

Cruelty to animals: a human problem



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Introduction

Preventing cruelty to animals is the founding mission of the RSPCA movement, but despite nearly 200 years of dedicated work, cruelty persists with disheartening regularity.

Our understanding of the causes of cruelty to animals has improved, but there is much more to be done to address these causes and to adapt our legislation to protect animals from abuse and neglect as we now define them. And as we examine the triggers involved, it becomes increasingly apparent that cruelty to animals cannot be quarantined from the broader issue of violence in our homes and in society generally.

The RSPCA Australia annual Scientific Seminars provide a forum for the dissemination of information on topical animal welfare issues to a wide audience. The 2005 RSPCA Australia Scientific Seminar, *Cruelty to animals: a human problem*, asked: are we doing enough to prevent cruelty to animals in our society? And what are the implications for society of allowing animal abuse to continue?

The Seminar tackled these important questions through two main themes: preventing cruelty to animals through early intervention, education and changing legislation, and examining the connection between cruelty towards animals and current or future violence towards humans. It also discussed how we can improve the links between agencies dealing with cruelty to animals and other human problems.

The 2005 Seminar was chaired by Professor Clive Phillips, Chair of Animal Welfare at the University of Queensland, and opened by Dr Hugh Wirth, President of RSPCA Australia.

The first session focused on exploring the relationship between cruelty to animals and other offences, and commenced with a presentation that discussed the importance of engaging in large-scale studies to determine the key factors related to childhood animal cruelty. Professor Paul Wilson explained that little research has examined the prevalence of animal cruelty behaviour in children. A proposed study by Hasking and Wilson aims to examine animal cruelty, parental behaviour (violence, drug and alcohol use, animal cruelty) and child behaviour (delinquency, behavioural problems) in an effort to further understand and ultimately prevent animal cruelty and the resulting harms to children.

The focus then shifted to examine how agencies associated with social welfare, law enforcement and regulation of animal cruelty offences can establish mechanisms for communication and cross-reporting so that integrated responses can be developed for dealing with cruelty to animals and violence against people. Superintendent Carlene York outlined that in NSW an Animal Cruelty Taskforce has been established with members from the NSW Police, Attorney General's Department and the RSPCA to consider these and related issues.

Session two examined how cruelty to animals may be prevented through early intervention and education programs. Associate Professor Eleonora Gullone outlined the findings of research conducted to examine the links between violence and animal cruelty. Children's cruelty toward animals can be an important marker of abuse and suggests that they are or have been either victim of or witness to abuse. In order to counteract this cycle of abuse, intervention programmes can be conducted to provide information and strategies aimed at increasing empathy and perspective taking and usually the use of animals in these programs is a powerful mechanism to promote understanding.

Nerys Lewis further stressed the importance of intervention programs and gave a practical example of the work that is being conducted at 'Sages Cottage and Children's Farm' outside of Melbourne. The program is for young people who have been exposed to violence and have been referred to the Farm by the Department of Human Services, Juvenile Justice, schools and non-government organisations. In the farm environment where participants can handle and interact with animals, young people are taught about safety, respect and empathy.

The final presentation in this session supported the comments in the previous papers. The *Keeping Kids and Animals Safe* Pilot Project is a project that aims to teach children about animals in an effort to teach them respect for animals, themselves and others. The project is aimed at children who have demonstrated

cruelty to animals. Jo Hatch and Jim Wilson provided background on the aims of the project and stressed that the key message with humaneness education is that a powerful and effective educational resource is direct contact with an animal

Session three concentrated on how cruelty may be prevented through legislation and prosecution. For the implementation and enforcement of animal welfare standards it is essential that thresholds can be defined as to what constitutes cruelty or acceptable behaviour in the eyes of the law. Professor Clive Phillips explained that physiological, disease and behavioural evidence can be used to determine that pain and distress has been inflicted upon an animal. The areas in which animal welfare science could have the most impact is principally in amending or redefining legislation, revising codes of practice and quality assurance programs or in amending animal husbandry practices.

The limitations of the legal system when prosecuting animal cruelty cases, was the topic of the next paper. Kevin Apostolides, Chief Inspector for RSPCA Victoria explained that in order to make prevention of cruelty to animal's (POCTA) legislation effective, the legislation needs to be re-examined to allow it to work effectively in the 'real world.' The paper outlines some of the difficulties associated with bringing an animal cruelty case to trial. The only way forward is for dialogue to be established between legislators and enforcement officers to try to rectify some of the difficulties with enforcing POCTA legislation.

The final paper of the Seminar was presented by Acting NSW Magistrate Sue Schreiner who discussed the sentencing of animal cruelty cases. She explained that society's attitude to animal cruelty is not consistent as some cruelty is sanctioned by legislation. Animal cruelty offences are not being prosecuted as often as they should be for a range of reasons which need to be addressed. Cruelty cases are but one of many offences coming before the courts and the principles the courts must apply in sentencing animal cruelty are the same as for all other offences and must be proportionate. The role of the media is important as the public must rely on the media for its information about what the courts have done, however reports of animal cruelty cases are not always accurate or comprehensive.

The 2005 RSPCA Australia Scientific Seminar was attended by over 100 participants, including animal welfare groups, government officers, University academics, social scientists and representatives of other non-government organisations. These proceedings are provided as a record for participants of the presentations they attended, and as a permanent resource to those who were unable to attend the Seminar.

Animal cruelty, child and adult violence and future research

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Background

Animal cruelty is of increasing concern in the community. The Australian media has made much of recent incidents such as the discharge of Australian soldiers for abusing kittens in Townsville and the discovery that live mice had been eaten during a competition in a Brisbane bar. More recently two teenagers were arrested in Sydney for burning a kitten alive. However, these episodes are not isolated cases. In the year 2001-2002 the Royal Society for the Prevention of Cruelty to Animals (RSPCA) investigated 51,216 cruelty complaints, and initiated 339 prosecutions. These numbers had risen from the previous year, indicating that despite increasing awareness, the problem does not seem to be decreasing.

In addition to increasing community concern regarding the welfare of the animals that are the targets of animal cruelty, the psychological community has also becoming increasingly interested in childhood cruelty to animals. In 1987 the American Psychological Association included animal cruelty as a symptom of Conduct Disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R). Conduct Disorder is an externalising behaviour disorder characterised by a persistent pattern of disregarding age-appropriate social norms and the basic rights of others (APA, 1994). It has been estimated that approximately 25% of children diagnosed with Conduct Disorder display cruelty to animals, and that animal cruelty is often the first symptom of the disorder to appear. In fact the median age at which the first incident of animal cruelty is reported is 6.5 years of age (Frick et al., 1993). Consequently childhood animal cruelty has been suggested as a potential 'red flag' that could be used in the early detection and intervention of externalising behavioural disorders (Wilson & Norris, 2003).

Yet, children who are cruel to animals or who witness animal cruelty are also at increased risk of a range of harms, both immediately and in the long term. Further preliminary studies suggest that it is not just children with Conduct Disorder who abuse animals, but that animal cruelty is a common childhood experience. The project that Dr Hasking and myself, hope to do aims to further examine animal cruelty and its correlates in order to better understand how prevalent it is in general sample of Australian children. We also hope to find out what psychological, social and behavioural factors are likely to cause or arise from such acts.

Animal Cruelty Research

Despite the apparently high base rate of animal cruelty in children with Conduct Disorder and the inclusion in the DSM classification of Conduct Disorder, little research exists to establish the base rate of animal cruelty in children with other psychological disorders or in the general population.

In two of the three studies designed to assess the prevalence of childhood animal cruelty in the general community, approximately 50% of undergraduate students indicated that they had either witnessed or directly participated in an act of animal cruelty as a child (Flynn, 2000; Miller & Knutson, 1997). Consistent with research on age of onset for Conduct Disorder, the most common age bracket at which the first incident of animal cruelty occurred was 6-12 years of age. The third study is the only large scale study that has ever been conducted directly assessing children's (aged 7-17 years) exposure to animal cruelty (Baldry, 2003). In this study of 1,392 youth from Italy over 50% admitted to being directly involved in at least one form of animal cruelty. These studies seem to indicate that exposure to animal cruelty is a disturbingly common childhood experience. However, retrospective studies are, by definition, affected by memory bias and the study by Baldry (2003) is the only known study to assess children directly in an effort to determine the rate of animal cruelty displayed or witnessed by these children.

Increasingly researchers are establishing a link between childhood animal cruelty and later inter-personal violence (e.g. Dadds, et al., 2002; Kellert & Felthous; Lockwood & Ascione, 1998; Miller, 2001). The

relationship between animal cruelty, mass murder, serial murder and school shootings has been documented by us (Wilson & Norris, 2003) and by others (Lockwood & Ascione, 1998), while research on animal cruelty and its relationship to domestic violence has found that partners often abuse animals as a way of further abusing their partners (Boat, 1995; Flynn, 2000). Childhood animal cruelty has also been related to other criminal behaviour such as property offences, drug offences and public disorder offences (Arluke, et al, 1999).

However, while anecdotal evidence of the relationship between childhood animal cruelty and later violence is abundant, the empirical research is rife with methodological flaws. Most research uses either retrospective reports from prisoners (Kellert & Felthous, 1985; Lockwood & Ascione, 1998), or studies in children with Conduct Disorder (Frick, et al., 1993). As previously mentioned retrospective reports are inherently flawed, while the exclusive focus on children with Conduct Disorder may severely underestimate the prevalence of animal cruelty exhibited by children. Further, studies which have directly assessed childhood cruelty to animals in a sample of children have almost exclusively relied on teacher or caregiver reports, despite evidence that adult and child reports of animal cruelty rarely agree (Youngstrom, et al., 2000). When asked directly about their experience of animal cruelty children are likely to report more incidents than adults (Youngstrom et al., 2000). In fact early research attempting to establish a link between childhood animal cruelty and later inter-personal violence noted that the only studies to report such a relationship had directly interviewed the children (Kellert & Felthous, 1985). In addition, the majority of studies have assessed small and select samples (prisoners, children with conduct disorder, women in shelters), leading not only to an underestimate of the prevalence of childhood animal cruelty in the general community, but also to an exclusive focus on the relationship between childhood animal cruelty and adult violence or criminality. Such a focus ignores other more short term consequences and the immediate impact animal cruelty may have on the child.

One particularly issue with the majority of animal cruelty research is the reliance on extremely limited methods of assessing animal cruelty. Many studies use a single item from the Child Behaviour Checklist (CBCL, Achenback, 1991) to establish animal cruelty in their samples. While the CBCL is a valid measure of child behaviour, animal cruelty is a complex behaviour that requires more than a cursory assessment (Dadds et al., 2004). Accurate assessment of animal cruelty requires assessment of the type of animal harmed, the type of cruelty, duration and frequency of cruelty. Animal cruelty is a multi-dimensional construct and must be assessed as such if accurate and reliable reports of the prevalence of this behaviour are to be obtained (Dadds et al., 2004).

