Submission No 81

INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

Organisation: The Cat Protection Society of NSW Inc

Date Received: 29 November 2019

Submission from the Cat Protection Society of NSW
to the Legislative Council Select Committee on
Animal Cruelty Laws in New South Wales

The Cat Protection Society of NSW ("Cat Protection") welcomes the opportunity to make a submission to this important inquiry.

Cat Protection does not have powers under the Prevention of Cruelty to Animals Act 1979 ("POCTA") nor have we sought or would we seek such powers.

Our work is focused on the sheltering and adoptions of homeless cats and kittens; providing information and education to support responsible cat ownership; and promoting feline health, welfare and wellbeing with programs that include discounted and subsidised desexing and vaccination, research, and initiatives to support the human-feline bond. We also offer information and support to promote better practices in cat sheltering and rescue.

We help many thousands of people and cats every year. For more information on our work please refer to our websites catprotection.org.au (for cat owners and the general public) and catcare.org.au (for people who work with cats).

While we are not a POCTA agency our work frequently intersects with it:

- **Clients calling our Welfare Office to report neglect or cruelty**
    - Most clients in this category have already reported their concerns to RSPCA or AWL (sometimes their local council but very rarely NSW Police). In these circumstances, they typically advise us that they've been told 'nothing can be done' or 'they won't do anything' and the client is frustrated at the lack of intervention to help the animal/s. Also typically, the situation they describe is unlikely to meet a threshold test under POCTA even though the standard of care is poor or the cat/s are not living good lives. Frequently, the issue is a case of 'too many cats' or potential/actual hoarding, or where ownership of the animals is not clear (for example, a cat is abandoned but the cat is not microchipped so there is no proof the person 'abandoned' them because there is no proof any person is the legal owner)
    - Some clients in this category are aware that animal cruelty can be reported to Police but most are not. Most clients are aware of being able to report to RSPCA. Our website provides all three avenues for reporting animal cruelty and we discuss these options with our clients
- **Requests for emergency accommodation for the pet cats of victims of domestic violence**
    - Either directly from the client or from a women's shelter worker. We are very aware of situations where a person has not left a domestic violence situation because they will not leave their pet
- **Taking in cats who are clearly victims of human-inflicted deliberate violence but where there is no prospect of prosecution**
    - We have paid for surgery and rehabilitated cats and kittens who have been abandoned/dumped in a public place or vet clinic, where the expert veterinary

advice is that the injuries of the cat were not a result of misadventure (for example, a hacked paw). However, there is nothing to offer any evidence on who might have committed the crime and the cat is unidentified (not microchipped)

- **Taking in cats who are victims of human neglect but where prosecution would be inappropriate**
    - We have assisted the RSPCA and AWL on occasions by taking in cats they have rescued from hoarding-type situations where prosecution will not be pursued. We have also worked directly with families who seek our help in removing cats from situations of neglect where this neglect was not an act of malice nor will it recur (for example, a person with advanced dementia who was moving into care). We work with our vets to rehabilitate these cats until they are healthy and adoptable
- **Referring matters to the RSPCA or AWL or Police ourselves**
    - In cases where we have information.

Given the scope of our work and expertise, this submission is focused on domestic pets.

Terms of reference

(a) The effectiveness of the charitable organisations currently approved ... in achieving the objects of the Act

We are not in a position to assess this.

(b) The ability of the charitable organisations … to achieve the objects of the Act

We are not in a position to assess the abilities *per se* of those organisations but we do note that the Act sets a very low threshold for welfare (or conversely, a high threshold for what is deemed to be in breach of the Act). Based on our own experiences and client feedback, there is significant demand placed on these agencies, demand that would exceed their capacity to supply services.

(c) The adequacy of the standard of care … under the control or supervision of the approved charitable organisations

We are not in a position to assess this.

(d) Whether it is effective and appropriate for non-government charitable organisations to be granted investigative and enforcement powers for criminal prosecutions under the Act …

We share with the community a deep concern that crimes against animals are infrequently dealt with as serious criminal matters. We believe that inspectors in both AWL and RSPCA have a great deal of expertise and experience in assessing animal welfare. However, the standards against which animal welfare are measured are in urgent need of review to reflect both community standards and contemporary animal welfare science.

The evidence demonstrating links between violence to animals and violence to people is compelling, and suggests a need for more comprehensive and holistic policing. On its website, The Humane Society of the United States notes the findings of just some of those studies: of those arrested for animal crimes, 65% had been arrested for battery against another person; of 36 convicted multiple murders questioned in one study, 46% admitted to committing animal torture as teenagers. Seven school shootings in the US between 1997 and 2001 all involved boys who had previously committed animal cruelty.

Attached for the Committee's consideration is a selection of papers that deal with these issues. In particular, *Animal Cruelty as a Gateway Crime* explores these issues in a United States policing context. The publication was produced under the leadership of the National Sheriff's Association, National Coalition on Violence Against Animals and Office of Community Oriented Policing Services (COPS).

The FBI began collecting data on animal cruelty on its national reporting system in 2016 (previously such crimes were simply listed as 'other'). Crimes against animals are categorised as simple or gross neglect; intentional abuse and torture; organised abuse (such as dog fighting); and sexual abuse.

Animal abuse on its own is a horrific crime but it can also identify people engaged (or likely to engage) in other criminal behaviours. Animal neglect can be indicative of a pet owner's own need for support. Animal cruelty and neglect matters encompass a wide range, spanning from pet owner ignorance to extreme and deliberate violence. This is recognised in the work underway in the United States.

The current system in NSW does not appear to support a coherent, triaged and integrated system that is adequately resourced to investigate animal cruelty. The current standards do not promote good animal welfare consistent with what is known to be good welfare in contemporary animal welfare science.

Both animals and people deserve our best efforts to keep them safe, well and free from harm.

There is a great deal of evidence-based research, practical experience and expertise available to inform much-needed improvements to the legislative and policy framework governing animal cruelty and animal welfare.

Cat Protection thanks the Committee for its time and consideration.

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Chief Executive Officer
Cat Protection Society of NSW

Attachments:

- *Animal Cruelty as a Gateway Crime* Community Oriented Policing Services US Department of Justice
- *An Exploratory Study of Domestic Violence: Perpetrators' Reports of Violence Against Animals*
- *Forensic Use of the Five Domains Model for Assessing Suffering in Cases of Animal Cruelty*
- *The Interpersonal Context of Human/Nonhuman Animal Violence*
- *Tracking Animal Cruelty*
- *Domestic Violence* Chicago Police Department
- *Animal Cruelty: A Possible Warning Behavior for Terrorism and Other Premeditated Violence Against Humans Which Needs Reporting and Further Vetting*