



5th July 2015

To whom it may concern

I would like to make a submission to the select committee into the operations of the Royal Society for the Prevention of Cruelty to Animals Western Australia (Inc).

I would like to make the following comments.

a) ITS FUNDING FROM THE GOVERNMENT

Each year the Government donates a substantial amount of money to the RSPCA. Where is the accountability for this funding?

The RSPCA has clearly defined objectives and this is what the Government should be funding. There needs to be more accountability by the RSPCA, to the Government, as to exactly where the tax payer's money is being spent.

The RSPCA has its place in our society however under the current structure the RSPCA is even above our Government. How can this be? Under the existing framework the RSPCA can use this funding in order to pursue charges with total disregard of other authorities.

b) ITS OBJECTIVES

The **RSPCA mission** is to: improve the welfare of animals through leadership, collaboration with stakeholders and the provision of quality services.

All animals deserve the **five freedoms**:

Freedom from hunger and thirst

Freedom from discomfort

Freedom from pain, injury and disease

Freedom to express normal behaviour

Freedom from fear and stress.

The **RSPCA vision** is: all animals are accepted as sentient beings treated with dignity, compassion and respect.

The **RSPCA values** are: customer focussed, compassionate, respectful, professional, ethical.

Are these the objectives that are really being followed?

The above objectives all relate to animal welfare; not animal liberation. There is a marked difference between the two.

In taking account of animal welfare the RSPCA are trying to maintain a balance between the existence, use and requirement of animals in everyday life, and the best interests of the animals comfort. Animal liberation goes so much further and interferes with the way in which animals have been traditionally used in society and businesses. For example, as much as we would all like animals to roam free reality dictates otherwise: people would never be able to afford to eat. There has to be a balance between producing meat and making it affordable to the public.

The RSPCA readily admit that they have a focus on farming issues, which is credible. However there seems to be shift in focus to try and change the way we do things ie end live exports.

Australian farmers treat their animals extremely well and they are exported in some of the best conditions possible. The end customers of these animals often do not have refrigerators so why are we forcing chilled meat into these countries when they do not have the infrastructure to cope? Why is the RSPCA pushing the ban of live exports? Do they really think these countries will stop dealing in the live trade? At least we have some governing measures to assist with the welfare of animals that we no longer own! Other countries may not care.

But is this really a part of the RSPCA's objectives? The laws the RSPCA seek to enforce and use to prosecute are Australian laws relating to animal welfare. It seems the lines are becoming blurred as to what their objectives really are; animal welfare or animal liberation affecting the way of life for Australians and overseas consumers.

c) THE USE OF ITS POWERS

This is one area that is in need of serious review.

The RSPCA is a non-government organisation and yet it has some of the strongest prosecution powers in WA law. We have a separation of powers for our legal system: one body collects the evidence and another uses that evidence to prove its case. Yet here we have a non-government organisation that can actively campaign against animal industries,

then police those same industries and prosecute non-conformers. Surely this is a massive conflict of interest.

Prosecutions made by the RSPCA are not subject to the same procedures inherent in other sections of criminal law. There is no-one to review cases and determine strength of evidence. The RSPCA are able to give directions that are non-reviewable without ever having established an issue with animal welfare.

For example:

A veterinary practice with a horse hospital near Geraldton was given a direction that all horses on its property had to be provided with shelter at all times regardless of day or night, or time of year. If there were cattle or sheep on the property it would include them as well. NO-ONE FROM THE RSPCA HAD EVER LOOKED AT THE HORSES. THE CHIEF INSPECTOR SIGNING THE DIRECTION HAD NEVER EVEN SET FOOT ON THE PROPERTY.

Where is the evidence of an animal welfare issue?

Where is the collaboration with the stakeholder?

The five freedoms were being followed! (There were adequate facilities to ensure the welfare of all animals regardless of the climatic conditions – but no-one collaborated/asked before giving the direction).

The direction came under the non reviewable category; it could not be overruled or objected to by anyone. It was a case of either follow the direction or go to court. Again, where was their **evidence and collaboration**? Where was their **respect** for a business whose focus was animal welfare? The direction was too cost prohibitive to implement, and with the resources available to the RSPCA going to court was not an option, so the horse hospital was closed down, depriving the area of a valuable resource for the WELFARE of horses.

Where is the natural justice here? Where is the presumption of innocent until proven guilty? Where is the opportunity to have your say?

How can an authority be allowed to dictate, without question, without evidence what people need to do regarding the welfare of animals in their care?

Eventually after considerable political intervention and a mediation meeting involving the RSPCA Chief CEO, the chief inspector and the veterinarians the order was revoked. So, a valuable resource, the only one of its kind North of Perth, and business was closed down for no reason!

THIS CANNOT BE ALLOWED TO CONTINUE. The RSPCA cannot continue to have such prosecutionary power. The Director General of DAFWA can give RSPCA inspectors prosecutionary powers yet has no control as to directions given or charges laid by RSPCA inspectors. The above example highlights just how easily these powers can be abused and

applied with no accountability. Some directions given may be reviewable but others are completely non reviewable. What a power to have! No-one to argue against you no matter what!!!

The RSPCA should not have prosecutionary powers greater than those afforded in the criminal justice systems. Prosecuted people can, and do, end up with a criminal conviction. All alleged parties should have the right to state their case. We are not a dictatorship and yet the RSPCA can operate like one.

SUMMARY

The RSPCA has its place in society.

The RSPCA needs to be accountable to its funding and objectives.

The RSPCA prosecutionary powers are excessive and clearly open to abuse. It needs to have the same checks and balances afforded to the criminal law system. After all, it is people's lives and livelihoods we are dealing with. The system needs to be just. Justice for all.

Yours sincerely

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