Animal Cruelty and Child Welfare

Children who actively participate in or are exposed to animal cruelty are not only at risk of developing Conduct Disorder or engaging in adult violence, but are at increased risk of a range of other harm. First, children who are cruel to animals are also more likely to be juvenile delinquents. While this may be the early emergence of a criminal career, research suggests that many juveniles who are delinquent do not progress to adult criminality (Moffit, 1993). Consequently, an exclusive focus on the relationship between childhood animal cruelty and adult criminality excludes an analysis of the harms being caused by juvenile delinquents, and the harms that juvenile delinquents are themselves exposed to. Thus, an investigation of social behaviour of children who abuse animals and of other delinquent activities these children may be engaged in is warranted.

Second, even if perpetrators of animal cruelty do not progress to a delinquent career, a single act of animal cruelty may still bring the child to the attention of the authorities. Such an experience may not only be detrimental to the child's psychological well-being but may also have repercussions for the child's educational development, particularly if the act of animal cruelty results in the child being suspended or expelled from school, or being placed in juvenile detention. Either of these outcomes limits the child's opportunity to succeed in conventional ways and increases the likelihood of drug and alcohol abuse, poor social relationships and later criminality. Consequently, the factors related to animal cruelty are worthy of investigation if effective prevention and early interventions strategies are to be devised.

Third, childhood animal cruelty may be a symptom of violence in the child's family (Flynn, 2000). Parental violence, the use of corporal punishment and parental drug/alcohol abuse have been related to childhood

animal cruelty (Dadds et al. 2002, Duncan & Miller, 2002). Consequently it has been suggested that teachers, medical doctors, social workers and mental health professionals can no longer ignore childhood animal cruelty, and are duty-bound to investigate the circumstances surrounding the behaviour (Flynn, 2000).

Finally, witnessing acts of animal cruelty can also be detrimental to the welfare of a child. The emotional and psychological trauma associated with witnessing such an event is likely to be extreme, potentially leading to symptoms of Post Traumatic Stress Disorder, or a range of other anxiety and mood disorders. While the link between exposure to animal cruelty and these psychological outcomes appears intuitive, no research has examined this relationship, or investigated childrens' experiences of witnessing such an event.

What needs to be done?

A review of the literature indicates several key areas that must be addressed if childhood animal cruelty and its consequences are to be better understood and prevented:

1. Assess children between the ages of 6-12 years directly. Several studies have indicated that this is the average age of onset for childhood cruelty to animals.
2. Collect data from both the child and the primary caregiver or teacher. As with all self-report research, collecting data from multiple sources increases the reliability and validity of the study.
3. Animal cruelty must be assessed as a multi-dimensional construct rather than as a single questionnaire item.
4. Animal cruelty must be assessed in a general population of children. Retrospective studies of undergraduate students suggest that as many as 50% of children either participated in or witnessed acts of animal cruelty as a child, while the only study to explicitly examine this in a general population found even higher rates of animal cruelty in Italian youth (Baldry, 2003).
5. Current behaviour of the child must be assessed. The link between childhood animal cruelty and delinquent acts perpetrated by the child must be examined if a complete picture of the causes and consequences of childhood animal cruelty is to be established. In addition, although the relationship between childhood animal cruelty and Conduct Disorder has been established, the relationship to other psychological problems remains to be examined. Consequently, assessment of the psychological functioning of the child is also warranted.
6. Behaviour of the primary caregivers must be assessed. Many parental factors such as parental violence, psychological disturbances, drug/alcohol abuse and marital problems have been related to animal cruelty exhibited by the child.
7. Examine examples of children witnessing acts of animal cruelty by their peers, as well as direct acts of animal cruelty.
8. Examine all of these factors in a comprehensive study. If a better understanding of childhood animal cruelty is to be established, large scale studies which attempt to incorporate all the known factors are essential.

The study we propose will attempt to address the shortcomings highlighted in previous research and address the above recommendations. This will be the first study in Australia in which researchers and the RSPCA have cooperated in such a way, and will provide a landmark opportunity to examine childhood animal cruelty. Given the established link between animal cruelty, conduct disorder and later serious juvenile and young adult violence the importance of such a study cannot be underestimated.

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Cruelty to Animals & violence against the person – The role of the NSW Police in the move from isolated to integrated responses to these inter-related problems.

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Introduction

The scientific community, psychologists, social workers, animal protection personnel and others are now finding that the cycle of violence often begins with violence towards animals. Numerous research studies conducted in various countries over the last one to two decades have shown that abuse directed against animals is indisputably linked to child abuse and domestic violence. Despite the findings of these studies and the anecdotal evidence that supports those findings, society has, and generally still is, compartmentalising these acts of violence as well as the agencies charged with responding to them. By continuing to treat cruelty to animals and acts of violence against the person as unrelated issues, the response to these problems will remain fragmented and uncoordinated and this can only result in society's continued failure to address the root causes.

However, the 'wind' for change is starting to blow stronger and as evidence mounts that these two types of violent acts are not distinct from one another, there is a growing realisation and acceptance that there is a need to adopt an integrated and collaborative approach to the problem by all those involved. There is also a growing recognition that a collaborative approach cannot occur without the better detection of acts of animal cruelty and the recording of data pertaining to such incidents. It is also crucial that comprehensive information regarding the offenders committing these acts is also documented and that there are appropriate mechanisms put in place between agencies to permit the exchange of all pertinent information. Having said this, the better recording and exchange of information will not be enough to adequately address this issue. The education and training of the professionals who interact with both the victims and perpetrators of violence with the view to providing them with a better understanding of the links between the two types of violence must also form an integral part of the solution.

The problem of agencies not recording data, having incomplete records, and failing to exchange information with others is not a problem just limited to the investigation of animal cruelty. The need to maintain accurate and complete records and for the exchange of information between agencies in the public sector has been recognised for some time by both Government and NSW Police alike. This recognition is best reflected by the changes made in certain business practices of justice sector agencies over the last six years.

Feasibility of information exchange between justice agencies

In August 1999, State Cabinet established an Interdepartmental Committee consisting of representatives from the various government agencies involved in all aspects of the justice system in response to community and media concerns arising from an extremely violent act involving the rape and murder of two young girls on the south coast of NSW. Cabinet tasked this Committee with the oversight of the Electronic Exchange of Court Outcomes (EECO) Project which involved the establishment of systems to implement both the manual and electronic exchange of information between justice agencies. The overall goal of this project was to ensure that criminal histories were as accurate, timely and complete as is possible so that stakeholders within the justice sector could more accurately determine the extent of a person's criminality. Whilst the first two phases of the EECO Project primarily involved the electronic exchange of the details of the 'charges' laid against offenders by police and the subsequent court outcomes between NSW Police and the Attorney Generals Department, and the supply of parole and prisoner release information to NSW Police by Corrective Services, the third phase of the project related to studying the feasibility of recording the details of non-police initiated prosecutions and subsequent court outcomes involving such diverse organisations as the Australian Securities and Investments Commission (ASIC), Builders Licensing Board, Local Government Councils, and the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Although a feasibility study conducted in the third phase ultimately determined that such a proposal was not technically feasible or practical as a consequence of there being in excess of 400 separate bodies able to initiate prosecutions in this state, the EECO Project Committee formed the view that RSPCA prosecutions may be of particular importance given that such prosecutions often relate to the commission of acts of violence. The formation of this view resulted in the Forensic Services Group (FSG) of the NSW Police engaging the services of Mr John Clarke in 2002 to conduct research into whether incidents of childhood animal cruelty could be used as a factor for predicting the commission of future acts of violent criminal behaviour by individuals when they became adults. By way of explanation, Forensic Services' involvement in this matter stemmed from the fact that the area of the NSW Police that is charged with the responsibility of maintaining criminal histories, namely the Criminal Records Section, forms part of the FSG Command.

Predicting criminal behaviour

Mr Clarke conducted his research utilising the records maintained by the NSW Police and those of the RSPCA. This research was completed in November 2002 and Mr Clarke's findings confirmed the data of several previous studies conducted overseas which concluded that there was a definite inter-relationship between domestic violence, child abuse and animal cruelty. Although I do not wish to go into the specifics of Mr Clarke's research, I do wish to outline some of the key findings of his report.

Mr Clarke found that:

- animal cruelty was related to a number of criminal behaviours such as assault, sexual assault and domestic violence
- a history of animal cruelty was more likely to indicate that an offender would demonstrate a propensity to commit additional crimes
- when comparing police records of animal cruelty offences with offender reports of animal cruelty incidents, the information was either not easily accessible within the police database or that animal cruelty incidents were not being detected

As a consequence of these findings, Mr Clarke made a number of recommendations to the NSW Police, including that:

- a database be set up for all animal cruelty incidents
- effective liaison systems be established to allow communication between the various Departments who deal with animal cruelty so that information is not lost and linkage 'blindness' is prevented
- the present focus which exclusively examines cruelty towards animals in the context of predicting subsequent violence toward humans be broadened so that equal importance is placed on preventing cruelty to animals in light of animal welfare issues
- Animal cruelty incidents be flagged by police officers so that such incidents are appropriately recorded and accessible within police databases
- A decision-process model involving the categorisation of the types of animal cruelty be developed to enable the making of risk assessments for officers dealing with the perpetrators of such crime
- Police officers be educated in relation to the seriousness of animal cruelty incidents and its links to possible acts of violence towards humans to encourage the consistent recording of animal cruelty incidents and the alternate methods available of dealing with the problem
- DOCS workers, teachers, the judiciary and veterinarians also be educated to ensure all realise the seriousness of such behaviour
- Joint teams be set up consisting of members of the NSW Police, Department of Health and the RSPCA to investigate cognitions of children who have been identified as being cruel to animals with the purpose of providing a way of early intervention to prevent future acts of violence or anti-social behaviours.

Establishment of the Animal Cruelty Taskforce

The outcomes and recommendations stemming from Mr Clarke's research were consequently the subject of a report to the Police Commissioner and the Minister for Police. This in turn served as a catalyst which ultimately led to the announcement made by the NSW Government on 29 January 2005 that it was establishing an Animal Cruelty Taskforce comprising of representatives from the NSW Police, Attorney Generals Department and the RSPCA. The Government has formed this Taskforce for the purpose of considering options such as:

- Tougher enforcement of the law with improved targeting of offences by police and the RSPCA by fingerprinting persons convicted of animal cruelty offences; bettering the exchange of intelligence and

other information between police and the RSPCA; and providing criminal history information to the RSPCA and the Courts to assist in sentencing animal cruelty offenders

- Reviewing the existing penalties and offences in relation to animal cruelty including transferring animal cruelty offences to the Crimes Act 1900; increasing penalties; and obtaining a judgement guideline from the Court of Criminal Appeal
- Consulting with veterinarians with the view to formulating an industry code of practice to provide for the mandatory reporting of animal cruelty, and
- Examining the operation of diversion schemes for juvenile offenders involved in animal cruelty with the view to ensuring these anti-social patterns of behaviour in young people are brought to the attention of parents, schools and other authorities so that offenders are appropriately dealt with.

I wish to pause at this point for a very short while to publicly recognise and thank Ms Patricia White of the NSW Ministry for Police who is here in the audience today. Tricia was one of the original members of the EECO Committee and was the first committee member to identify the possible benefits that could be gained not only for animals, but also for the wider community, by Government adopting a much broader and coordinated approach to animal cruelty and the recognition and acceptance that there were direct links between these acts and other types of violence and abuse

It also gives me great pleasure to announce here today that I have the honour of having been appointed as the Commander of this Taskforce and I look forward to the challenges ahead. As the Taskforce is still in its infancy and the other members of my team are still to be nominated, it would be premature for me to indicate in any great detail today what options may be recommended by the Taskforce for adoption by Government in the fullness of time, or what mechanisms are proposed to be put in place to achieve the outcomes desired.

