

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

Ms Nicky Neville-Jones, Animal Welfare Working Group, and

Ms Kate Browne, Policy Lawyer, Law Institute of Victoria.

The CHAIR — This committee is hearing evidence today in relation to the inquiry into the RSPCA Victoria, and the evidence is being recorded. Welcome to you both. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you may say here today, but if you go outside and repeat the same things, those comments may not be protected by privilege. Can I ask you to begin by, for the record, stating your name, your organisation, the position you hold and the suburb or town in which you are based, and then speak for 5 or 10 minutes to begin with, and then we will open it up to questions.

Ms BROWNE — My name is Kate Browne. I am a policy lawyer at the Law Institute of Victoria, and I live in North Melbourne.

Ms NEVILLE-JONES — My name is Nicky Neville-Jones. I am a lawyer at the law firm Schetzer Constantinou, but I am also here on behalf of the Law Institute of Victoria. I am the chair of the animal welfare group, which is a group within the administrative law and human rights section of the Law Institute of Victoria.

The CHAIR — Over to you.

Ms NEVILLE-JONES — Thank you for inviting the law institute to attend this hearing today to assist the committee in its inquiry into the RSPCA Victoria. I repeat again: my name is Nicky Neville-Jones, and I am the chair of the LIV's recently established animal welfare working group. I am appearing here today with Kate Browne, who, as she previously introduced herself, is a policy lawyer at the Law Institute of Victoria. I will now provide a short overview of some of the key issues that LIV has raised in its submission to this inquiry, before taking questions. I note that unfortunately LIV experts on civil liability and the Victoria Police Act were not available to attend today, so we may have to take questions in relation to that issue on notice.

Firstly, I would like to cover, in our submission, the reference to and the support of an independent body. I would like to begin by highlighting the LIV's support for the development of such a body for animal welfare in Victoria. Such a body could address issues of conflict of interest and the current inconsistencies in regulating across different industries and also the confusing regulatory system.

I now move on to the reference to the increase of funding for the RSPCA's inspectorate powers. In our view the most important issue to discuss in relation to the RSPCA is the importance of adequate funding for the body that carries responsibility for enforcing Victoria's animal welfare laws. Ensuring that laws are enforced is a key part of the rule of law, and ensuring that animal welfare laws are effective and respected. This is an issue that is relevant not only to Victoria but to other states and territories and other countries who also face this issue. The Productivity Commission has acknowledged the importance of providing adequate resources for compliance in its report on the regulation of animal agriculture, at page 231.

As the independent review into the RSPCA has highlighted, there are concerns with the level of funding. The RSPCA receives around 10 000 reports of animal cruelty a year — and I would note that this is something that was reflected upon by various bodies who have concerns in relation to the RSPCA and also the LIV — yet only has around 17 staff and only has resources to prosecute around 60 cases annually. This is less than 1 per cent of the cruelty reports received and, I would submit, one of the most staggering and influential statistics in this whole inquiry.

The RSPCA has received around \$1 million per annum from the Victorian government to undertake its regular inspectorate activities, but this only contributes to part of the costs of operating the inspectorate, with the large majority of funding from fundraising, donations and bequests to the RSPCA. It is clear, we submit, that this funding is inadequate and that complaints of animal welfare issues continue to rise, which we submit is also reflective of the changing opinions and the general view towards animals and the importance of their welfare in society today. Issues of animal welfare are very important to the general public, and we urge the government to increase funding and resourcing to resource the enforcement of these animal welfare complaints and, we submit, to also reflect the general view of the public at large.

With respect to considering ways of increasing the resources towards enforcing animal welfare laws, the recent and independent review outlined ways in which to maximise the resources of the RSPCA through working more closely with other enforcement agencies. We acknowledge the expertise of the RSPCA inspectorate staff and support initiatives that will enhance the resources of the inspectorate through greater linkages with other organisations. We therefore welcome steps taken by the RSPCA to build greater links with Victoria Police,

through locating a Victoria Police intelligence analyst at the inspectorate and the creation of a Prevention of Cruelty to Animals Act — being POCTAA — prosecutor in the prosecutions unit of the legal services department of Victoria Police.

