

Inquiry into the Animal Care and Protection Amendment Bill 2022

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**Submission-State Development and Regional Industries Committee
Review - Animal Care and Protection Act Amendment Bill 2022**

I make this submission based on the large number of constituent complaints raised with me about the conduct of inspectors from the RSPCA in Queensland.

The complaints have been broad ranging in terms of misconduct and raise issues of widespread systemic abuse of powers and conduct that may also be considered criminal in some respects. A recent review by the Queensland Audit Office recommended that oversight by the Department of Agriculture and Fisheries be significantly strengthened.

The links between the DAF and the RSPCA were not within the scope of the audit but it is clear that the RSPCA Inspectorate is running without sufficient oversight to ensure that the RSPCA Inspectorate runs appropriately.

The recent exit of Inspectors and senior personnel from the RSPCA is indicative of those responsible for the alleged abuses taking cover as they come under the spotlight of external examination. The lack of training of inspectors, and the lack of qualifications required to be appointed an inspector result in inexperienced and under qualified inspectors making value decisions related to the health and treatment of a wide variety of animals.

The vets and vet staff in private sector pet shops or veterinary practices are often far better qualified to make decisions about the health of animals than the inspectors making judgement-based decisions about the animals.

CONFLICT OF INTEREST

One of the complaints made to me is that the RSPCA, a private business, operates in the marketplace as a competitor with many privately owned pet shops. I am aware that RSPCA staff have harassed and prosecuted pet shop staff and operators to make it difficult for those competitors to conduct their businesses by publicly defaming and spreading lies about the conduct of their competitors. RSPCA have been ordered in the past to take down defamatory comments about their competitors by DAF, but only after the damage has been done. This is clearly a breach of s 85 of the Animal Care and Protection Act that states that cases should not be placed in the public domain.

In some instances, the inspector has also been a witness, complainant and prosecutor in the same case. No natural justice occurs here.

SEIZURES

The RSPCA inspectors have a reputation for unlawful seizures of animals, some for invalid warrants and some based on untruths.

The animals in many instances have been sold off without the permission of the true owners. Animals seized have included pregnant bitches where the puppies have been on-sold with no compensation paid.

If no charges have been laid, animals must be returned within 28 days. RSPCA have in the past failed to do so and in some instances the animals die or are euthanised within that period. Valuable animals have been seized and advertised for sale the following day.

One very surprising revelation is that RSPCA use SPER to enforce orders. Why do they not go through the Courts or QCAT? RSPCA is simply a private Charity and should not have access to SPUR. There have been instances where the RSPCA demand large amounts of money for their seized animal to be returned. This looks like extortion.

SYSTEMIC PROBLEMS

Another systemic problem is the lack of published minimum standards of care for particular animals under the Act. This creates a grey area for interpretation.

RSPCA Inspectors abuse the warrant process by entering premises without warrants and come back a day later with the warrant.

The RSPCA force people fighting a summary offence to take on thousands of dollars of legal expenses to fight minor alleged offences.

I submit that inspectors should not be employees of RSPCA. Inspectors should be employees of the Department of Agriculture and Fisheries and offer specified qualifications and experience. This way inspectors will be accountable and their actions transparent. The actions of the RSPCA do not demonstrate accountability.

In Western Australia this area has returned fully to State control and taken from the hands of the RSPCA inspectorate for the exact reasons that I raise today. I strongly recommend that this occur in Queensland as well.

Yours sincerely



Senator Malcolm Roberts
Senator for Queensland