Memorandum of Understanding between the NSW Police and RSPCA

However, as the Taskforce Commander, it is my intention to utilise the full resources of the NSW Police and its public sector partner agencies as soon as possible to take a number of steps which I believe will form the basis of the solution to the problems presently surrounding animal cruelty and human violence. I am happy to report that one of the steps necessary has already been taken by the NSW Police and the RSPCA prior to the formation of my Taskforce. That step was the creation of a Memorandum of Understanding between the two organisations that governs the supply of both current and historical RSPCA data pertaining to all aspects of animal cruelty, such as incident & offender details and intelligence information, to the NSW Police. The MOU also provides for RSPCA officers attending police stations for the purpose of having police conduct a risk assessment on their behalf (based on NSW Police information holdings) regarding the premises and/or alleged offender involved in the RSPCA's investigation of animal cruelty reports prior to their attending the premises concerned. If police deem there may be a risk to the RSPCA officers, the MOU provides for police to accompany the RSPCA officers to the premises to ensure there is no breach of the peace.

The ability of the NSW Police to conduct meaningful risk assessments has been heightened by the recent appointment of an FBI trained criminal profiler to the Forensic Services Group. This officer is one of only 60 accredited profilers in the world. The skills possessed by this officer now enable police to gain an insight into the minds of violent offenders and this, coupled with the use of criminal analysis software, creates the potential for investigations to be concluded far sooner than one would normally expect. Although the focus of the FSG's profiler will primarily be on sex and violent crimes against the person, the expertise of this officer will be called upon as and when it is considered necessary and beneficial to the investigation of acts of animal cruelty.

Although the creation of this MOU is a significant step forward in our battle against animal cruelty, I intend for my Taskforce to use it as a foundation to be built upon. In this regard, I propose to instigate the formulation of a training package designed to better educate operational police throughout the state regarding a range of issues associated with acts of animal cruelty, such as the proven links between such acts and incidents of child abuse and domestic violence. Not only will this package be designed to raise the

general level of police awareness about animal cruelty, it will also train the police at the frontline that are called to premises to investigate domestic violence or child abuse offences, to also look for key indicators that may point to the possible commission of acts of animal cruelty and vice-versa. The need to properly record and report any acts of animal abuse detected will also be emphasised to all officers. In order to ensure that this package reaches the greatest number of police possible, I propose to enlist the assistance of the NSW Police Education Services Command to deliver the training proposed via the state-wide network of its Education & Development Officers.

Although the resources of the NSW Police will play a significant role in any coordinated joint agency response to acts of animal abuse, the Attorney General's Department will also be a major contributor. For example, the expertise of the staff attached to the AGD's Criminal Law Review Division will certainly be at the forefront of the drafting of any new legislation thought necessary by Government to address any shortcomings that may be identified by my Taskforce during its review of existing legislation pertaining to the treatment of animals in this state. The knowledge, qualifications and experience of AGD personnel will no doubt also be very beneficial to the Taskforce in its review of the adequacy of existing offences and associated sentences and penalties. The Office of the Attorney General will also play a crucial role in any approach to the magistracy or judiciary seeking the creation of sentencing guidelines to be applied to specific animal cruelty related offences.

Role of organisations

The role to be played by the RSPCA and the Department of Primary Industry will also be a substantial one as the forging of closer bonds between all animal welfare organisations, the Australian Veterinary Association and the Taskforce will be critical to the Taskforce achieving the tasks allocated it by Government. The strengthening of these bonds will be necessary if we are to facilitate the improvement of information exchange and the reporting of acts of cruelty that are detected by the veterinarians who are at the frontline in the treatment of injured or sick animals. Regardless of the type of reporting mechanisms that may be recommended or ultimately implemented, my observations are that the move towards closer associations has already begun in some areas and I think this is reflected to a certain extent by the RSPCA's Chief Veterinarian, Mr Mark Lawrie, being recently declared President Elect of the Australian Veterinary Association.

Looking to the future

Other issues to be examined by the Taskforce, such as the possible establishment of diversion schemes for juvenile offenders involved in animal cruelty that are designed to ensure that these anti-social patterns of behaviour in young people are actually addressed rather than being ignored, will require a joint coordinated approach by all agencies on the Taskforce. This coordinated response may even require the involvement of Government agencies external to the Taskforce, such as the Department of Community Services and Department of Health. It may very well be that these diversionary schemes may operate in a similar manner to those schemes employed by the Drug Court, whereby offenders are given the choice of either participating in an approved scheme which provides them with proper treatment for their problems or being given a custodial sentence or having a penalty imposed. Regardless of the type of diversion scheme that may be adopted, the desired outcome should be the same, that is, for juvenile offenders to receive appropriate treatment that results in the cessation of anti-social behaviour thus dramatically reducing the likelihood for these offenders going on to commit acts of violence or abuse against individuals later in life.

The value in treating the underlying causes of anti-social behaviour in young juveniles through the introduction of diversionary schemes will be immeasurable if just one future serious assault or murder is prevented. I would even venture to suggest that had such a scheme been in existence, some of the violent offences that we have seen committed in recent years may possibly have been prevented. It is because that

such a huge potential for preventing the commission of violent crimes in the future exists, that I will ensure that my Taskforce explores this particular proposal to the fullest extent possible.

I think that the actions taken thus far, in tandem with what is planned for the future, augers well for furthering improvements in the welfare and protection of animals generally.

Educating children about humaneness and developing an empathic approach to animals

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Background

As a social species, humans have a biological preparedness to attend to and recognize the emotional needs of others (Hoffman, 1975). The self-conscious emotion of empathy which functions as a social emotion serves largely to bridge the affective states of one individual with those of another (Hastings, Zahn-Waxler, Robinson, Usher, & Bridges, 2000). Empathy has been defined as “an innate, hardwired response connecting us as social beings to the emotional plights of others” (Zahn-Waxler and Radke Yarrow, 1990; p. 111).

For the vast majority of children empathy development progresses along a normative path and indeed, the majority of children develop adequate levels of empathy that are maintained into adulthood. In contrast, compromised or lower than normative levels of empathy are characteristic of non-normative development and can be markers of risk for pathological development. For example, children with conduct disorder behaviour typically have lower levels of empathy (Hastings et al., 2000; Luk, Staiger, Wong, & Mathai, 1999).

Research has indicated that amongst the predictors of non-normative empathy development, are the contextual/environmental factors of compromised development of secure attachment bonds with significant others (i.e. primarily parents/caregivers) or family environments characterized by low nurturance and low empathy. Included toward the more extreme negative end of such environments are the experiencing and/or witnessing human or animal abuse. In one of the earliest existing studies showing this relationship, Tapia (1971) reported that among boys with a history of cruelty to animals, parental abuse was the most common explaining factor for the boys’ animal abuse. There is also substantial empirical support for the intergenerational transmission of abuse (Black et al., 2001). It has been proposed that the abuse of animals may constitute a displacement of aggression from humans to animals that perhaps occurs through the child’s identification with their abuser and thereby promotes a some sense of control or empowerment in an otherwise helpless situation characterized by powerlessness. The process of becoming abusive may also occur through the child’s repetition of behaviours they have observed or been the direct victim of.

Defining the problem

Ascione (1993) has defined animal abuse as "socially unacceptable behavior that intentionally causes unnecessary pain, suffering, or distress to and/or death of an animal" (p.51). Similarly, Felthous and Kellert (1986) have defined cruelty to animals as a "pattern of deliberately, repeatedly, and unnecessarily hurting vertebrate animals in a manner likely to cause serious injury" (p. 57). Both definitions incorporate an element of intent to harm and Ascione's definition incorporates an element of "social acceptability" consistent with definitions of human directed violence, particularly child abuse (e.g., Black et al., 2001).

Individuals who are abusive toward others including animals have been shown to be characterized by low empathy, high callousness, as well as low impulse control. Animal (and human) cruelty is also listed as one of the diagnostic criteria for Conduct Disorder (CD) in children. CD is characterized by “a repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated” (Diagnostic and Statistical Manual-IV - Text Revised (DSM-IV-TR; American Psychiatric Association [APA], 2000, p.98). Although many of the behaviours associated with CD may occur, in varying degrees, in most children over the course of normal development (Kazdin, 1987), such behaviours are defined as clinically significant if “there is significant impairment in everyday functioning at home or school, or when behaviors are regarded as unmanageable by significant others [i.e., major caregivers such as parents and teachers]” (Kazdin, 1987; p.187).

The link between human and animal abuse

There is increasing evidence too that there is a strong co-occurrence between animal abuse and human abuse particularly, within the family environment (e.g., Ascione, 1998; Daniell, 2001; Flynn, 2000a & b). Recently the findings of past research work have been replicated in the only existing Australian study conducted to date (Gullone, Volant & Johnson, 2004). This study involved a group of 102 women recruited through 24 family violence services in the state of Victoria and a non-family violence comparison group (102 women) recruited from the community. The findings included that a significantly higher percentage of mothers reported that their children committed actual pet abuse in the family violence group (29%) compared to the community sample (0%). It was also found that 46% of women in the family violence sample reported that their partner had threatened to hurt or kill their pet compared with 6% of women in the community sample. Similarly, a markedly larger percentage of family violence group women (53%) reported that their partner had hurt or killed their pet compared those in the community sample. Out of the 104 family violence cases, 17.3% reported that their pet(s) had been killed.

A total of 34 women in the family violence sample were living in a refuge, crisis accommodation or transitional housing (as opposed to outreach services). Of these 34 women, a total of 33% reported that they had delayed leaving: 3% reported that they delayed leaving for one week, 3% delayed leaving for between 3 and 4 weeks, 21% delayed leaving for 8 weeks, and a further 6% were unable to quantify their period of delayed leaving.

On the basis of such research, it is now accepted that a predictable "link" exists between human violence and animal cruelty. The research outcomes also confirm the hypothesis that when children are found to be abusing animals, there is a significant probability that they have witnessed and/or experienced abuse. These findings indicate that children's abuse of animals should be taken very seriously as it may well be a marker of other sinister crimes.

Also of importance are research outcomes suggesting that animal abuse in adulthood is predicted by reports of severe animal torture and killing in childhood and adolescence (Kellert & Felthous, 1985; Ressler, Burgess, & Douglas, 1988). For example, Kellert and Felthous (1985) reported that the family backgrounds of aggressive criminals were characterized by extreme violence. As many as 75% of the aggressive criminals reported excessive and repeated animal abuse as children. In contrast, 31% of a sample of non-aggressive criminals and 10% percent of non-criminals reported animal abuse as children.