We suggest that models from other jurisdictions could be considered, such as the partnership between the New York City Police Department and the American Society for the Prevention of Cruelty to Animals, which was launched in 2014 and which involves police officers taking more of an active role in responding to cruelty complaints, in close partnership with the society for the prevention of cruelty to animals.

Further, in relation to the New York department model, to break it down further, the relationship that they have is the equivalent of: Victoria Police works as the enforcement agent as well as the prosecution agent, and the prevention of cruelty to animals society takes on the role or continues the role of the veterinary science services working in partnership with them. We submit, and would certainly be willing to provide more information if necessary, that this has been a successful model and should be considered in any future references to a model of this kind.

I refer to protection from civil liability. The RSPCA Victoria has suggested that protection for the organisation from civil liability could be extended by the government in a manner similar to section 74 of the Victoria Police Act 2013 in order to address concerns that the organisation is vulnerable to civil claims brought against its officers. As outlined in our submission, we suggest that a provision was introduced for Victoria Police to address concerns of personal liability for police officers under common law. We assume, however, that unlike police officers, ordinary principles of vicarious liability could apply to RSPCA officers. The new provisions in the Victoria Police Act were therefore aimed at a different issue to that facing the RSPCA.

It is an important legal principle that aggrieved people can legitimately test powers they think have been wrongfully applied, even in good faith, against the organisation or organisation's employees wielding them. If the RSPCA believes that their inspector is liable, then they could join them to the proceeding or potentially rely upon defences to vicarious liability. However, we do acknowledge that the RSPCA are enforcing these powers on behalf of the state, in a situation where state funding is not adequately covering their inspectorate functions. If greater funding were to be provided to the RSPCA for their inspectorate functions, perhaps this could provide the RSPCA with more options for purchasing insurance or creating a litigation fund to protect against future cases brought against them.

With respect to the issuing of infringement notices, the LIV supports the use of infringement notices for lower level offences, as recommended by the independent review. However, we do note that infringement notices should only be utilised for strict liability offences. We also note that we have raised in the past that infringement notices disproportionately affect disadvantaged groups and that they are not always an appropriate mechanism to address underlying causes of offending — for example, in some situations it may be best to issue a warning and link that offender with support services. Although no research has been made in relation to this issue, we submit there would be a similar set-up in a criminal forum that could be considered.

Proper training should be provided to officers issuing infringement notices to ensure that they are aware of these issues and they issue appropriately. With respect to the clarification of options for sheltering seized animals — and I should note that this is the last matter addressed in our submission — the LIV recognises the issues raised in the independent review's report on the RSPCA in relation to the long-term care of seized animals. The suggestion put forward by the review would require further development and analysis by the LIV; however, we generally support options for ensuring the welfare of seized animals and recognise their sentience and the importance of allowing them to exhibit natural behaviours, including in the fostering out of domestic animals.

This concludes my reference to the submission. I thank you for the opportunity of allowing me to provide this evidence.

The CHAIR — Ms Browne, do you have anything to say?

Ms BROWNE — No.

The CHAIR — I have only got one question. We heard some evidence earlier this morning from a farmer who was concerned about RSPCA officers who may overstep the mark, who indeed have entered his property,

have caused some significant disruption and then have left without charge or without anything else for that matter. What is the law institute's view of those sorts of occurrences?

Ms NEVILLE-JONES — In relation to my knowledge as to what the RSPCA's specific role was in attending that farmer's home, I submit I could not answer that aspect, but I would submit on behalf of the LIV that not only has the RSPCA arguably for whatever reason attended that individual's home, they have done so presumably for certain reasons. But the issue that seems to have been raised by that farmer in particular is that this has happened without any perhaps recourse, as he sees it.

I submit in relation to this issue of infringement warrants and infringement notices — albeit that they be for the lower grade offences under POCTAA or the new legislation when it comes out — at least there is some clarity. It may even be that not only is an infringement warrant or notice issued but there is also, more importantly, some form of education. I think this is a really important area, where not only are you giving the RSPCA that ability or that power to issue for those lower grade offences, but also that there be some explicit emphasis on education and changing whatever has happened in that case or arguably has happened so it does not happen in the future.

