



Sporting Shooters Association of Australia
Victoria Ltd

Submission

**Inquiry into the Royal Society for the Prevention of Cruelty to
Animals Victoria (Inc) (RSPCA)**

for the

Economy and Infrastructure Committee

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1. ABSTRACT

The Sporting Shooters Association of Australia (Victoria) Ltd (SSAA Victoria) submission addresses the Economy and Infrastructure Committee's *INQUIRY INTO THE RSPCA VICTORIA*.

The inquiry seeks to inquire into, consider and report on the RSPCA in relation to:

1. *the appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities;*
2. *the appropriateness and use of funding provided by the Victorian Government, including in the context of its other objectives and activities; and*
3. *any other consequential matters the Committee may deem appropriate.*

In its submission, it is the position of the SSAA Victoria that, *in summary*:

- i. in relation to Terms of Reference item 1, RSPCA's enforcement powers i) are inappropriate for an organisation that has moved away from solely genuine welfare concerns into extreme animal activism, and consequently has an unresolvable conflict of interest between ideology and enforcement; ii) are inappropriate for an organisation publicly campaigning, and using misleading or inaccurate messages, against activities which are legal and endorsed by the Victorian government; and iii) should be removed in respect of hunting and all inspectors be government employees, where proper oversight and accountability exist;
- ii. in relation to item 2, i) government funding for the RSPCA Victoria be withdrawn. It is totally inappropriate to fund emotive, inaccurate and misleading anti-hunting campaigns when hunting is a lawful and legitimate recreational and pest management activity in Victoria; ii) any educational programs undertaken by the RSPCA and funded by government should be independently reviewed to ensure appropriate, factual content; and iii) if funding *is* continued, that rigorous reporting criteria be applied to ensure that it is spent appropriately; and
- iii. in relation to item 3, the RSPCA be held accountable for claims it makes in advertising, campaigning and/or fund-raising. Claims must be true, accurate, not misleading and verifiable.

Ultimately, RSPCA Victoria should not have enforcement powers over hunting and farming because of the inherent and unresolvable conflict of interest between enforcing government legislation and upholding its own charter and policies. Nor should the RSPCA receive government funding to oppose lawful pursuits. Moreover, not only are its practices and policies opposed to legal and long-established activities, but those activities are endorsed and funded by government.



It should be counter to government policy to fund activist groups that promote animal rights agendas which are inconsistent with other government policy or practice.

If the Committee finds that it is appropriate for the RSPCA to retain statutory authority, it is SSAA Victoria's view that those powers should be limited to domestic animals. The RSPCA should have no authority over hunting, wildlife or farm animal matters. There are relevant government departments with the technical knowledge, expertise and accountability that should have sole responsibility for enforcing relevant legislation.



2. BACKGROUND

2.1 Overview

The Sporting Shooters Association of Australia (Victoria) Ltd (SSAA Victoria) is a public company with 36,000 members whose mission includes promoting the rights of firearms owners and advocacy to government, regulatory bodies and the general public.

Approximately eighty percent of those members hunt and SSAA Victoria also advocates on their behalf on hunting-related matters. Their hunting activities include feral pest control on private and public land and hunting for game species during declared open seasons. SSAA Victoria also has a Memorandum of Understanding (MoU) with Parks Victoria (PV) for a Conservation and Pest Management (CPM) program, ratified in July 2012. The first pest management program with PV began in 2003. Since that time SSAA Victoria has worked with PV to control a number of animal species within metropolitan and regional parks in Victoria. Under the terms of the MoU the SSAA Victoria, with the approval of PV, plans, coordinates and delivers the control programs. They are designed to maximize positive biodiversity, 'good neighbour' outcomes and reduce threats to key conservation values in parks.

As hunters, SSAA Victoria members are directly affected by RSPCA Victoria anti-hunting activities and are concerned that there is a conflict of interest between RSPCA Victoria's anti-hunting policies and activities and its regulatory powers.

The SSAA Victoria submission addresses the Economy and Infrastructure Committee Inquiry into the RSPCA Victoria.