Animal abuse and criminal behaviour

Further, research has shown that animal abuse is predictive of other types of criminal behaviors. Arluke, Levin, Luke, and Ascione (1999) obtained their data from official records of criminality. Their study also included a comparison group. They identified people who had been prosecuted for at least one form of animal cruelty from the records of the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) between 1975 and 1986. They defined cruelty as cases "where an animal has been intentionally harmed physically (e.g., beaten, stabbed, shot, hanged, drowned, stoned, burned, strangled, driven over, or thrown)." (p. 966). Their sample comprised of 153 participants of whom 146 were male. The comparison group was constituted from individuals matched to the abuse group on variables including gender, socioeconomic status, and age. The study results indicated that animal abusers were significantly more likely than the comparison group participants to be involved in some form of criminal behaviour, including violent offences. Specifically, 70% of those who abused animals also committed at least one other offence compared with 22% of the control group participants. The differences ranged from 11% for the control group and 44% for the abusive group on property-related crimes to 12% for the control group and 37% for the abusive group on public disorder related crimes. For violent crimes, the two groups differed substantially (7% and 37% for the control and abusive groups, respectively). Based on their findings, the authors concluded that a single known act of animal abuse was significantly predictive of increased participation in other criminal offences when compared to a matched sample of adults who did not abuse animals.

Australian Victoria Police data provide support for the findings reported above. Data were obtained from the Statistical Services Division of Victoria Police for all recorded offences in Victoria, Australia for the years 1994 to 2001 (inclusive). Out of four categories of offence (Offences against the person, Offences against property, Drug offences, Other offences) for all alleged offenders, the data clearly show that the largest proportion of offences was consistently that against property, ranging between 79.52% (number = 344,905) of total offences in 1998 and 80.85% (number = 354,785) in 1999. Over the eight year period, offences against property constituted 80.8% of the total 3,364,078 crimes committed in Victoria. Drug offences consistently constituted the smallest proportion and ranged between 2.84% (n = 12,838) in 2001 and 4.23% (n = 18,354) of total offences in 1998. Of note, offences against the person also constituted a relatively small proportion of the total number of crimes at an average of 7.71% of all crimes over the eight year period with the lowest percentage of 7.98 recorded in 2000 and the highest percentage of 8.01 recorded in 2001.

The equivalent statistics relating to criminal offences, classified into the same four categories nominated above, but for alleged animal abuse offenders only, revealed that, for animal abuse offenders, the average percentage of offences committed against the person was substantially higher compared to the percentage for all alleged offenders (25% compared to 8%). The category of offences against the person included such crimes as homicide, rape, assault, abduction/kidnap, and harassment. Importantly, these statistics are remarkably similar to those reported by Arluke et al., (1999) as described above. Thus, there appears to be a greater likelihood that people alleged to have abused animals will engage in offences against the person, including violent crimes, when compared to all alleged offenders. Other findings based on police data in NSW further support “the link” and are reported in the proceedings of the talk given by Carlene York.

The human-animal bond

The discussion thus far has centred on animal cruelty as a marker of other criminal or anti-social behaviours. An understanding of why some children are abusive toward animals as well as an understanding of the significance of children’s abusive behaviours is central to the effective development of humane intervention strategies aimed at promoting the children’s humane treatment of animals, and also in hopefully breaking the cycle of abuse for such individuals. However as well as understanding the factors that predict maladaptive or pathological pathways, it is important to acknowledge the characteristics and predictors of adaptive and normative pathways.

The research that has been conducted thus far on children’s *normative* relationships with animals suggests that most children are fascinated by animals, are attracted to them, and are more likely to treat them kindly than to abuse them. For example, studies of children aged five years and older (e.g., Rost & Hartmann, 1994) have suggested that they turn to companion animals for reassurance when feeling stressed. In the absence of a confidante, children will turn to their companion animals and share their secrets.

Indeed such can be said about humans generally. As a consequence of evolutionary processes, humans have developed an innate tendency to become affiliated with life and lifelike processes (Gullone, 2000; Wilson, 1993). There are many indications that humans have a tendency to affiliate with non-human species. In recent times, there is increasing evidence that, in Western society, we are more and more tending toward humanizing our companion animals to the point that we accord them family member status and strongly grieve their passing. Research has also shown that humans can benefit significantly from their relationships with non-humans animals.

Included is research demonstrating the physical benefits associated with companion animal ownership. For example, Friedmann, Katcher, Lynch, and Thomas (1980) found that pet owners were more likely to be alive one year after discharge from a coronary care unit compared to non-owners. Importantly, the relationship of pet ownership to survival was independent of disease severity and other sources of social support. In a subsequent epidemiological study (Friedmann & Thomas, 1995), using large samples of coronary heart disease patients, it was found that dog owners were approximately 8.6 times more likely to be alive after one year compared to non-dog owners. This effect was independent of other social supports available and of the physiological severity of the cardiovascular disease.

In a more recent Australian study (Anderson, Reid, and Jennings, 1992), 5,741 people attending a cardiovascular disease-screening clinic were also asked about pet ownership. It was found that compared to the 4,957 non-pet owners, pet owners were at significantly reduced risk of coronary heart disease. Other benefits, albeit only investigated in the short-term, reported to result from contact with animals include a direct effect of petting animals on human blood pressure and heart rate and also stress-moderating or stress buffering effects.

Even the mere observation of animals has been shown to result in reduced physiological responses to stressors and in increased positive moods (e.g. Rossbach & Wilson, 1992). For example, research by Katcher and others (DeSchriver & Riddick, 1990; Katcher, Segal, & Beck, 1984) demonstrated that watching fish in an aquarium was as relaxing for patients about to undergo oral surgery as hypnosis. Other research has shown that the presence of an animal increases social interaction among humans and also the social attractiveness of humans (e.g. Hart, Hart, & Bergin, 1987; Lockwood, 1983). For example, Lockwood (1983) found that when showing study participants a series of scenes including one or two people, identical scenes with and without animals present generated very different responses. Specifically, the people in the scenes incorporating animals were perceived to be happier, friendlier, and less threatening.

In their attempts to highlight the salient aspects of the human-animal bond, studies (e.g. Siegel, 1990) have found that, when asked about the benefits that their pets provide, people typically describe their relationships as being characterised by feelings of companionship, security, and of being loved. Newby (1999) elaborates on these relationship qualities: "Through thousands of years of co-evolution, cats and dogs have developed an emotional responsiveness to humans unparalleled in the animal kingdom. Whether artifice or not, they often seem to hang on our every word. They respond to our signals of sadness with a lick or a flop of the tail. They purr and rub against us with every appearance of total delight when we return home. They come to us with unmistakably expressed desire for our company and make us feel as though someone cares." (p.184).

Humane intervention

Based on research findings indicating that the sort of environment that a child lives that is predictive of cruelty is one of violence, or abuse, we have some understanding that children who abuse animals and those most in need of humane intervention, are those whose relationships are characterized by a sense of powerlessness and mistrust. One of the important aims then of any successful humane education intervention needs to be one of providing children with the opportunity for control (i.e. self-efficacy) in a "safe" environment where they may develop a sense of mastery and competence. Melson (1990) has recommended reframing the power and dominance framework that has most likely coloured their life into one of nurturance and care. The very non-judgemental nature of human-animal interactions (i.e., unconditional positive regard) provides a central and very natural important characteristic that makes such a reframing, if done in a supported context, not at all difficult.

The importance of such a reframing from the negative to the positive is further supported by Frick and colleagues' (1994) findings that CD children with callousness traits have been demonstrated to be reward rather than punishment motivated. Such a proposal has also been put forth by Frick and Ellis (1999) where they have argued that "interventions could be developed that focus on ...reward-oriented approaches to socialization rather than punishments, or that focus on helping these children develop skills or hobbies in which they can become invested ...that they would not want to lose due to the consequence of their antisocial or delinquent behavior." (p. 165). As proposed by several authors (e.g. Ascione, 1992; Ascione & Weber, 1996; Paul, 2000), if such efforts specifically target the promotion of positive interactions with non-human animals, they are likely to interrupt the decrease in empathy demonstrated in the developmental trajectories of at-risk children (c.f., Hastings et al., 2000) and promote engagement in socially acceptable behaviours that engage children otherwise demonstrated to be emotionally disengaged (Frick & Ellis, 1999).

Humane intervention programmes that incorporate animals with a view to focusing on the appropriate handling, caring, and understanding of the animal's needs have been proposed as a strategy for improving children's recognition of the potentially harmful consequences of their actions for others. "Taking care of

animals teaches children responsibility and lets them know they count.” (Ross, 1999, p.368). Further, caring for animals encourages caring attitudes and behaviour (Serpell, 1999). It fosters self-esteem in pre-school and primary-school aged children in addition to engendering a sense of achievement, nurturing capacities, cooperation, and socialisation, all of which contribute to the building of empathy (George, 1999).

Other important reasons for including human-animal contact are based on what we know about normative child – animal relationships. Specifically, research has suggested that children are more likely to be attentive and to have increased motivation levels if animals are involved. Factors such as increased motivation, curiosity, and fascination all promote learning through an enhanced sense of engagement and an increased state of alertness (Bandura, 1977; Mischel, 1973). An additional important variable that may play a part in promoting positive human relationships is what is referred to as the “Social Lubricant Effect” (cf. Levinson, 1969). Children are likely to be seen and interacted with more positively when interacting with an animal due to this effect – a finding consistently observed in research investigating perceptions of the attributes of people when in contact with animals (e.g. Eddy, Hart, & Boltz, 1988; Mader, Hart, & Bergin, 1989).

Conclusion

In sum, research is increasingly pointing to the important role played by empathy for promoting responsible and socially acceptable behaviour. In particular, empathy has been proposed to constitute a protective factor against the development of behaviours characteristic of Conduct Disorder including aggression, lying, stealing, destructiveness, and cruelty (to humans and animals) (Hastings et al., 2000). Importantly, it has also been argued that a positive disposition toward animals predicts a positive disposition toward humans (e.g., Ascione, 1992; Paul, 2000). In other words, empathy toward animals generalizes toward humans.

In conclusion, given the central role that a humane ethic has been shown to have for the promotion of both socially acceptable behaviour and mental health, particularly for our young people, it is important that educators and policy makers take on the challenge of incorporating humane education programmes into young children’s formal education. It is proposed that, in keeping with current mental health promotion strategies, such programmes be administered in a preventative and universal manner with children of primary school age. Given demonstrated relationships between animal abuse, family violence, criminal behaviour, and psychological distress, the outcomes of effectively delivered humane education programmes are likely to have far reaching beneficial societal effects.

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Teaching safety and respect – experience from educational and community programs

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Background

Menzies Inc. is a not-for-profit welfare organisation based in Frankston, Victoria. They have been involved in the provision of residential care services for young people since 1865. In 2002, prompted by a desire to move into work with young people that was based on the prevention of problems, they commissioned research about the local area – Frankston and the Mornington Peninsula – and came up with the following information:

- that the area has higher than state average levels of family violence, child abuse and neglect
- that there is a relative service gap in the region for young people aged 8 to 12 years of age.

This information provided the basis of the next stage of investigation, which was to identify 'best practice' in working with young people of this age group who come from a background of violence or neglect. Several models were identified, and the one that was chosen was that of Animal Assisted Therapy, based on an American program – Forget-Me-Not Farm at the Sonoma County Humane Society. (SuccessWorks, 2002; www.sonomahumane.org)

This program began with groups of children from a local domestic violence refuge visiting the Humane Society to take part in activities based around animals, growing food for animals (and people), and sharing the experience with caring adults. Supported by volunteers, the program takes place on land at the rear of the shelter and has now been working successfully with young people for over 10 years. The aims of the program are to increase young people's empathy, allow them to develop 'mastery' of skills and give them the opportunity to grow and develop into healthy young people.