I think that there would arguably be a more respectful position from the farmer towards the RSPCA if they were aware of the process before them, and also if they were issued, for example, an infringement notice, they were aware of what they may have contravened, as well as then — as in criminal law and in civil liability or civil compliance — if someone is issued with an infringement notice, then there are avenues then to appeal that or seek more evidence or information as to why that has been issued. I submit in that case that that is where infringement notices are important. I submit that it is important that the RSPCA has that power to continue attending properties where they believe animal cruelty has taken place, but there are certain avenues I think that would help both parties in that regard.

The CHAIR — We also heard some evidence today to suggest that the RSPCA has moved from animal welfare work to animal rights activism. What is the law institute's view of that?

Ms NEVILLE-JONES — I should note that it was recognised by the RSPCA in the internal review that has taken place that, depending on what variations are made to the RSPCA, there are two elements — one can be an advocate and one can be an activist. As a prime example, I am a chair of an animal welfare group within the Law Institute of Victoria. My role in arguing for animal welfare is confined to the position of the Law Institute of Victoria and what the Law Institute of Victoria stands for. There are other stakeholders within animal welfare that can have more of an activist position on certain issues, and in that regard they can take that role.

I believe and we submit that the RSPCA — and they have agreed that they will take this position if necessary — can be advocates, but they do not necessarily have to continue being activists, depending on what reviews and amendments are made. The fact that the RSPCA has had that role — I think it is important that the RSPCA has already made it clear that they would be willing to take a backward step with respect to that. I submit, with reference to myself as the chair of an animal welfare body, that you can certainly advocate for an issue — being animal welfare — without being an activist.

Mr BOURMAN — I am just curious as to why the LIV cares about this as a group. You have an animal welfare working group. What prompted this?

Ms NEVILLE-JONES — For starters, this all stems from animal welfare. One of the staggering statistics, as I mentioned before, is the fact that there are 10 000 reports of animal cruelty, with such a small portion of those reports being prosecuted. I think that clearly if we have — which we do — a group in relation to animal welfare within the Law Institute of Victoria and we are talking about the legal reforms in relation to the RSPCA, whatever they may be, then clearly it is our role to comment on the changes that may be made in order to ensure that animal welfare and animal cruelty is dealt with in a better fashion, particularly in circumstances where we submit that the enforcement issue is one of the most concerning issues and the ability of the RSPCA to enforce at this point is compromised because of the lack of resources that it has, and if the RSPCA are unable to enforce, then animal welfare is not being protected.

Mr BOURMAN — I am still curious. I still do not understand why the LIV has taken this step, but I will take that. Let us get onto the enforcement part. You referred to New York City and the American prevention of

cruelty to animals people. From what I understand of your submission, the police there take a far more active role.

Ms NEVILLE-JONES — That is correct.

Mr BOURMAN — So what you are proposing, suggesting, floating is that Victoria Police take a far more active role.

Ms NEVILLE-JONES — Our submission is that the New York model is something that could be considered in light of the issues at the RSPCA with respect to enforcement, particularly in circumstances where the New York model, as we understand it, was enacted to deal with the issue of enforcement, in that they did not have the funding or capacity to enforce animal cruelty law in New York and the way they did it was by creating this model that we see today. So we submit that it is an appropriate model to consider, but we submit that we would need to — and we certainly could — prepare a more detailed submission in relation to the New York model. It has only been enacted since 2014, but as far as we are aware, it is very successful.

Mr BOURMAN — But it shifts more of the workload to the police in New York?

Ms NEVILLE-JONES — Yes, it does.

Mr BOURMAN — I am not philosophically opposed to giving the RSPCA more money to do their job properly, but then if we were to shift that workload to the police, it may not be necessary. Would that be a fair assumption?

Ms NEVILLE-JONES — What do you mean by ‘it may not be necessary’?

Mr BOURMAN — They are given \$1 million a year as it is to do their investigative things, and, as I understand it, they provide far more than \$1 million worth of value — no problems with that. But if we were to move their work elsewhere I am at a loss as to why we would need to either keep or increase their funding.

