



VALE

VETS AGAINST LIVE EXPORT

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

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

1st July 2015

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Dear Ms Parsons

Submission by VALE to the Inquiry into the Operations of RSPCA (WA)

The Inquiry seeks to examine a) RSPCA(WA)'s funding from the government, b) its objectives and c) the use of its powers. It is of concern that the politician who instigated and succeeded in establishing the Inquiry is a Shooters and Fishers Party representative. RSPCA has specific policies stating their objection to hunting any animal for sport (Policies C 5.1 and E 4.2) so it would be in the best interests of such a representative to undermine the authority and powers of the RSPCA. It is also worth noting that the motion received strong support from the Liberal and National Parties, both of which have strong farming interests and policies which are not supported by the RSPCA, namely intensive animal production and live animal export.

Specifically, addressing the terms of reference:

- (a) It should be noted that RSPCA(WA) has not always received funding from the government. In 1912-1913, when the first legislation to prevent animal cruelty was passed, RSPCA(WA) funded itself. Its officers were special constables, but the government contributed nothing to policing the law on animal cruelty. It is only marginally different in the 21st Century. Whilst some government funding is provided, RSPCA(WA), like RSPCA bodies throughout Australia, provide an enforcement service well below the operating costs, the shortfall of which the RSPCA must obtain from the community. It should be noted that the inspectorate and campaign work of the RSPCA operate completely separately.

Recently, there has been much criticism by individual politicians regarding the RSPCA's stance opposing live animal export with the suggestion that government money should not be provided to RSPCA(WA). It should be noted that the live export campaign is coordinated from RSPCA Australia as a national campaign rather than being a state-based initiative.

- (b) RSPCA(WA) is an incorporated association, bound by its Rules. Its Rules set out its purposes. Those purposes include to "promote animal welfare...", to "prevent or suppress cruelty to animals" and to "do all such lawful acts as the Society may consider conducive or incidental to the attainment of these purposes". The Rules state 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 state that, in effect, RSPCA(WA) is a member of RSPCA Australia, and shall adopt and adhere to policies of that overarching body. Thus, in opposing live export, RSPCA(WA) is complying with its Rules. There is also little doubt that, in addition to this, practices such as routine voyages for live export are cruel and have been judged to be so in a West Australian court (Department Of Local Government and Regional Development vs Emanuel Exports Pty Ltd ACN 008 676 131 Graham Richard Daws & Michael Anthony Stanton, 2007). RSPCA(WA) thus has a West Australian legal precedent for support of its position against live export on the basis of routine animal cruelty.

It has been suggested that the RSPCA has become, or is transitioning to, an "animal rights" organisation rather than an "animal welfare" organisation. It would appear that these critics do not fully understand the difference between animal rights and animal welfare. If the RSPCA was an animal rights organisation, it would be promoting veganism but it does not. It promotes the fair and reasonable treatment of all animals based on currently available independent scientific evidence. Consequently, its assessments may not align with long-entrenched commercial or government policies or practices such as live animal export. It is unreasonable to label the RSPCA an animal rights group on the basis that they object to specific industry practices with proven poor animal welfare and that they seek improvements to alleviate animal suffering wherever possible. In addition to following its Rules, this stance aligns with community expectations. The community no longer accepts the poor animal welfare that is readily apparent in a number of government-authorised animal practices and production systems. Unfortunately, industry and government are not accustomed to such criticism and have responded by attacking the organisation rather than considering possible solutions to address these urgent and significant animal welfare issues.

RSPCA(WA), as an independent body, must continue to enforce the legislation. The only other regulator, Department of Agriculture and Food (WA) has a major conflict of interest in that they promote livestock industries with minimal animal welfare standards or protection, such as live animal export.

- (c) The "use of its powers" is difficult to analyse. Presumably this refers to the powers of inspectors under the *Animal Welfare Act 2002*. If this is an issue, then the government can advise 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. In addition, if an alleged cruelty offence is put before the court, then the court will decide if a conviction is warranted. It is understood that it is a very costly exercise to charge a person with a cruelty offence, thus charges would only be laid if the offence was significant and if there were sufficient evidence to

ensure the likelihood of a successful prosecution. Thus it is unclear as to the basis of this part of the inquiry.

It is VALE's opinion that RSPCA(WA) should not have to be involved in enforcing the animal cruelty law. A private organisation should not be required to enforce 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 that is being exerted in this inquiry. However, it is certainly preferable that the RSPCA enforce animal cruelty law with respect to livestock and live export, rather than the Department of Agriculture and Food (WA), a department which has its main aim promotion of commercial farming interests and thus has a clear conflict of interest.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Foster', with a stylized, cursive script.

Dr Sue Foster BVSc MVetClinStud FANZCVS
VALE Spokesperson