(www.sonomahumane.org/farmhistory.htm)

Adopting this program as the basis for its therapeutic work, Menzies Inc. expanded the concept to include significant elements of universal prevention programs combined with community and family strengthening. This led to the purchase of the current site of 'Sages Cottage & Children's Farm', a 34 acre Heritage listed property in Baxter, about an hour's drive out of Melbourne. The program is an ambitious one, the first of its kind in Australia.

Sages Cottage and Children's Farm

The property boasts a vertical slab cottage that was the home of the Sage family for over one hundred years, and for the last quarter of a decade has operated as a restaurant. It is well known in the local area and provides the perfect location for a program designed to broadly engage the community. Still under development, Sages Cottage & Children's Farm has three identified areas of operation:

1. Therapy
2. Education
3. Community

The animal program is therapeutic in the sense that there is an expectation that young people will make lasting and deliberate changes, under the guidance of adults with particular training. Being seen to be taking part in 'therapy' can be stigmatizing, so the offering of programs in a beautiful setting that is full of healthy, fun, desirable activity is quite deliberate. Violence is something that happens to young people and our efforts to assist them need to emphasise that they are not at fault. The concept of Sages Cottage &

Children's Farm is that it will surround young people with a healthy, supportive community, giving them the opportunity to develop as healthy individuals themselves.

Local schools are involved in a number of ways, taking part as volunteers in animal care and horticultural work. In the future, education programs will be offered, extending the reach of the program to young people throughout the community.

There is already a significant volunteer presence on the Farm, where several thousand volunteer hours have accumulated in the first year. Young people attending programs are always able to see adult volunteers at work on the property, and often express amazement at the number of people they see 'working for nothing' (i.e. no money). The impact of this visible demonstration of caring cannot be underestimated.

Guiding Principles of Animal Program

Everyone who comes onto the property receives an induction into the Farm principles of 'Safety and Respect' – children, staff and volunteers. Broadly, these are defined as:

Safety

- Physical and emotional safety of people
- Healthy, well cared for animals
- Safe physical environment and work practices

Respect

- People and animals treated with respect
- Treat the land and our heritage with respect
- Manage the property for the future – follow principles of sustainability

We have found these guiding principles to be very powerful, whether dealing with young people calling each other names, or adults trying to resolve differences of opinion. They provide a reason for seeking non-violent solutions to problems at all levels, with the modeling by adults again seen as a significant factor in the success of the therapeutic programs.

With young people, we often experience a phenomena described by Lyn Loar in her book 'Teaching Empathy' (Loar and Colman, 2004). Young people receive a general introduction to the Farm where we talk about safety and respect, with an emphasis on the animals and the rules for dealing with them. For many young people, the standards we set for treatment of our pet guinea pigs, rats, lizards and so on represent better treatment than they receive themselves. What this has meant is that they identify us as people who are going to care about their situation, and we often receive disclosures of family violence or abuse from young people within a week or two of coming to the Farm. What this means in practice is that we have to be ready to act on this information in a real way – generally by passing it on, with the child's permission, to other relevant professionals who have an established role in the child's life. If we don't act, we risk becoming just another adult who failed to protect the child from harm.

Individuals and small groups (4-8 children) attend the Farm one day a week for a two hour session. The young people currently attending are referred from a number of places. These include the Department of Human Services, Juvenile Justice, schools and non-government organizations. Having a prerequisite that children need to have a background of 'exposure to violence' opens a Pandora's Box of referrals.

Understanding the issues

Our current participants include young people with extreme behaviours – those who have withdrawn from the world and those who ‘act out’ against it, as well as groups of very average seeming young people. We talk to them about safety and respect, about working to teach our animals that people are gentle and safe, and they talk to us... often unpacking story after story of animal neglect and abuse.

‘We had a dog until my Dad stepped on its head’

‘We’ve had 19 pets but they’ve all died of a mysterious disease’

‘I can’t have a cat because Dad will kill it’

‘My sister killed all our ducklings with a baseball bat’

‘Oh yeah, we had three baby parrots. One flew away, one died when my sister was playing soccer with it. The other one died when I was hugging it – I loved that it so much’

‘My first guinea pig died in the heat of the back yard, so I kept the next one in my cupboard the whole time. But it died too’

‘I hate my Dad. He killed our dog.’

In context, none of these stories are surprising. Some are from victims of what we now know is not uncommon – an adult perpetrator of violence using the child’s natural attachment to their pet to control and threaten. When the children themselves are involved in hurting animals, it may be that they are neglected children doing their best for loved pets, but making mistakes because there is no-one with more knowledge to help them. Others are angry, acting out their rage on the only things more powerless than they – animals. Heartbreakingly, the pet they hurt is often their only friend, and the act an impulsive, much regretted one.

Statistically, few of these children will grow up to perpetrate acts of violence towards animals or people. Some will - others at this conference have talked about the links between violent behaviour towards animals and people. One factor that is indicated in those who do commit acts of cruelty is lack of empathy, and this is one of the factors that Animal Assisted Therapy programs like the ones run by Menzies Inc. are meant to address.

Empathy – seeing the world through another’s eyes...

Children in the 8 to 12 age group are developmentally beginning to separate from family and develop more as individuals. They are able to form relationships with animals, often perceiving them as friends and confidants. Animals offer the experience of unconditional love and gentle touch – both of which may be unfamiliar to the young people in our programs. The animals are interesting and highly motivating, engaging even the most resistant young people.

Having empathy is a natural thing, so what we are doing is providing opportunities for empathy to strengthen rather than having to create it. Even the young people who talk about ‘hating all of humankind’ still worry about things like one guinea pig feeling lonely if it doesn’t get cuddled – and this is empathy. Whenever we imagine seeing the world through someone else’s eyes, feeling what they feel and thinking what they think, we are practicing empathy. Children do it all the time with animals.

The beginning can be as simple as finding a link between their situation and someone else’s. Our pet pig had been raised as a family pet, and when she could not stay healthy in a suburban back yard, she was donated to the Farm – along with the couch she slept on at night. Many children in out-of-home care hear that story, observe her couch and straw pile and tell us quite seriously that she really needs a television!

When children handle animals at the Farm, we remind them that in this situation, they are the teachers. The way they handle the animal will teach it whether people are safe or unsafe. What they teach will not only affect their relationship with that animal, but that of others. It is so enjoyable to be greeted by animals who seem excited to see people, that none are willing to do anything that might change that. Even young people who often display violent behaviours in other settings can be seen being gentle and calm. Every animal interaction is closely supervised, so there is always an adult on hand to reinforce this with a positive comment or a shared smile. Working with the animals is so motivating that the young people control their

behaviours and interact appropriately the majority of the time. Positive comments flow naturally as a result, and relationships with adults are forged by the shared experiences.

The animals at the Farm are all carefully chosen. They are tested for their temperament and observed carefully to ensure that their behaviour indicates that they are not stressed by their interactions with such a variety of people. Anyone who has heard the raucous squealing of our guinea pigs when children enter the room (kids=cuddles and celery!) could only conclude that these animals are as involved in these programs as the human participants are.

Conclusion

It is early days yet, but the indicators are that this is a strong project that is making a real difference to many lives. Menzies Inc. is working in partnership with many other organizations to make sure that these programs are effective and beneficial. Violence tends to be perpetrated towards those who are vulnerable – and animals and children are among the most vulnerable groups in our society.

The program at Sages Cottage & Children's Farm is one example of how animal and human welfare organizations can work together to ensure more positive outcomes for everyone. Thank you for the opportunity to speak in such a forum. The possibilities for future collaboration are very exciting.

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Keeping kids and animals safe – a pilot project for children who demonstrate cruelty to animals

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Introduction

In recent years there has been a lot of research that demonstrates the link between animal abuse by children and interpersonal violence in later life. The research has mainly been in identifying the links and it seems there is less research on the solutions to the problem. The RSPCA Victoria Education Department is interested in seeing if it can contribute to solutions to this issue and so was a willing partner when contacted by the Children's Protection Society to join in a trial project that aimed to keep kids and animals safe.

Both organisations are under no illusions as to the difficulty of effecting change to children who abuse animals given the difficult environment in which many of these children live. However we are willing to use the resources at our disposal to see if we can have some positive effect.

But we need to be clear about what we are trying to achieve. Our objectives for the teaching component of the program need to be well understood. At the most basic level, education is about two things – teaching and learning. At its best, this can be inspiring, fun, beneficial – even life changing. At its worst it can be dull, boring and off-putting. So to be effective you must endeavour to be engaging to the learners and be clear about your objectives.

Objectives of the project

The educational objectives for our component of the project are as follows:

1. Awareness. This provides you with a realisation, a grasp, a preliminary understanding or recognition. It does not mean a detailed understanding and is a starting point on which to build. To have the development of 'an awareness' is not enough!
2. Knowledge. By providing people with facts, information, interpretations and details they can develop a more comprehensive understanding. This can be built on with experience so that greater insight is gained. However while 'knowledge of the facts' might be important it still may not be enough to provide a tangible and desirable result.
3. Skills. The development of skills means providing a new ability or proficiency to do something. So intellectual skills can be developed in measuring, recognising, or analysing whereas there are physical skills such as catching or hitting a ball, or to use a relevant skill, holding and restraining an animal.
4. Attitudes. This involves a more subjective element – the development of feelings, emotions and values. Your values and attitudes mean that you are more likely to be interested in something, or motivated by it and want to do something about it. Hence if your values are clear your actions or behaviours are likely to be more consistent.
5. Action. This involves behaving in a different way, participating or doing something. It is the outcome of any education program that is the most desirable. It is the result of having greater knowledge and understanding, the skills of how to do something appropriate, plus the motivation to want to do something. If we want children to treat animals properly then we want them to act in a certain way. This is the real goal of our education programs.

The target audience for the program has been identified as kids who have demonstrated cruelty to animals. The strategies used to treat these children will be firstly to provide an information sheet to help parents and caregivers identify them. This will be followed by interviews, counselling, teaching and last but not least, to provide them with animal encounters in the RSPCA Education Centre. To enable them to get up close to a range of socialised animals and gain positive, first hand experiences with live animals.

Role of animals in education

It is important to realise the impact that live animals can have. Powerful, personal experiences with animals can have a high impact. The RSPCA Education team uses a variety of resources to make learning experiences relevant, meaningful and memorable. Primary among these resources is a collection of healthy, conditioned animals that can be touched and fed by participants who visit the RSPCA Education Centre in Burwood East. These animals are located in a rustic barn that stimulates the senses of sound, smell, touch and sight. It is all about exciting, hand-on learning that brings students and animals together in enjoyable experiences that fulfil curriculum requirements while developing responsible and caring behaviour.

Animals fulfil a number of crucial roles in RSPCA Education because they:

- engage the emotions of participants
- provide multi-sensory learning opportunities
- offer interactive experiences
- facilitate demonstrations of appropriate husbandry
- allow opportunities for observation, measurement and comparison
- help us explain sources of food and textiles
- demonstrate physical and behavioural adaptations.