Ms NEVILLE-JONES — I would say with the New York model, which is a different model that perhaps might be considered here, the inspectorate here could take a role of enforcement. So there would still be an ambit of funding required for that. But they would work with the Victoria Police.

In terms of the specific funding, I cannot comment on that. We would need to — —

Mr BOURMAN — Yes, that is all right. The amounts are not really material.

Ms NEVILLE-JONES — The inspectorate has the knowledge, but Victoria Police also have the knowledge and they also have the resources, and we submit that that needs to be considered, particularly given the success of the New York model in the ability to enforce and prosecute offenders. Whether it is that the RSPCA is given more power to issue, for example, infringement notices and then Victoria Police only deal with the more serious crimes, which perhaps in relation to your concerns may address a need for substantial funding in relation to the Victoria Police body, but the statistic is there in relation to enforcement, and Victoria Police clearly have the expertise.

Mr BOURMAN — Just one last thing: less than 1 per cent of the reported cases go to prosecution. How many of them are unsubstantiated — you may not know this — and how many of them are substantiated but not acted upon? And if they are not acted upon, what becomes of that? Say, if 5 per cent of the claims are substantiated and they prosecute 1 per cent, they cannot just ignore a criminal offence or something like that. Is there a way of redressing that? It is an interesting statistic, but I have a background in law enforcement and I know not everything that is reported is necessarily substantiated. I am trying to figure out whether it is 1 per cent is substantiated and that is 60 — —

Ms NEVILLE-JONES — I would have to take that question generally on notice as I cannot answer that specifically. I would say that of the reports of 10 000 with respect to animal cruelty, just because there is a small percentage that is prosecuted, I would not take that as meaning that that 10 000 are without merit.

Mr BOURMAN — No, and that is exactly what I am assuming. I would be surprised if only 1 per cent were substantiated, so one must wonder what becomes of the rest.

Ms NEVILLE-JONES — Yes, that is right. I would submit that the issue there is resourcing and that, even if there are 10 000 reports and perhaps a small portion are looked into and not further investigated, there is that middle ground where there just are not the resources and funding to take the matter further. It is not raised in our submission, but particularly if you are taking the matter to prosecution — and you may be aware of this, given your background in Victoria Police — you need to have some surety that you might be successful. I think it is not raised in our submission, but another issue is considering what penalties are available and what offences the RSPCA is pushing to be dealt with at court. If they know that they do not have the ability to be successful they have to provide a substantial amount of funding to prosecute the case. It may be the case that they simply do not move on with it and that it does not get taken to court.

Mr BOURMAN — It would be a shame if that was the case. Just one last question: from a legal perspective, do you think it is really appropriate that an organisation with investigative and prosecutorial powers are also activists in the same area?

Ms NEVILLE-JONES — I think that that issue really can be dealt with with advocacy rather than activism. I think it would be a shame if this issue is a thorn in the RSPCA's side in circumstances where they have been overt to stay. As I understand it, they can take a back step in relation to being as active as they perhaps have been to date. I would submit from my experience as someone that is a proponent of animal welfare but that works within the Law Institute of Victoria, which is a legal body, that you can be active and you can be an advocate for animal welfare but not necessarily an activist. I think it is important that the RSPCA have already communicated that they would be willing to do that. If they had not communicated that, then perhaps it would be a more concerning issue.

Mr BOURMAN — I guess actions speak louder than words. Anyway, thank you.

Mr EIDEH — The key issue raised in submissions is that the RSPCA is in a unique position of being a registered charity and also having law enforcement power. In your submission you recommend that the RSPCA be stripped of enforcement powers other than those dealing with domestic animals. Can you elaborate on that, please?

Ms NEVILLE-JONES — With respect to enforcement?

Mr EIDEH — Yes.

Ms NEVILLE-JONES — The concern that the LIV have is, to date, the enforcement issue, so it is a balance of using the experience of the RSPCA and what it has versus another avenue of enforcement. That is really the position of the LIV. As to how that enforcement takes place or what role the RSPCA has, although we have raised that as being a possibility of the way the enforcement takes place, we submit that it is not something that we have thought of in more detail, I guess.

