



22<sup>nd</sup> February 2020

**RE: SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES**

**Response Questions Taken on Notice**

**Transcript Page 27:**

**The Hon. EMMA HURST:** I put on notice, just to clarify something you said that the Animal Justice Party has put things out that the independent office would be a replacement of the RSPCA. On notice, will you provide the Committee those posts?

**Mr DONNELLY:** I will definitely take that on notice, the primary documentation that I am referring to were previous policy documents of the AJP.

**The Hon. EMMA HURST:** Previous policy documents?

**Mr DONNELLY:** Even current. As far as we are aware they are still current. We are happy to provide those to which we are referring, yes, for sure.

**Response:**

Copies of social media posts made by Animal Justice Party are included as Annexures.

**Annexure 1: Screenshot entitled AJP - OIW – 1**

This screenshot clearly shows Ms Emma Hurst promoting an Independent Office of Animal Welfare. The dialogue continues to state:

*“We need a well-resourced and funded enforcement agency”*

This statement does not imply an over-seeing ‘ICAC-style’ Commission. It clearly implies a full enforcement agency.

**Annexure 2: Screenshot entitled AJP - OIW – 2a and Screenshot entitled AJP - OIW – 2b**

Screenshot AJP - OIW – 2a highlights Mr Mark Pearson stating

*“This is why we cannot have a charitable-organisation responsible for holding up the shield and the sword to protect animals”*

Screenshot AJP-OIW-2b highlights one of his followers stating:

*“We have been calling for an Independent Office of Animal Welfare since the eighties”*

The follower is interpreting Mr Pearson’s statement as the intention of the Animal Justice Party to implement & create an Independent Office of Animal Welfare.

Additionally the Independent Office of Animal Welfare is cited on The Animal Justice Party’s website within their Animal Law Policy statement:

*“Key Objective 3: To introduce a publicly-funded Independent Animal Protection Agency (IAPA) in each state to enforce the new legislation.”*

<http://animaljusticeparty.org/policieslist/humans/animal-law>

This refers to an Agency - this is not an overseeing committee or commission.

Facebook Link: <https://www.facebook.com/MarkPearsonMP/videos/688827511630250/?t=140>

Within this link Mr Pearson states

*“... no other criminal legislation in NSW has the main administrator and prosecutor a charitable organisation ...” going on to add “... so we cannot have a charitable organisation in my view with all of it’s vulnerabilities, limited resources, with the capacity to be influenced in a negative way – is that the correct body which our community would want to look up to to uphold the shield and the sword to protect animals ...”*

This statement is very clear – the intention is to replace the RSPCA & AWL as the organisations enforcing POCTAA.

At Ms Hurst’s request Animal Care Australia has also provided a copy of The Animal Justice Party’s Companion Animal Policy document file entitled: **AJP-Companion-Animal-Action-Paper-FINAL1**

Please note highlighted on page 4: **Transfer of Statutory Responsibility for Animal Welfare - Animal Protection Office (APO) and NSW Police**. This is an entire section outlining the creation of a new Office to be taken away from the charitable organisations.

At Ms Hurst’s request Animal Care Australia has also provided a copy of The Animal Justice Party’s Companion Animal Policy document file entitled: **AJP Policies- 2019**. Page 6 of this document highlights the policy to implement a single publicly-funded IAPA that will be empowered to protect animals through AJP’s uniform animal rights legislation.

All of the above make a clear and concise intention that the Independent Office of Animal Welfare would be the replacement of the inspectorate functions of the RSPCA NSW and AWL.

**Transcript Page 32:**

**The Hon. WALT SECORD:** Mr Davis, you have Parliamentary privilege. I find it extraordinary that someone would come in and have a list of 20 infractions and the person behind the counter be surprised by that. If you have such materials I would like you to provide that to the Committee.