The interaction between people and animals in an educational setting can provide an emotional engagement. The role of this emotional engagement is important to understand and cannot be understated. Rachel Carson, the internationally renowned biologist and author of the best-selling book 'Silent Spring' wrote:

'Once the emotions have been aroused - a sense of the beautiful, the excitement of the new and unknown, a feeling of sympathy, pity, admiration or love - then we wish for knowledge about the object of our emotional response. Once found it has lasting meaning.'

The task of 'developing responsible and caring behaviour towards animals' is made far more effective if emotional connections between participants and animals are established. This is best achieved when people have opportunities to interact with animals especially within a context of respect, understanding and care. Put simply, emotional engagement results in positive action.

A key message is that a most powerful and effective educational resource is an animal! We have found that students remember our pet dog long after the Education Officer is departed. Equally students will not go home after a school excursion and talk about the new video or movie they have seen anywhere near as much as they will talk about how today they patted a Clydesdale, milked a cow or collected eggs from a nest for the first time. First-hand, concrete experiences that interest, engage and entrance students are those that become memorable, lasting and hence effective.

Our goal therefore is to ensure that children who abuse animals change their behaviour and act in a certain way towards animals at all times. We aim to prevent animal abuse and replace it with care, kindness and compassion. This will be the contribution the RSPCA aims to make to the trial project 'Keeping kids and animals safe'. Congratulations to the Children's Protection Society for this initiative.

How animal welfare science assists in defining cruelty to animals

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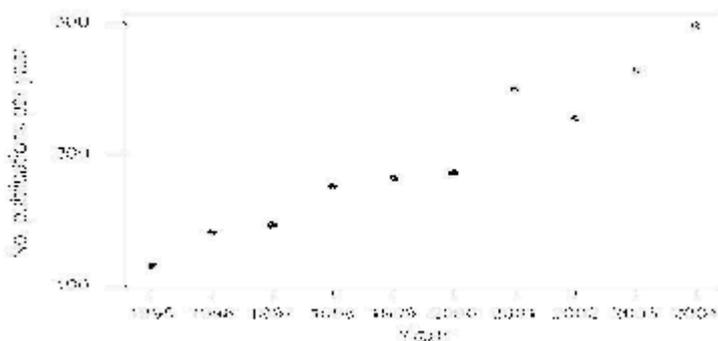
Introduction

Animal welfare science is relatively new. Although philosophers and ethicists have espoused their views on the way in which animals are treated for thousands of years, it is only in the last thirty years that the science of animal welfare has become established. A small number of European scientists were responsible for the early development of the science, foremost amongst which were David Woodgush, Donald Broom and Marian Dawkins. An early forum for such scientists to meet was the Society for Veterinary Ethology, now the International Society for Applied Ethology, which has become the major society dedicated to animal welfare issues, despite its obvious focus on ethology (the science of animal behaviour). Later we shall see that scientific activity in relation to animal welfare is even greater in veterinary medicine than ethology, but without the guidance of a major society.

The recent increase in animal welfare science

In recent years public concern for the welfare of animals has grown dramatically in the developed world, and this has led to an increase in attention given to the science, which is seen by many as the best solution to the increasingly entrenched positions occupied by the animal rights lobby and those who make their living from animals, such as research scientists, farmers, keepers of hounds for hunting etc. The scale of this increase in science is evident from the increase in the number of publications on animal welfare in scientific journals (Figure 1), which has been linear over the last ten years, with the number of annual publications increasing by about 20 each year. The reasons for the increase in public concern for animal welfare are much debated (e.g. Rollins, 2002) and will not be considered here.

Figure 1: Number of animal welfare¹ articles in the electronic database of scientific journal articles (Web of Science, 1995-2004).



¹ All articles containing 'animal welfare' in the abstract or key words in the electronic database of publications in scientific journals, Web of Science. Note that in America the term 'wellbeing' is often used when referring to animals, in preference to 'welfare', as the latter is sometimes confused with state aid to humans. However, in this search only 9 articles contained 'animal wellbeing' and not 'animal welfare', thus the survey is believed to be reasonably comprehensive. Many articles address animal welfare without specifically mentioning it, but this is likely to be reasonably constant over the years of this study.

The areas of research represented by animal welfare articles, as classified by the Web of Science, are listed in Table 1. Veterinary sciences are responsible for over half of the publications, with zoology and domestic animal science being responsible for most of the rest. A small minority are devoted to ethical and economic issues.

The number of publications in the areas defined by the Five Freedoms is presented in Table 2. The majority are devoted to health aspects, and to a lesser extent behaviour. This confirms the Web of Science classification, with veterinary sciences being the most widely represented research area in animal welfare. The areas of fear and discomfort are not well researched, perhaps because they are less easily identified in animals, compared to disease and behaviour. Nutrition is also not well researched in relation to welfare, despite the long standing record of domestic animal nutritional investigation. This may be partly because the impact of animal welfare is less obvious than disease, but also because domestic animals are generally well fed, albeit often with foods that differ markedly from those that they evolved to consume.

The other major animal 'need' is reproduction, although it is partially covered under 'normal behaviour'. The number of articles containing the terms animal welfare and 'reproduction, breeding or prolific' is only 188, demonstrating that the area receives little attention.

The language of most articles on 'animal welfare' (Table 3) was, as expected, predominantly English. However, the significant proportion of articles in German, relative to English (12.5%) is worthy of note, given that the proportion of articles in other disciplines that are in German, relative to English, is less: nutrition (4.6%), animal reproduction (2.5%), toxicology (2.0%).

Table 1: Number and proportion of animal welfare scientific papers in different disciplines, as determined from the Web of Science electronic database of scientific journal articles from 1945-2005

Field	No.	%
Veterinary Sciences	1110	55.5
Zoology	481	24.1
Agriculture	473	23.7
Toxicology and Medicine	80	4.0
Environment	79	3.9
Food Science and Technology	69	3.5
Behavioral Sciences	57	2.9
Ethics	52	2.6
History and Philosophy of Science	45	2.2
Psychology, Biological	33	1.7
Ecology	26	1.3
OTHER	157	7.8

Table 2: Number and proportion of animal welfare scientific papers in the Five Freedoms (and respective key words), from the Web of Science electronic database of scientific journal articles from 1945-2005.

Freedom from pain/injury (pain, injury, disease,health)	4793
Freedom to perform normal behaviour (behaviour, behavior)	2599
Freedom from fear and distress (fear, distress, stress)	1286 ²
Freedom from hunger and thirst (nutrition, nutrient, food, eat, hunger, thirst, drink)	1247
Freedom from discomfort (discomfort, comfort, space)	486 ³

Table 3: Language of animal welfare scientific papers containing ‘animal welfare’ in the Web of Science electronic database of scientific journal articles from 1945-2005.

Language	No.	%
English	1706	85.3
German	243	12.2
French	19	0.9
Hungarian	19	0.9
Other	13	0.7

Table 4: Number and proportion of animal welfare scientific papers in different journals, as determined from the Web of Science electronic database of scientific journal articles from 1945-2005.

Journals	No.	%
Animal Welfare	354	17.7
Applied Animal Behaviour Science	120	6.0
Veterinary Record	91	4.5
Deutsche Tierärztliche Wochenschrift	84	4.2
Atla-Alternatives to Laboratory Animals	82	4.1
Journal of the American Veterinary Medical Association	42	2.1
Acta Agriculturae Scandinavica	41	2.1
Australian Veterinary Journal	40	2.0
Journal of Agricultural and Environmental Ethics	39	1.9
Altex-Alternativen Zu Tierexperimenten	36	1.8
Laboratory Animals	35	1.8
Journal of Animal Science	34	1.7
Zuchtungskunde	29	1.5
Animal Science	27	1.4
Livestock Production Science	27	1.4
OTHER	170	7.7

The main journals in which animal welfare articles were published are listed in table 4, with the majority going into two journals specializing in animal welfare and ethology: Animal Welfare and Applied Animal Behaviour Science. Veterinary journals published a significant number of animal welfare articles, but the number in traditional animal science journals (Journal of Animal Science, Animal Science, Livestock

² Only 424 if stress omitted.

³ Only 114 if space omitted.

Production Science etc.) was small. This may reflect a reluctance of some editors in these traditionally production-orientated journals to accept scientific papers on the new science of animal welfare.

The main organizations responsible for publishing the research in animal welfare are listed in Table 5. The preponderance of British and other northern European institutions is evident, as well as the lead taken by universities in this field, as compared with research institutions. The only major institution in the southern hemisphere publishing in this field is the University of Massey and there are no Australian organizations represented. This reflects the more progressive attitude to animal welfare change in northern Europe than elsewhere (Broom, 1992).

Table 5: Number and proportion of animal welfare scientific papers from different organisations, as determined from the Web of Science electronic database of scientific journal articles from 1945-2005

Organisation	No.	%
Univ Bristol	68	3.4
Univ Edinburgh	49	2.5
Univ Utrecht	47	2.4
Royal Vet & Agr Univ	42	2.1
Univ Oxford	38	1.9
Swedish Univ Agr Sci	34	1.7
Univ Cambridge	33	1.7
Danish Inst Agr Sci	30	1.5
Scottish Agr Coll	29	1.5
INRA	25	1.2
Massey Univ	24	1.2
OTHER	222	10.3

The types of animals that are the subject of the animal welfare research are listed in Table 6. The major subject of the research was farm animals, with cattle, pigs and poultry featuring most strongly. The quantity of research on cattle and sheep is very significant, given that most public complaints are levied at the pig and poultry industries because of their intensive housing systems, compared to cattle and sheep. The large amount of farm animal research, compared to other types of animals, may reflect the fact that research facilities and personnel were already established for the purpose of increasing productivity, particularly in the aftermath of the Second World War during which many countries had been vulnerable to food shortages. The changed directive of many of these research units is away from research to increase productivity to sustainable farming systems that do not damage the environment or offend the consumer by their lack of care for animal welfare. Such established research capabilities have not been available for other types of animal use, even though the public had similar concerns for their welfare (Folsch, 1984). This capability in farm animals has matched the concerns by industry that consumers may be influenced in their buying habits by welfare issues, and therefore more research funding is provided by farming than other animal industries. Hence the attention paid to farm animals by the scientific research community is greater than that paid to entertainment, experimental, companion, fibre and wild animals together (Table 6). Of the other areas, only racing animals' commanded significant attention, which was probably predominantly research on horses.

Identifying the most important animal welfare problems that industries have, does not necessarily indicate where changes should be made, since the most serious problems may have greatest commercial impact. The type of research sponsored by the farming industry is largely directed at making the greatest improvement in welfare with minimum impact on production efficiency.

Table 6: Number and proportion of animal welfare scientific papers with reference to the different animal types (described in more detail in Appendix 1), as determined from the Web of Science electronic database of scientific journal articles from 1945-2005.

Animal type	Number of articles
<i>Food animals</i>	
Cattle	557
Pigs	506
Poultry	413
Sheep	270
Goats	21
Total	1767
<i>Entertainment animals</i>	
Racing	457
Zoo	78
Circus	8
Rodeo	1
Total	542
<i>Experimental animals</i>	
Mouse	114
Rat	27
Total	442
<i>Companion animals</i>	
Horse	109
Dog	78
Rabbit	45
Cat	39
Hamster/gerbil/guinea pig	27
Total	298
<i>Fibre animals</i>	
Fur	69
Mink	61
Wool	16
Total	137
<i>Wild animals</i>	116

Some topics that deserve research attention because of their significance to welfare may be avoided because of the potential impact on production efficiency. However, if the public find a particular practice offensive, for example mulesing, there may be sudden changes demanded which leave industry wishing that more research into alternative practices had been funded. Industry therefore needs to be aware of public concerns and changes over time, so that they can react with research funding to find alternative solutions. A minority of scientists are proactive in animal welfare research, attempting to work on areas that they believe should be high priority, even though research funding from industry is directed almost exclusively to issues that industry selects.

