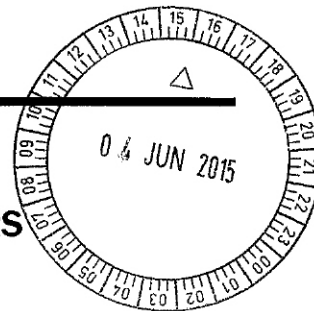


Malcolm Caulfield LAWYERS



Email:
Phone:
Website:

Samantha Parson
Committee Clerk
Select Committee into the Operations of RSPCA (WA)
Parliament of Western Australia

By email: selra@parliament.wa.gov.au

4 June 2015

Dear Ms Parsons

Submission by Dr Malcolm Caulfield to the Inquiry into the Operations of RSPCA (WA)

The Inquiry seeks to examine RSPCA(WA)'s funding from the government, its objective and the use of its powers.

It is no accident that the person who has pushed for, and succeeded in establishing the Inquiry is a representative in parliament of the National Party. That party, is, of course, closely aligned with the interests of farmers. It is apparent from other activities pursued nationwide that various farming interests have mounted a campaign to denigrate and undermine RSPCAs across Australia, and also the federal body, RSPCA Australia. In this case it is because the farmers (who keep animals for profit, and many of whom enjoy killing animals for pleasure) do not like the idea that RSPCA(WA) has spoken out against live export and killing animals for fun.

This is curious in the political sense, because the only people who are going to be impressed by this are the National Party's own constituents, that is, the farmers. Farmers have always sought to interfere with expressions of public concern about farmed animals on the grounds that "farmers know best about animal welfare". This is, of course, a nonsense. Farmers make money out of animals and thereby have a total conflict of interest regarding the welfare of animals in their care. The only input from farmers which should be heeded is the cost of any animal welfare measures proposed by those who are truly independent of commercial vested interest, such as the RSPCAs and RSPCA Australia.

So one must question what this inquiry will achieve. It will impress those who would only ever vote for the National Party, but it is hardly likely to impress a Labor or Greens voter. More to the point, it may well persuade a wavering Liberal voter, located away from rural influences, not to vote for the Liberal Party.

So to the inquiry.

- (a) RSPCA(WA) did not always get funding from the government. It is instructive to read Hansard for 1912 and 1920, when the early acts to prevent animal cruelty were passed. It is clear from these records that RSPCA(WA) funded itself in those days. Its officers were special constables, but the government contributed nothing to policing the law on animal cruelty. Now it is different. RSPCA(WA), like RSPCAs throughout Australia, in essence provide a cut-price animal law police force. Governments chip in meagre amounts to contribute to the operation of the RSPCA inspectorates. And of course what governments expect in return is that the Society will behave in a way that does not upset the political sensitivities of the government of the day. In this case, it is a right-wing government, forced to concur with the views of its minority coalition partners, who represent the farmers. The farmers do not like RSPCA(WA) saying what it thinks, so the purpose of this inquiry is clearly to threaten and bully RSCPA(WA), with the sword of withdrawal of funding held over its head.

- (b) RSPCA(WA) is an incorporated association, bound by its Rules. Its Rules set out its purposes. Those purposes include to "promote animal welfare..." and to "prevent or suppress cruelty to animals" and finally to "do all such lawful acts as the Society may consider conducive or incidental to the attainment of these purposes". The Rules say its activities may include to "take whatever steps are necessary to educate the community with regard to the humane treatment of animals", and "sustain an informed public opinion regarding animal welfare." The Rules also say that, in effect, RSPCA(WA) is a member of RSPCA Australia, and shall adopt and adhere to policies of that organisation. Thus, in opposing live export and hunting, RSPCA(WA) is complying with its rules.

Of course, there is another question, and that is - are these practices cruel? The answer is, of course they are. Instead of vilifying RSPCA(WA), the government of the State should be asking some serious questions both about the cruelty inevitably involved in live export, and the moral and ethical justification of killing something for pleasure. And in that latter case, the killing often involves (to quote RSPCA Australia) a high level of cruelty.

- (c) The "use of its powers" is an interesting term of reference, because on its face it does not make sense. One could guess that this refers to the powers of inspectors under the *Animal Welfare Act 2002*. If the government has a problem with this, then it can say to RSPCA(WA) that its inspectors have to use powers according to the word of the Act. If inspectors fail to do that, then the relevant authorisation to be an inspector can be withdrawn.

My submission is that this inquiry, if it really wants to achieve something, should result in RSPCA(WA) being stripped of its enforcement powers. In other words, have the courage of your convictions, Mr Mazza. I say this, because if you do that, the voter backlash will be unprecedented. It does seem to me that you, like many of your political ilk, have a problem with the concept of compassion for animals.

But there is another point, and that is RSPCA(WA) should not be involved in enforcing the animal cruelty law in any case. It defies logic to have a private organisation enforcing part of the criminal law. The responsibility should be that of government, and ideally it should be the responsibility of an arm of the police - who are truly independent and not susceptible to the sort of ideological and political pressure you are seeking to exert. It certainly should not be the responsibility of the department whose job it is to look after and promote farming interests.

So please have the guts to kick the RSPCA(WA), and see where it gets you.

Yours sincerely

Malcolm Caulfield
Principal