Ms HARTLAND — From previous evidence we had I got a little bit confused when the farmers federation were saying that they did not feel that the RSPCA had any right to go on their land. Am I right in thinking that the farmers federation may not believe the RSPCA have that right but that they do under the legislation have a right to go onto farmland?

Ms NEVILLE-JONES — My understanding is that they do. As to specifically what power that comes under, I certainly have been aware of it. My understanding is that they do, for whatever reason, pursuant to the relevant legislation as it stands. But I would submit again — and it has come up in previous matters that we have been involved in as an animal welfare working group — the concern seems to be uncertainty. I think that that is an issue that needs to be addressed, not only for the RSPCA, whose inspectorates are attending this land and dealing with that situation, but also for the farmers, because it seems to be, from the matters that have been raised even today, that they are unaware of what is taking place and perhaps also what is taking place after. After the inspectorate attend the farmer's land, what steps are then being taken? I think we would submit that education is the most important thing. But second to that, if for example an infringement notice is issued for a lower offence, then that situation for the farmer goes away. As I say, there are also avenues for them to challenge that, but specifically in terms of the powers that the RSPCA have, I am aware that the RSPCA are seeking more powers in relation to that, but I could not answer.

Ms BROWNE — I think they are under the Prevention of Cruelty to Animals Act. Under section 24G they can enter into private premises with a warrant, but it is hard to know without more details of the specific situation.

Ms HARTLAND — Yes, it is probably something we have to follow up with our secretariat to have that clarified.

Just a follow-up from Mr Bourman: how many working parties are there within LIV? You might not be able to tell us today, but it might be interesting for us to have a list, because I know you do look at a multitude of issues.

Ms BROWNE — Yes, we do touch upon pretty much every area that is law related. We have a working group of comedians. I think we have around 77, possibly, committees and working groups, and they cover a really wide range of areas. We have a very broad membership base. Lawyers are interested in lots of different things, so it is kind of our role to facilitate their interests and use their expertise in different areas of law. For example, in animal welfare law there are a lot of rule-of-law issues that we can follow up. If there is inadequate enforcement, that is a rule-of-law issue, as we suggested in our submission.

Ms HARTLAND — It is quite clear from the evidence we had this morning that there is some other misunderstanding, or I have misunderstood, about what the powers are. It would be really great if maybe you could assist our secretariat in clarifying exactly that.

Ms NEVILLE-JONES — Yes. In terms of the actual RSPCA's powers?

Ms HARTLAND — Yes, that would be fabulous.

Ms BROWNE — Powers of entry specifically or just generally?

Ms HARTLAND — I think powers of entry was something that was very strongly queried.

The CHAIR — That is the main one, yes.

Mr BOURMAN — Not necessarily the powers of entry to someone's house. I think it is powers of entry to their land, I think. Obviously with a warrant you can go anywhere, but general investigatory entry.

Mr O'SULLIVAN — I just wanted to take up a couple of points that were raised to get some clarification. You made a point twice in relation to the number of complaints or notifications to the RSPCA in relation to animal welfare issues. Then you said there were 10 000 reports of animal cruelty and only 60 of them were actually prosecuted. Those numbers are different to other submissions that we have had. The VFF has indicated it could 80 000 over four years. Whether it is 10 000 or 20 000, the number is in that range somewhere.

You touched on it elsewhere, but you sort of talk about prosecutions as being the endgame. If there are only 60 cases prosecuted a year and there are 10 000 — or 15 000, 20 000 or however many there are — reports of animal cruelty, that is a big difference. I am just wondering whether it would be fair to say regarding animal welfare issues or cruelty issues — and I would think an animal welfare issue is very different to an animal cruelty issue in terms of being reported — if we are going from 10 000 down to 60 prosecutions, there are a lot of reports that do not end up at prosecution. I am wondering if there are a lot of people who actually do not know what they are reporting and just report anything they see that they think might be an issue but is actually really not.