Some serious problems may be so far from identification of solutions that industry shies away from committing funding. Such is likely to be the case in the under-researched Freedoms identified in Table 2 or species identified in Table 6. Governments should be aware of significant welfare problems that industries avoid because of their commercial significance or the excessive funds required to provide solutions. They should maintain an overview and preferably some control over funds provided for animal welfare scientists from the different industrial sectors, particularly if they are matching industry funding.

Impact of animal welfare science on animal welfare

Despite this significant and continued increase in scientific activity in the field of animal welfare, it would be rash to assume that this is having a major impact on animal welfare. The areas in which it could have an impact are principally in amending or redefining legislation, on the content of codes of practice or assurance schemes, or directly on the management practices in the husbanding of animals. It will also sometimes have an indirect impact by informing the public and research funders of latest developments in issues, which may then translate into additional funds or concern expressed by the public.

Traditional animal welfare legislation relies on preventing cruelty to animals, which has a specific legal definition and which generally refers to negative treatment of animals, whereas ‘animal welfare’ also has positive elements within it (Phillips, 2004). This is increasingly being taken into account by new welfare legislation, which identifies that people in charge of an animal have a duty of care towards it (e.g. Queensland Animal Care and Protection Act, OQPC, 2001). Definitions of cruelty have evolved over the last two centuries (Radford, 2001), being originally taken to mean ‘the unnecessary abuse of any animal’. In the early twentieth century, cruelty legislation was defined in the UK largely for the purposes of preventing horses being mistreated in London, and therefore contained a catalogue of potential abuses of such animals (a person being guilty of ‘cruelty’ if they cruelly beat, kick, ill-treat, override, over-drive, overload, torture, unfuriate, or terrify any animal). The most important offence now, under which most people are prosecuted in the United Kingdom, is when they ‘wantonly or unreasonably do or omit any act causing unnecessary suffering to any animal’. Two key elements are the necessity of intentionality, which was not present in the first definition, and the possibility that unnecessary suffering can be caused by either commission or omission. Other pioneering twentieth century British legislation relates to specific acts of suffering that may not necessarily require commission: enabling fighting between animals, administering injurious drugs, operating without due care and humanity, tethering horses etc.

The difficulties posed by the legislation that animal welfare science can address are principally in the determination of when unnecessary suffering has been inflicted. Assuming that the suffering is both unnecessary and inflicted voluntarily, the difficulty often confronting the courts is whether significant pain⁴ and distress⁵ has been caused. The Queensland Animal Care and Protection Act (OPRC, 2001) defines cruelty both by the causation of unjustifiable, unnecessary and unreasonable pain and specific instances of cruelty that include beating an animal to cause pain, abusing, terrifying, tormenting or overworking it. Cruelty during transport, killing and the inflicting of injury are qualified by the act being required to be inappropriate or unreasonable.

The number of cruelty complaints to the RSPCA, Australia, is approximately 45000/year, which results in about 330 prosecutions and 200 convictions annually. Most complaints are received for dogs (15000), livestock (7000) and cats (5500). Wildlife and horses each receive about 3100 complaints and 1800 for birds. Unfortunately, the different reporting systems and data collection methods in the different States and Territories makes comparison between states and over time difficult.

Both physiological, disease and behavioural evidence can be used to determine that pain and distress has been inflicted. The courts tend to rely more on physical evidence (disease) where deliberate cruelty is inflicted by commission. However, there are many cases of omission which inflict cruelty, for example

⁴ Defined as an aversive sensory experience caused by actual or potential injury that elicits protective motor and vegetative reactions, results in learned avoidance, and may modify species specific behaviour, including social behaviour (Zimmerman, 1986).

⁵ Defined as a severe stress response accompanied by behavioural signs suggesting that the animal finds it unpleasant (Ewbank, 1992).

about 300 prosecutions for abandonment are brought each year by the RSPCA in the United Kingdom. In such cases physiological evidence is preferred to behavioural, despite the fact that behavioural responses are more directly involved in the definitions of pain and distress. The reasons for this are 1) samples for chemical analysis of physiological parameters are relatively easily taken, and 2) normal (reference) ranges for physiological parameters are well known and are generally within a narrow range. Animal behaviour is considerably more plastic than physiology, because homeostasis confines the optimum function of the body's metabolites to a narrow range for its own protection. Physiological parameters that indicate abnormal function are difficult to identify, in part because behavioural modification protects the animal's physiology. For example, demonstrating that animals are severely undernourished is difficult when one considers the usual range of short-term indicators that are utilized in starvation cases (Table 7). The reference range of these indicators was easy to establish, but when we investigated the values obtained for two herds of cattle suffering from prolonged undernutrition, none of them were consistently outside the reference range, despite the fact that several of the animals had died.

In such instances, behavioural changes, such as the development of a depraved appetite and lethargy are more likely to be of value in indicating pain and distress, but they are difficult to monitor and present to a court of law. In other cases the incidence of abnormal behaviour can be taken to indicate the existence of pain and distress. Stereotyped behaviour that serves no obvious purpose other than to provide a distraction for the animal concerned is one possible indicator of mental suffering. Broom and Johnson (1993) suggest that stereotypies performed for 40% of the time indicate very poor welfare, those performed for just 5% of the time indicating some adverse effects on welfare. However, the incidence of stereotypy performance varies significantly between animal species and between individuals within a species, with most people acknowledging that the animal probably derives some psychological benefit from performing the stereotypy. What is not clear is whether the absence of stereotypy performance in species such as cattle demonstrates a greater ability to cope with a difficult environment.

Table 7: Reference ranges for serum constituent concentrations in adequately nourished beef cattle and values for two undernourished herds (Agenas et al. 2003)

Analyte	Reference Range	Undernourished herds	
		1	2
Albumin, g/l	25.0 - 44.4	36.1	27.1
β-hydroxybutyrate, mmol/l	0.12 - 0.61	0.31	0.29
Creatinine, μmol/l	110 - 225	157	81
Fructosamine, μmol/l	183 - 365	248	367
Globulin, g/l	27.2 - 49.2	36.6	34.9
NEFA, μmol/l	176 - 1317	467	343
Urea, mmol/l	1.88 - 7.00	4.3	6.5

Ruminant animals in particular show few oral stereotypies, even when placed in severely confined conditions that would elicit prolonged stereotypy performance in pigs, for example. This may be because they already spend more than one half of their day in chewing activity, either when consuming food or ruminating. Does this legitimize such conditions for ruminant animals? Using abnormal behaviour as indicators of pain and distress may therefore be feasible for 'extrovert' species such as pigs and chickens that readily perform such behaviours but of less value for 'introvert' species, such as ruminants. In stressful situations it was not adaptive for wild cattle or sheep to draw attention to themselves, as the best defence for a vulnerable animal from attack by predators was hiding. Wild boar, however, scatter to their den in times of danger and jungle fowl fly into the trees, so warning others would be of adaptive advantage. Hence abnormal behaviour, including vocalizations, are a common part of the adaptation of some, but not all animals to stress and danger.

An alternative way in which animal welfare science reduces cruelty is through improved codes of practice, assurance schemes and directly into commercial practice. Industry funds a significant amount of animal welfare science, but is most likely to adopt changes to normal practice when there is little commercial impact.

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Appendix 1: Terms used to define animal types in Table 6, in conjunction with the generic term

Cattle: calf, steer, bull, cow

Pig: piglet, swine, sow, boar

Sheep: lamb, ewe, ram, wether

Poultry: chicken, hen, cockerel, chick

Goat: kid, nanny, billy, caprine

Cat: kitten

Dog: puppy, hound

Horse: equine, stallion, mare, colt (not racing/race)

Rabbit: doe, buck, bunny

Hamster, gerbil, guinea pig

Mouse: mice, murine

Experiences with prosecuting cruelty to animals: the limitations of the system

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Introduction

There are limitations within any system, including the legal system. This is obvious when prosecuting cases of animal cruelty and dealing with the associated legislation. Many of these limitations arise from legal principals that do not fit well within animal cruelty legislation. This is not to suggest that the principles of our legal system should be changed to accommodate animal cruelty legislation. There are however existing exemptions that already exist across the country in various Acts of Parliament.

In order to make legislation effective and to protect those in the community from illegal acts each piece of legislation needs to be carefully considered so that it achieves its aims. Simply increasing penalty or investigators powers is not always the answer. The legislation should be constructed to allow it to work effectively in the 'real world'. This may challenge some of the existing legal principles.

Penalties

In Australia, prevention and prosecution of animal cruelty is the responsibility of the states and territories. This in itself sets out one of the limitations of the system, as each state has different penalties, standards and powers for inspectors. An act of cruelty in Queensland can attract a 2-year jail term or \$75,000 fine. In Victoria, the maximum penalty is 1 year or \$12,000. These varying penalties can potentially apply to "like" acts of cruelty with the impact being that the deterrent and (and potentially the punishment) is very different from state to state.

Consistency in penalty is an area that continues to be of concern not only to the enforcement agencies but the general public. The discretion of the judiciary should not be removed however, and mandatory sentencing in all animal cruelty matters is not a recommended course of action.

There is a need for there to be recognition that animal cruelty is viewed by the community and the legislators as serious offending, the fact that significant jail terms apply in animal cruelty matters is testament to this. Where serious offences are proven then serious penalties, as provided by the legislation, need to be applied. This sends a clear message to the community that the judiciary do indeed reflect their view that animal cruelty is a serious offence, and it acts a deterrent to those who may consider committing act of cruelty.

Evidence

Animal cruelty prosecutions are unusual, in that, in these summary offences, the victim, being the animal, is unable to give evidence. Whilst on one level this seems an obvious statement, in reality there are inherent difficulties in compiling evidence that will lead to convictions in animal cruelty matters.

The fact that in all animal cruelty cases the victim cannot supply the investigator with any 'direct' evidence is something that the legislators need to consider when drafting this type of legislation. This manifests itself in numerous was some of which will be addressed in this paper.

Proof

This is an example of where there may be an unnecessary burden of proof put upon the investigator due to the fact that evidence of ownership or care, or custody cannot come from the victim.

There should be more debate between legislators and enforcers regarding the difficulties associated with providing the current level of proof. Some consideration could be given to reversing the onus of proof to be attached to some animal cruelty offences. If an Inspector finds a neglected animal in a paddock and the anecdotal evidence is that a particular person is the owner of the animal, then the onus should be on that person to prove that they are not the owner of the animal. The burden as it currently exists is that the prosecution must prove ownership or custody.

Common Law Standards

The way in which the legislation is currently drafted allows defendants to utilise some common law defences, which may be inappropriate to this specialised area of the law. An example of this is the “Mens Rea” defence in which a defendant can claim that they did not “know” that their actions would result in the animal suffering. In a recent matter, a defendant was acquitted on appeal on a cruelty charge when she successfully argued that she believed she had provided sufficient feed and parasite control to a calf when the veterinary evidence clearly showed the calf was emaciated, had a heavy parasite burden and subsequently died.