**Mr DAVIS:** I am happy to do that

**Response:**

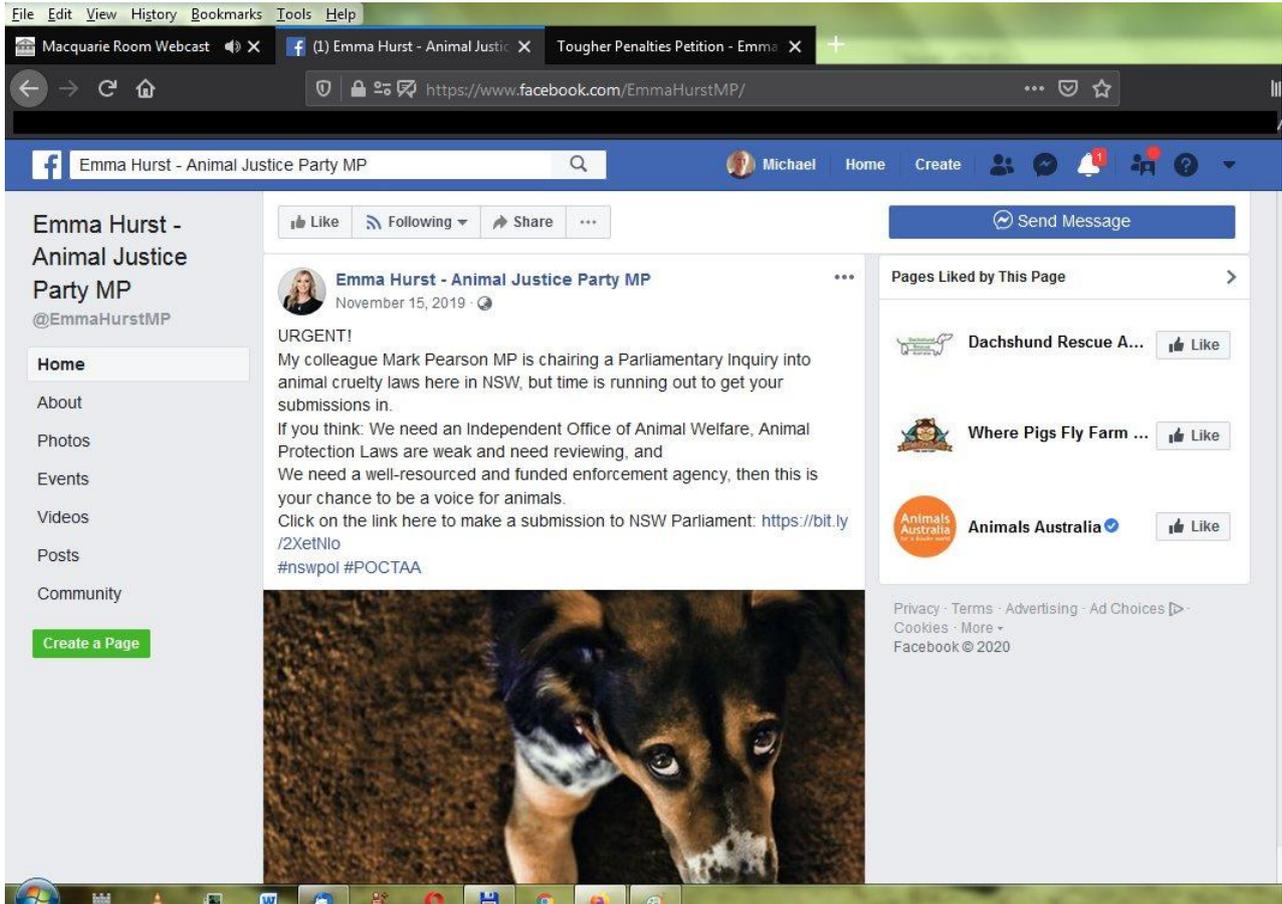
**From Mr Davis:** This case illustrates the inappropriateness and inefficiency of many of the current enforceable standards. The attached list (Annexure 3) includes 15 (not 20 as I recanted in my testimony) potential “non-compliant” standards, yet no animal welfare issues were detected in any of the hundreds of birds. This clearly illustrates the inefficient use of compliance officer resources that could more effectively be directed towards education to raise animal welfare outcomes in NSW.

Kind regards,



Michael Donnelly  
President  
Animal Care Australia

# Annexure 1 - Screenshot entitled AJP - OIW – 1



Annexure 2 - Screenshot entitled: AJP - OIW – 2a and AJP - OIW – 2b

The screenshot shows a Facebook profile for Mark Pearson (@MarkPearsonMP). The profile picture is a man in a suit. The bio states: "Mark Pearson" and "@MarkPearsonMP". The main post is dated October 4, 2019, and contains the following text: "This Novemeber, I will be chairing an inquiry into the enforcement of the Prevention Of Cruelty To Animals Act. POCTAA is the only criminal legislation where a charitable organisation is responsible for investigations, enforcement and at times prosecutions. In recent news, a man has bludgeoned a Wombat to death and another tortured, beat and shot NINETEEN Kangaroos and Joeys. It's incidents like these where the people responsible need to be held accountable to the full extent of the law. This is why we can not have a charitable organisation responsible for holding up the shield and the sword to protect animals." Below the text are three video thumbnails: "Moratorium on killing of Kangaroos" (1:39), "God Save The Queen" (2:30), and "Biosecurity Management Plans" (3:10). The right sidebar features "Related Pages" including "Animal Justice Party" (liked by Rachael Yeend), "Andy Meddick MP" (liked by Mike Finch), and "Wild2Free Inc. - Kang..." (liked by Rachael Yeend). The bottom of the page shows a Windows taskbar with various application icons.

