that there is mandatory reporting of them.

I can give you the opposite example, where a person might bring in their dog that has suffered animal welfare considerations by the person next door, by a neighbour. That is somewhat different in that it is not the person who has perpetrated the animal cruelty or the animal abuse that presents the animal. So in those cases most veterinarians are very, very active in telling that person the correct channels of how to go about reporting it, to get council officers involved and whatever.

Mr LEANE — In an indirect way it gets treated then?

Dr MARTIN — Yes.

Ms HARTLAND — Following up on the family violence issue, it is quite clear now that women often do not leave because if they leave they know that their animals are going to be killed or brutalised.

Dr MARTIN — Correct.

Ms HARTLAND — So in dealing with those kinds of issues — and I will ask the same question of the RSPCA — very specialised training is required to be able to deal with mental health issues and family violence perpetrators, and also possibly there are clear links about early diagnosis of mental health because of the cruelty that is perpetrated on an animal. How are all those things woven together and attempted to be dealt with?

Dr MARTIN — It is an ever-changing spectrum that we are on. The government has recently put more money into domestic violence, and you would clearly be aware of that. They have also triggered money for exactly the situation where a person is reluctant to leave a domestic violence thing because of their pet, so that comes down to the emergency accommodation of pets, and that is increasing. Some of the welfare societies actually do now have emergency accommodation for that situation.

There is also the development of a program that the AVA has got some involvement in down at Geelong with the Greater Geelong City Council to raise the awareness of domestic violence and how that interacts with animals. I do not know whether the RSPCA specifically provides emergency accommodation for that situation — I cannot answer that question; I am sure they can — but the Lost Dogs Home in North Melbourne has been given, I think — —

Ms HARTLAND — And it is now something that is quite clearly recognised.

Dr MARTIN — Correct.

Mr BOURMAN — Just one last question. I had a quick read of the AVA's position on hunting. I will paraphrase it as: as long as it is for food or is part of a government-controlled program and not just for fun, for want of a better term, you are okay with that. Would it be safe to say then that the AVA does not find hunting itself cruel, all things being equal and not taking into account aberrations and all those sorts of things, but in general?

Dr MARTIN — That would be correct. Death is not of itself an animal welfare issue. As long as it is a humane death, then we do not have a problem with that. Can I elaborate? We do not have any problem with slaughtering pigs, poultry, cows, goats and sheep as long as it is done in a humane manner. Hunting we believe has a unique part for a small section of society, and we recognise that hunting is a legitimate exercise as long as it is conducted in a humane manner.

Mr BOURMAN — Excellent. Thank you.

Dr MIDDLETON — If I can just add something. In my couple of decades in the zoo world I have dealt with a lot of wildlife rescue cases obviously, and an enormous number of creatures come in with gunshot wounds of various levels of severity. But it is clear that there is a right and a wrong way to hunt, and we would be supporting methods of hunting and the ethical development of hunters' mindset to make sure that good, quick, clean kills are part of the process.

Mr BOURMAN — The definite ethos to the whole thing is about making it quick and making it painless.

Dr MIDDLETON — In some of those cases the hunters obviously do not intend to wound an animal, but there are a lot of wounded creatures that come in. They have obviously suffered but it was not intentional on the part of the hunter.

The CHAIR — Not directly related to the inquiry, but you mentioned that you have no objection to the slaughter of pigs and various animals in abattoirs; it is a circumstance. What about the halal way of killing animals? How does the AVA regard that? Is that a cruel method?

Dr MARTIN — As long as all animals are effectively stunned prior to slaughter, then that is an appropriate manner of slaughter, but I think the emphasis needs to be on appropriate stunning. If we want to go back and refer to the *Four Corners* footage of what occurred in Indonesia, I think everyone would find that abhorrent. If we could have better methods for being certain of what happens within slaughterhouses, I think society per se would be well served by that.

The CHAIR — Thank you. My final question. I have heard from both of you that you regard the RSPCA as being grossly underresourced. Do you see that at the moment they are sort of robbing Peter to pay Paul? That their core business is suffering as a result of resources being channelled into perhaps activist activities, if I could put it that way?

Dr MARTIN — The RSPCA, I think, as the prominent worldwide organisation for animal welfare, has a role to play in moving society's attitudes towards what are probably a utopia. In fact we refer to it as an animaltopia. Do they have a role to move the whole of community as people who are actively within animal

welfare? Yes, they do. But did their activism over the previous five to 10 years go too far? That is for others to judge, but I believe that the RSPCA themselves in Victoria have acknowledged that as a problem and have taken steps to rectify it.

The CHAIR — I am not asking for you to make a judgement on the rights or wrongs of it; I am just inquiring as to whether the resources that may have been channelled into the activist side of things could have been better spent doing what the RSPCA is most famous for — that is, looking after animal welfare.

Dr MARTIN — I think the RSPCA would acknowledge that themselves.

Dr MIDDLETON — I think also that we now understand that a fair and just society is one that treats its animals appropriately, and the RSPCA has the most important role in reminding the community how we should be treating our animals. I think if they are not there doing that within the boundaries of the law and the appropriate way of getting these points across, then who is going to do it? If we are to evolve to a fairer and more just society, then we definitely need the RSPCA doing that stuff.

The CHAIR — Gentlemen, thank you very much for joining us this afternoon and contributing to our knowledge. You will receive in the next little while a transcript of the hearing today. I ask you to proofread that and if in the highly unlikely circumstance there is anything wrong, to get back to us. We thank you very much for joining us today.

Dr MARTIN — Thank you.

Dr MIDDLETON — Thank you.

Witnesses withdrew.