Ms NEVILLE-JONES — I think clarification firstly. My understanding of that statistic is that there are 10 000 reports of animal cruelty. Obviously, as you say, we are not aware of what that entails. My understanding with this statistic, I should note as well, is that this statistic is rising. The statistics that people are reporting are concerns they have with animal welfare as well as animal cruelty. It is rising every year, and the consensus or the understanding reflected on that is simply that this indicates community awareness of arguably how animals should be treated or what is cruel and what is not.

Of course within that statistic — and we certainly do not know specifically, but I would submit — there are cases or reports that would not fall under cruelty or that the concerns that that individual has may not be as high a concern as to the animal's welfare. But the fact that only 60 cases are prosecuted, I would submit, is not

indicative of 10 000 reports and only attend 60 with merit. I would submit that there is certainly a middle ground, and whatever number that is we do not know.

Mr O'SULLIVAN — So could I take away from your submission here today that there are 9940 acts of cruelty that are not prosecuted?

Ms NEVILLE-JONES — That is exactly not what I am saying.

Mr O'SULLIVAN — Well, that is what you have said here: 'around 10 000 reports of animal cruelty a year'. So if animal cruelty is animal cruelty and you are only prosecuting 60, what happens to the other 9940?

Ms NEVILLE-JONES — I am saying that they are reports of animal cruelty. As to the specificity of what those reports entail, we do not know. I cannot answer that, but I think they are indicative. You cannot say because there were 60 prosecutions that only 60 of those cases had merit. Between 60 and 10 000, we submit that clearly, as we know it, the lack of resourcing available to the RSPCA means that they are unable to prosecute a larger number of offences. I submit that within that 10 000 there are a number of cases that should have been prosecuted but were not because of funding issues.

There are reports as to animal cruelty; 10 000 were made and 60 were prosecuted. We submit at the LIV that that is insufficient and that surely a number of those cases should have been taken further. The RSPCA have advocated that the reason for that is simply they have a lack of resourcing and a lack of funding and they have a limited inspectorate to prosecute the cases, so I cannot answer that specifically as to what the complaints were.

Mr O'SULLIVAN — I will take that at face value. If it is such a dire situation where the RSPCA are so underresourced that they cannot prosecute the animal cruelty occasions that you are saying they should be and are not because of a lack of resources, why is it the priority of the RSPCA to move away from enforcement and come so much more aligned in terms of the advocacy and activist role that we see them now playing?

Ms NEVILLE-JONES — I cannot comment. I can only comment on behalf of the LIV and per our submission, and I cannot comment on behalf of the RSPCA. However, my understanding is with respect to the RSPCA that, if they are a body that is there to protect animal welfare and ensure that animal cruelty does not take place, part of their role is being an advocate in order to educate and ensure that animal welfare is not impinged and animal cruelty does not take place. Part of their role at this point in time, as the only body that has the ability to do it, is to enforce and prosecute animal cruelty pursuant to the current legislation, being POCTAA.

I do not think — and this is not me speaking on behalf of the RSPCA, because I am here on behalf of the LIV — the RSPCA are saying that their priority is prosecution. Certainly we submit at the LIV, being a body that is concerned on behalf of all lawyers, that education and advocacy is one of the most important issues in order to curtail cruelty from happening. But I think it is unfair to comment that the RSPCA's issue is now promoting advocacy over prosecution or the other way around. It is clear the RSPCA has issues of funding. We submit that this means they have an inability to prosecute and that this continues to be an issue. They are, as they have been, activists and advocates for animal welfare, and they have not stopped doing this.

Mr O'SULLIVAN — I think the point is overstated. In my former role I was the chief of staff to the Minister for Agriculture and had several meetings with the RSPCA on a whole range of issues. Funding was certainly one of them, but not once did they come in and say, 'There's an endless number of unprosecuted animal cruelty cases that we can't get to because of a lack of funding'.