File Edit View History Bookmarks Tools Help

Macquarie Room Webcast (1) Emma Hurst - Animal Justice Tougher Penalties Petition - Emma

File Edit View History Bookmarks Tools Help

(1) Emma Hurst - Animal Justice (1) Mark Pearson - Home Free Battery Cage Hens - Anim (1) Animal Care Australia

https://www.facebook.com/MarkPearsonMP/

Birds Reptiles NPWS Mammals ACA Homerelated Personal Blogs newTumbl Movies/TV TV DLs Season End Facebook

Mark Pearson Michael Home Create

Like Follow Share ... Contact Us Send Message

 Mark Pearson @MarkPearsonMP

Home Posts Videos Photos About Community

Like Reply · 18w

 Brady Cody We have been calling for an Independent Office of Animal Welfare since the eighties. (in a previous life of course). Thank you Mark for bringing this to the attention of the community. An animal welfare agency that have the powers to enforce an act of parliament should never be placed in the hands of a charity organisation that has to rely on public empathy to generate publicity to further generate donations to survive. RSPCA have been privileged to have this power, with state governments sitting back granting a lousy pittance (grants) for work that should be done by an Independent office arm or police as most states in America have successfully done. The POCTAA is a professional well defined act of parliament that should only be enforced by a team of trained professionals full stop! I believe that the RSPCA have a role to play like the rescue of animals that they do not do now as they used to and other animal related tasks, adoptions, education to mention a few but should never have powers of prosecution under any act of parliament! The best and only solution would be a task force of animal welfare within the police forces nationally as Mark well knows we tried that back 3 years ago anyway. Stick to this it is fantastic work that you and your party do and believe me the sentiments feel 100% better now Thank you BRT

Like Reply · 18w

3 Replies

 Carolyn McDonald At last, a much needed inquiry. Thank you, Mark.

Like Reply · 18w

Pages Liked by This Page

-  Andrew Wilkie MP ... Like
-  Kangaroo Like
-  Animals Australia Like

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Facebook © 2020

**Annexure 3: - Copy of non-compliance issues served to owner of a bird pet shop.**

**Not Compliant**

✓ 4.1.1.2 – The person in charge of the facility must ensure a copy of this Code and any operating procedures are kept at the facility and are accessible to all staff

5.1.1.3 – All animal enclosures must meet the minimum requirements for size, as provided in Appendix 1 of the Animals in Pets Hop Code or Practice

5.3.1.4 – Each pet shop must have a documented procedure for the swift removal of animals from the premises in case of emergency. This document must be kept in a prominent place on the premises.

✓ All staff must be able to produce the document and must be familiar with its content. Any methods detailed in the emergency plan must allow for ready access to animals and ready exit for staff and animals from the premises in the event of an emergency

6.1.1.5 – Before new animals are introduced, vacant enclosure (except aquariums) must be thoroughly cleaned and disinfected

✓ 6.1.1.6 – The Material Safety Data Sheets (MSDS) for all chemicals held must be available to staff

6.2.1.1 – The pet shop must have a documented program in place to control pests such as flea, flies, lice, mosquitoes and wild rodents. This document must be kept on the premises. All staff must be able to produce the document and must be familiar with its content

7.1.1.1 – Animals must be protected from distress or injury caused by other animals

7.1.1.7 – Animals must receive behavioral enrichment recognizing the physiological status and special needs of differing ages and species, to ensure good psychological health

8.1.1.4 – Newly acquired animals must not be mixed with existing stock for a minimum of 48 hours

8.2.1.1 – The person in charge of the pet shop must establish a liaison with a veterinary surgeon who is able to attend to animals and is able to advise on disease-prevention within the pet shop

**8.2.1.2 – For the benefit of staff, the contact details for the veterinarian must be displayed in a prominent position within the pet shop**

**8.2.1.4 – Sick or injured animals must be kept isolated and away from public view**

**9.1.5 – Animals that are co-housed must be monitored during feeding to ensure that all animals are eating**

**~~13.1.2 – Wooden gnawing blocks must be provided~~**

**15.1.7 – Perches must be of a diameter, construction and material appropriate to the species held and must be placed to prevent contamination of food and water containers. Perches must also be positioned to ensure that birds' tails are not in contact with the cage substrate and to provide easy access to food and water**