The inquiry seeks to inquire into, consider and report on the Royal Society for the Prevention of Cruelty to Animals (Inc) in relation to:

- 1. the appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities;*
- 2. the appropriateness and use of funding provided by the Victorian Government, including in the context of its other objectives and activities; and*
- 3. any other consequential matters the Committee may deem appropriate.*



2.2 More about SSAA Victoria

The aims and objectives of the SSAA Victoria are to:

- *promote and encourage competitive target shooting and practice shooting with a view to developing proficient and safe use of firearms;*
- *promote and encourage ethical hunting, field shooting and related ancillary activities;*
- *advocate for game fauna conservation and promote understanding between SSAA Victoria members, land-holders, regulatory bodies, other interested groups and the general public;*
- *promote and facilitate the development of knowledge of the history of firearms and ammunition development and design; and*
- *promote the rights of firearms owners and advocate to government, regulatory bodies and the general public.*

3. TERMS OF REFERENCE ADDRESSED

3.1 The appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities

Background and enforcement powers

The RSPCA holds a unique and privileged position in Victoria, being the only non-government charitable organisation with law enforcement powers. These powers are conferred through the Domestic Animals Act 1994 and the Prevention of Cruelty to Animals Act (POCTAA) 1986, Section 18 (1) (b) (ii), which specifically mentions RSPCA full-time or part-time officers being approved as General Inspectors¹. POCTAA outlines the powers of General Inspectors, which are extensive and allow for entry, search and seizure, confiscation, issuing infringement notices and prosecuting alleged offences.

Historically, the RSPCA has been held in high regard by the vast bulk of the community. Its focus has been on genuine animal cruelty cases, mainly dealing with domestic animals, and was to be applauded. In that situation, and at that time, having RSPCA officers with law enforcement powers may well have been appropriate. However, it is questionable as to whether enforcement activities and powers should ever be bestowed on a charity without regulatory oversight and public accountability.

Notwithstanding the historical context, it is SSAA Victoria's position that, given the RSPCA's evolution into an animal rights organisation, and its recently adopted broad anti-hunting, farming, racing, breeding, testing and export agenda, it may no longer be appropriate for the RSPCA to have any enforcement powers at all. It is *certainly* no longer appropriate for the RSPCA to have law enforcement powers in relation to the legal activity of hunting.

The clear conflict of interest between enforcement of the current legislation relating to animal cruelty and the RSPCA's approach to more broadly redefining cruelty - which goes far beyond the legislative framework and definitions currently in use² - was highlighted prominently in the media last year. The image of RSPCA chief executive, Liz Walker, side by side with Animals Australia's campaign director, Lyn White, protesting against duck hunting was telling. This well-funded, emotionally-based RSPCA campaign against duck hunting, in partnership with one of the more extreme animal rights groups - was highly inappropriate. Crossing the line into animal rights activism calls into question the credibility of the RSPCA as an independent arbiter on the enforcement of hunting legislation³.

Internal RSPCA review and activities

In addition to facing external criticism, RSPCA Victoria has had internal divisions and conflict due to the recent change in focus and approach. An internal review of the RSPCA, headed by former Victorian Police Commissioner, Neil Comrie, was conducted in September 2016. It

recommended that the RSPCA discontinues public activist campaigning against the existing laws of the state of Victoria⁴. Regardless, the activism continues despite the RSPCA's agreeing to implement all recommendations. Importantly, it is not just hunters who have been targeted by the RSPCA. As of the 9th of March, on the RSPCA website, there were campaigns against numerous legal activities, including layer-hens, the greyhound racing industry, live exports, whips in racing, cosmetic testing and legal dog breeding establishments⁵. The RSPCA has also targeted farmers across a number of livestock industries, as well as jumps and greyhound racing⁶. All these activities are heavily regulated in Victoria through legislation and by codes of conduct.

SSAA Victoria activities and interference by the RSPCA

The Victorian Government recognises hunting as a legitimate and legal activity which contributes \$439 million annually to the Victorian economy, much of it spent in regional areas⁷. SSAA Victoria is a recognised hunting organisation in Victoria. Its members are bound by a code of conduct and all hunters are bound by the Victorian government Code of Practice for the Welfare of Animals in Hunting, as well as POCTAA. As such, under the Act, hunters have a defence against charges of cruelty if they are acting within the bounds of the code.

The Game Management Authority (GMA) is a statutory body which regulates hunting in the state and has enforcement powers under the Wildlife Act 1975 and associated regulations. It is SSAA Victoria's view that GMA officers are independent and accountable. They should be responsible for enforcing animal cruelty legislation, not RSPCA officers who are likely to have ideological leanings unfavourable to hunting. For example, in its submission to the GMA, *2017 Duck Season Advice*, the RSPCA Victoria states that RSPCA policies are national and that, '*RSPCA Australia is opposed to the hunting of any animal for sport as it causes unnecessary injury, pain, suffering, distress or death to the animals involved*'.

The RSPCA position on duck hunting specifically is then outlined: '*The RSPCA opposes the recreational hunting of ducks because of the inherent and inevitable pain and suffering caused. Every year, during the government-declared 'open season' many thousands of ducks are shot over the wetlands of Australia in the name of sport. Some of these ducks will be killed outright. Some will be wounded, brought down and killed on retrieval. Many others will be crippled or wounded and will die within a few hours or days. Some will suffer prolonged pain before they die*⁸.