Ms NEVILLE-JONES — Again, I cannot speak on behalf of the RSPCA, but my understanding is that that is not the RSPCA's position. As to commenting that there is limited funding and that this limited funding means that one of the thorns in the RSPCA's side is not having the resources to prosecute, the importance is, as we submit again — and I have mentioned this a couple of times — that the RSPCA, if they had the power of issuing for lower grade offences infringement notices and the like, whether it was the RSPCA or another body, this would actually mean that a lot of offenders under POCTAA or whatever legislation is relevant would be dealt with pretty quickly and cheaper than if a massive prosecution case had to take place, which as I understand it is the main avenue the RSPCA works.

Mr BOURMAN — This is just a legal question. Is there any legal reason the RSPCA cannot refer off a report that they feel has merit, that they cannot deal with themselves, back to Victoria Police?

Ms NEVILLE-JONES — My understanding is that there are avenues where they work with Victoria Police in terms of some prosecutions. Where the power comes from in relation to that, I could not answer. Kate might know.

Ms BROWNE — We can take that on notice.

Mr BOURMAN — It would just be interesting, because I am wondering if that is an avenue if they do have cases with merit that need to be dealt with. They can just hand them to the police and say, 'We'll deal with what we can, and you do what you can'.

Ms NEVILLE-JONES — This is in a different state, but I think a prime example, my understanding is, is that in the greyhound prosecutions in Queensland the RSPCA and Queensland Police worked really well because there were powers that Queensland police had that the RSPCA did not, and it was a really successful prosecution. The RSPCA would not have been able to do what they did if they had not been working in partnership with the Queensland Police. But I understand the reason for that was because the Queensland Police were already looking into these individuals in relation to gambling and — —

Mr BOURMAN — Other offences, yes.

Ms NEVILLE-JONES — Yes. I would submit that is a good example of a very successful prosecution, where the RSPCA and the Queensland Police were working hand in hand.

Mr BOURMAN — I was just thinking not of a combined case. We have no visibility on what they do and do not get to; we can ask the RSPCA later. But if they have another 4 or 5 per cent of cases that should be dealt with, perhaps the police could deal with it, assuming they had the resources of course.

Ms NEVILLE-JONES — I think in relation to that particularly is also this issue of the higher grade offences, so the really serious offences. Victoria Police arguably may have not only the resources but the expertise to prosecute those offences, even if it was just the RSPCA being able to work with Victoria Police or pass those cases on, particularly because under POCTAA my understanding is it is very difficult for imprisonment to take place as a penalty. So there would be real positive consequences.

Mr BOURMAN — You would be wanting police to deal with that. Thank you.

The CHAIR — It is pretty hard for imprisonment to take place anywhere in Victoria at the minute, but we will leave that alone.

Mr BOURMAN — So it appears.

The CHAIR — Just one last question that may make things a little bit clearer for me. Do you accept that farmers do actually care for their animals?

Ms NEVILLE-JONES — I do not think I am in a position to answer that for the Law Institute of Victoria. As someone that is interested in and purports for animal welfare, I think it is a case of individual by individual. I do not think one can make a comment that any particular area of people cares for their animals.

The CHAIR — Do you think it is within the best interests of farmers to care for their animals?

Ms NEVILLE-JONES — I just do not think I have the expertise to answer that question. Kate?

Ms BROWNE — No.

Ms NEVILLE-JONES — I repeat it again, I think LIV are submitting that we need to not only look at reforms as to what penalties are available to the RSPCA, or whatever body it ends up being or working in conjunction with the RSPCA, but also look at education. RSPCA is an advocate and an activist, and we understand that. But I think, again as has been pointed out a couple of times, it seems to be this issue of the farmers not feeling like they have perhaps a voice or that they are not being informed by the RSPCA what their rights are. Again we submit, as the Law Institute of Victoria, that it is education, education, education and that it

is better to work with individuals rather than to simply prosecute. Again the issuing of infringements in this regard I think would help as well, because you are issuing an infringement as a penalty but you are also issuing it to curtail behaviour taking place in the future.

The CHAIR — Thank you very much indeed. Within a very short period of time you will receive a transcript of this hearing. I would ask you to proofread that and get it back to us if needs be. We thank you very much for your contribution to this hearing.

Ms BROWNE — Thank you.

Ms NEVILLE-JONES — Thank you.

Witnesses withdrew.