Consequently, SSAA Victoria opposes the RSPCA having enforcement powers over hunting-related matters.

SSAA Victoria also strongly disagrees with a number of the above RSPCA statements and the underlying policy position. It is disingenuous to cast hunting in terms of highly emotive assertions which are questionable or debatable. The RSPCA draws a very doubtful and highly emotive conclusion when talking about the "distress" of animals hunted. In a natural environment, all prey animals live in a state of constant awareness, *or stress*, and have

evolved tactics and coping mechanisms to deal with predators. Being hunted is a natural part of their world and they either evade predators and get on with their daily routines, or end up being eaten. They don't become "distressed" in any sense that is equivalent to human distress. Consequently, it is the view of the SSAA Victoria that the RSPCA comes perilously close to committing anthropomorphism. The key issue is that this particular organisation has a unique statutory authority and enforcement role that is incompatible with its anti-hunting activism and the policy position it holds.

Accordingly, SSAA Victoria recommends in relation to section 3.1 that:

- I) due to the inherent and unresolvable conflict of interest between RSPCA Victoria's policies and its regulatory duties, RSPCA Victoria be stripped of all statutory powers conferred on its General Inspectors under POCTAA and the Domestic Animals Act 1994, *other than those dealing with cruelty to domestic animals in metropolitan and rural settings*. Inspectors should have no authority with respect to hunting or farming matters; and
- II) all persons appointed as General Inspectors under the relevant legislation, in relation to hunting, be direct employees of the state government, where appropriate oversight is ensured and impartiality can be seen to exist.

3.2 Appropriateness and use of funding provided by the Victorian Government, including in the context of its other objectives and activities

Funding

SSAA Victoria recognises that government funding is provided to many non-government agencies for a variety of reasons and purposes. SSAA Victoria also recognises that where government funding is provided, there must be adequate oversight and accountability governing the use of this public money to ensure that it is not being spent in conflict with contrary legislative or regulatory arrangements. In particular, the SSAA Victoria questions the funding of the RSPCA in light of its anti-hunting agenda, given the pro-hunting agenda of the state government which promotes this lawful and legitimate activity with initiatives such as the GMA, Sustainable Hunting Action Plan and substantial funding.

Marketing and communication

The RSPCA is entitled to raise funds privately to further its aims and objectives, receiving as it does, donations and bequests. However, representations made by the RSPCA need to be factual, and a clear distinction drawn between what is demonstrable fact and what is ideologically-driven opinion. Most RSPCA anti-hunting advertising uses emotive imagery and language, with little factual information.

In addition, RSPCA Victoria conducts *so-called* educational programs. It needs to be ensured that such programs focus on appropriate animal welfare issues such as pet care, not on proselytising among young people⁹.

Notably also, Western Australia has just completed an inquiry into the RSPCA in that state and made 56 findings, with 26 recommendations. It found that the RSPCA WA had failed to report budgeted expenditure in accordance with its grant agreement, and so consequently recommended *“that the Grant Agreement clearly set out a requirement for a more detailed financial report showing budgeted and actual income and expenditure by RSPCA WA”*.¹⁰ Importantly, it needs to be ensured that RSPCA Victoria is being held to the highest standards of accountability in relation to financial reporting, unlike its WA counterpart. Moreover, given the commonality of adopted policies between the state branches of the RSPCA, the findings and recommendations of the WA report need to be fully reviewed for relevance to Victoria.

Overall, in relation to section 3.2, SSAA Victoria recommends that:

- i) if public funding is to be continued to RSPCA Victoria, then regulatory provision for oversight and accountability must be in place to ensure that public monies are spent only on projects identified in the government grant agreement; and
- ii) if public funding is to be provided for RSPCA educational programs, then those programs must be subject to review to ensure they are factual and limited to domestic animal care matters. No public funding should be provided for the purposes of promoting ideological positions.

3.3 Any other consequential matters the Committee may deem appropriate

Advertising and promotion

SSAA Victoria has serious concerns about the tenor of RSPCA Victoria advertising and promotion in relation to hunting matters. There can be little doubt that many of its advertising propositions and assertions are emotive and ideologically-driven. Given that the RSPCA is a charity and attracts money through advertising, there should be oversight of the content by Consumer Affairs to ensure donations are not generated from deceptive or misleading campaigns, as happened in WA. The WA inquiry found that RSPCA WA had been careless with the accuracy of some of its advertising, which could have been perceived as misleading to potential donors and the public it was seeking to influence¹¹. Given the national ties between the organisations, steps must be taken to ensure that similar practices are not undertaken by RSPCA Victoria.

Ideological stance and regulatory powers

SSAA Victoria opposes deliberate cruelty to any animal and fully supports workable animal welfare legislation, including the Victorian government's Code of Conduct for the Welfare of Animals in Hunting which binds hunters to a set of minimum standards of behaviour. SSAA Victoria is satisfied that this Code allows for hunting within a workable framework of animal welfare concern and protection. On the other hand, while RSPCA's campaigns against lawful hunting activities go far beyond its area of expertise in dealing with domestic animals, the Society's close ties with Animals Australia only serve to reinforce its move away from its historical role and its drift towards more extreme activism. To underscore the point, as the WA inquiry found, the RSPCA must ensure that its regulatory activities are kept at arm's length from any wider campaigning and that enforcement and regulatory functions should not be used for the purposes of garnering media attention, except upon the outcome of successful prosecutions based on facts.¹² This conclusion is equally applicable to the RSPCA Victoria.

Overall, SSAA Victoria has no confidence in the ability of the RSPCA to hold the ideological position it does and at the same time be an impartial enforcement agency. Rather than reside with the RSPCA - which has an unresolvable conflict of interest between its ideological anti-hunting position and its enforcement role - the inspectorate function which it currently has should reside with the relevant government agency.

SSAA Victoria therefore recommends that in relation to section 3.3:

- i) RSPCA's advertising and fund-raising be monitored to ensure that monies are not raised through deceptive or misleading practices;
- ii) RSPCA's enforcement powers in relation to hunting are revoked; and
- iii) all General Inspectors be directly employed by the state government.

4. RECOMMENDATIONS

On the basis of RSPCA Victoria’s demonstrated anti-hunting policy position and activism, it is the position of the SSAA Victoria that:

1. due to the inherent and unresolvable conflict of interest between RSPCA Victoria’s anti-hunting agenda and its statutory duties, it be relieved of all hunting-related statutory powers conferred on its General Inspectors under POCTAA and the Domestic Animals Act 1994;
2. all persons appointed as General Inspectors under the relevant Acts be direct employees of the state government, where oversight is provided for and impartiality is seen to exist;
3. if the RSPCA is to keep its statutory powers, they need to be limited to dealing with cruelty issues among companion animals in domestic settings, with no RSPCA authority over hunting or farming matters;
4. if funding continues to be provided for RSPCA educational programs, they need to be reviewed to ensure they are factual and are limited to appropriate content, for example, care of domestic animals. No public funding should be provided to support RSPCA activism or for the purposes of promoting ideological positions; and
7. RSPCA’s advertising and fund-raising should be subject to rigorous oversight by Consumer Affairs to ensure donations are not generated through deceptive or misleading initiatives.

5. CONCLUSION

While there is no doubt that the RSPCA has in the past, and continues today to play a valuable role in animal welfare, its recent evolution into an animal rights activist group - as distinct from an animal welfare group - has meant that it has developed an unresolvable conflict of interest. That conflict is between its role as an enforcement agency and its role as an animal activist group. For an organisation like an RSPCA, with its anti-hunting policies, campaigns and ideology to have statutory powers relating to animal cruelty in hunting is untenable. The conflict is compounded when i) the RSPCA's definitions of cruelty and animal welfare go far beyond the commonly accepted legislative definitions; and ii) it is actively campaigning against legal, long-standing, ethical hunting practices which are endorsed by government.

Importantly, the recent WA inquiry into the RSPCA in that state clearly identified conflicts of interest, questionable advertising, lack of accountability in the expenditure of government funding and a definite move to a more extremist animal rights stance. While operating in a different legislative framework, the SSAA Victoria is concerned that this current inquiry will uncover similar practices in Victoria, given that the state RSPCA bodies are bound by RSPCA national policies. In addition, the Comrie Report recommended that RSPCA Victoria retreat from its move into animal rights activism. However, the SSAA Victoria is sceptical that a withdrawal will occur without intervention from an oversight body.

Further, concurrent with animal activism gaining traction - especially in inner-urban areas where people generally have little practical experience with wildlife or farm animals – RSPCA emotion-driven campaigning is contributing to pressure on lawful and legitimate hunting. Consequently, given that the RSPCA throughout the country has shown a significant drift to extremist views, it is not appropriate for the organisation to retain its privileged position and continue to wield statutory powers over hunting.

SSAA Victoria thanks the Economy and Infrastructure Committee for the opportunity to put forward this submission on behalf of its 36,000 Victorian members.



6. REFERENCES

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