Time frame for investigations

Animal cruelty investigations are complex and must be thoroughly investigated. In most jurisdictions the statute of limitations is currently 6 to 12 months. This is an inadequate amount of time in which to lay charges in some complex matters. A more reasonable timeframe would be 36 months.

Serious animal cruelty offences, such as those of aggravated cruelty and premeditated acts of cruelty should have statutes of limitations that are in line with indictable offences. Consideration could also be given to making the more serious offences such as aggravated cruelty and premeditated acts of cruelty (ie dog fighting) indictable.

Banning Provisions

Most animal cruelty laws carry a banning provision. These provisions are welcome pieces of legislation, but the reality is that they are not always effective. The ability of the offender to circumvent this court order is far too easy. Life bans should be an option open to the courts and penalties for re-offending should be severe. Repeat offenders, especially those that are convicted of breaching a banning order, should be banned for life from having custody of that type of animal. This provision exists in some jurisdictions overseas and it is used where offenders have clearly demonstrated, to the satisfaction of the courts, that they are incapable of looking after animals. It is the animals that need protecting from these offenders; this is one way of preventing further offences, and therefore further animal suffering.

Courts should also have the ability to direct that officials seize animals and ‘dispose’ of those animals. This would prevent animals being ‘passed to spouse, brother, aunty, friend, etc’ when the animals, in reality, are under the control of the banned offender.

There should also be severe mandatory penalties for those banned offenders who breach a banning order. If you are deemed to be unfit to have an animal, then the message must be clearly sent that you will suffer a severe penalty if you persist in committing offences. Mandatory sentencing already exists in relation to other offences, such as traffic. Animals need the same sort of protection from those who are unable to provide for their basic needs.

Wording

The drafting of current legislation leaves considerable scope for technical challenges to be argued by the defendant. An example is that of duplicity. It is clear from case law, that the defendant is entitled to know

the substance of the charge. The Defendant can also, only be charged with one offence per charge, that is to say that multiple acts should not be included in one offence. On reading most animals cruelty legislation there are offences that potentially contain multiple actions within the body of the alleged offence. An example of this is section 9.1.(c) of the Victorian Prevention of Cruelty to Animals Act which states that a person commits an act of cruelty upon an animal if they... knowingly or negligently do or omit to do an act with the result that unnecessary, unreasonable or unjustifiable pain or suffering is caused to an animal. Within this one charge it can be argued that there are multiple acts ie knowingly did an act, negligently did an act, knowingly omitted to do an act etc.

In order to prevent costly appeals on technical matters legislation should be drafted so that duplicity issues are addressed.

Number of Victims

There are inherent difficulties with animal cruelty legislation as it applies to cruelty acts against multiple animals such as in the starvation of a herd. Current legislation does not adequately address a single act of cruelty against multiple animals. The impact is that prosecutors often choose to focus their charges on a small number of affected animals in a herd rather than address the larger act of cruelty associated with the starvation of the whole herd.

These are just a few of the limitations that exist within the system. I would encourage increased dialogue between legislators and enforcement officers to address these differences, “for all creatures great and small”.

Sentencing animal cruelty

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Introduction

I have been asked to address matters relating to the sentencing of animal cruelty offenders. There is no absolute prohibition on animal cruelty in our law. Society's attitude to animal cruelty is confused and is always addressed from a human's point of view. It is interesting to see the recent public outcry over the ill-treatment of a cute kitten, when there is no general interest in the cruelty involved in the treatment of the animals which end up on the dinner plate or how the eggs we have for breakfast are produced.

Animal cruelty is an emotional issue and the perception of it varies eg the attitudes of the owner of a companion animal as compared with that of a farmer using an animal for economic gain. At least everyone would agree that cruelty just for the sake of it is unacceptable. I suggest most animal cruelty is never brought to public awareness. Perhaps this will change as research is showing that inflicting cruelty on animals is often an indicator of future serious criminal behaviour and it is therefore important to be aware of it as early as possible.

The Law regulating animals in NSW

There is quite a deal of legislation in NSW relating to animals eg National Parks and Wildlife Act, Exhibited Animals Protection Act, Animal Research Act. The two most common Acts relating to animals which come before the Courts are the Prevention of Cruelty to Animals Act (POCTAA) and the Companion Animals Act. This is not the place to discuss the legislation in any detail, except to bring it to the attention of those who are not already familiar with it. The Companion Animals Act - is "An Act to provide for the identification and registration of companion animals and for the duties and responsibilities of their owners; and for other purposes." It covers, *inter alia*, matters such as registration, duties of owners in public places, dangerous dogs.

Prevention of Cruelty to Animal Act

Prevention of Cruelty to Animals Act - is "an Act to prevent cruelty to animals". This Act is not confined to companion animals.

Cruelty and aggravated cruelty are defined in s4:

(2) For the purposes of this Act, a reference to an act of cruelty committed upon an animal includes a reference to any act or omission as a consequence of which the animal is unreasonably, unnecessarily or unjustifiably:

- (a) beaten, kicked, killed, wounded, pinioned, mutilated, maimed, abused, tormented, tortured, terrified or infuriated,
- (b) over-loaded, over-worked, over-driven, over-ridden or over-used,
- (c) exposed to excessive heat or excessive cold, or
- (d) inflicted with pain.

(3) For the purposes of this Act, a person commits an act of aggravated cruelty upon an animal if the person commits an act of cruelty upon the animal or (being the person in charge of the animal) contravenes section 5 (3) in a way which results in:

- (a) the death, deformity or serious disablement of the animal, or
- (b) the animal being so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive.

Certain defences

24 Certain defences

(1) In any proceedings for an offence against this Part or the regulations in respect of an animal, the person accused of the offence is not guilty of the offence if the person satisfies the court before which the proceedings are being taken that the act or omission in respect of which the proceedings are being taken was done, authorised to be done or omitted to be done by that person:

(a) where, at the time when the offence is alleged to have been committed, the animal was:

(i) a stock animal—in the course of, and for the purpose of, ear-marking or ear-tagging the animal or branding, other than firing or hot iron branding of the face of, the animal,

(ii) a pig of less than 2 months of age or a stock animal of less than 6 months of age which belongs to a class of animals comprising cattle, sheep or goats—in the course of, and for the purpose of, castrating the animal,

(iii) a goat of less than 1 month of age or a stock animal of less than 12 months of age which belongs to the class of animal comprising cattle—in the course of, and for the purpose of, dehorning the animal,

(iv) a sheep of less than 6 months of age—in the course of, and for the purpose of, tailing the animal, or

(v) a sheep of less than 12 months of age—in the course of, and for the purpose of, performing the Mules operation upon the animal,

in a manner that inflicted no unnecessary pain upon the animal,

(b) in the course of, and for the purpose of:

(i) hunting, shooting, snaring, trapping, catching or capturing the animal, or

(ii) destroying the animal, or preparing the animal for destruction, for the purpose of producing food for human consumption,

in a manner that inflicted no unnecessary pain upon the animal,

(c) in the course of, and for the purpose of, destroying the animal, or preparing the animal for destruction:

(i) in accordance with the precepts of the Jewish religion or of any other religion prescribed for the purposes of this subparagraph, or

(ii) in compliance with any duty imposed upon that person by or under this or any other Act,

(d) in the course of, and for the purpose of, providing the animal with veterinary treatment, or

(e) in the course of, and for the purpose of:

(i) carrying out animal research, or

(ii) supplying animals for use in connection with animal research,

in accordance with the provisions of the Animal Research Act 1985 .

(2) Subsection (1) (b) does not apply to a person accused of an offence against section 19A.

(3) Subsection (1) (d) does not apply to a person accused of an offence against section 12 (1) if the alleged offence was the docking of the tail of a dog.

This is not the place to go into the exceptions in detail, except to reiterate that some acts of cruelty are sanctioned.

Role of the Court

The law does not operate in a vacuum. It operates in a society which has conflicting attitudes toward

animals. As previously mentioned, there is no unanimous agreement about what society allows as acceptable cruelty – there is a growing segment of the population which is not comfortable with the fact that cruelty in some circumstances is permitted as long as it causes no “unnecessary” pain on the animal. This is an area of growing concern and matters relating to animal rights, animal welfare and animal law are being increasingly addressed all over the world. In many situations our view of cruelty is biased and subjective. In more than 25 years sitting as a Magistrate in both city and country areas I can count on the fingers of one hand the numbers of prosecutions brought for cruelty to animals used in agriculture. I would be surprised if this reflected the extent of animal cruelty in that area of agriculture.

Apart perhaps from cases of sadism (cruelty for its own sake) I suggest there would be no general agreement in the community as to an appropriate penalty in any particular case. This comment might apply to many other types of offences, but particularly so in animal cruelty cases. These matters raise high emotion in everyone involved.

The Local Court is charged with the duty of punishing cruelty offences. Every judicial officer takes an oath of office. The judicial oath includes the following: ...”to do right to all manner of people according to the laws and usages of the State of NSW without fear or favour, affection or ill will.” Cruelty to anyone, including animals, is never relative, but deciding what is an appropriate penalty is relative because animal cruelty cases are but one of many kinds of cases which come before the Courts every day eg break and enter and stealing, various forms of dishonesty such as fraud and stealing, assaults with varying degrees of seriousness, sexual assaults, domestic violence, driving offences – the list is endless and encompasses all types of criminal behaviour. Understandably every interest group, for example groups concerned about sexual assault, groups concerned about the dangers of drink driving, groups concerned about domestic violence etc considers matters concerning their issues as the most important and they should receive “special” attention from the Courts as being the most deserving of the highest penalties, reflecting their most “serious status” in the catalogue of criminal behaviour. They often are successful in applying pressure on politicians who sometimes respond by enacting hastily and ill prepared legislation resulting sometimes in unintended and unjust consequences eg mandatory licence disqualification for some driving offences.

Penalties must not only be appropriate in each particular case and within each class of case, but proportionate in relation to all the other types of matters which come before the court. The principles to be applied in sentencing animal cruelty cases are part of a general system which applies to all matters before the Court. Each charge and each person who comes before a Court is entitled to a fair and impartial hearing no matter how abhorrent the crime and each case must be dealt with on its individual merits. In some respects every penalty imposed for animal cruelty could always be considered inadequate because the offence deals with behaviour towards a very vulnerable being. Intelligent public discussion is hampered by the absence of balanced reporting and publication of all the facts before the Court. But public confidence in the system of justice administered by the Courts is vital to society and is enhanced by informed public debate. This requires a responsible media. Enough said about that!

Sentencing

It often appears to me that sections of the public, encouraged by an irresponsible and sensationalist media, would be satisfied with nothing less than a complete abdication by the court sentencing that offender of its duty to act impartially and “do justice according to law”. The cry goes out for revenge or whatever agenda is driving the particular media “guru” at the time. Unfortunately courts have been unable to gain similar access to the media (which after all the public relies upon to learn what is going on in the courts) to explain decisions, so the stupid and unfair criticism goes unanswered. No wonder at times people are bewildered about how a particular sentence could have possibly been reached. I am not seeking to suggest that every penalty imposed is always the correct one, and I acknowledge the importance of an informed and constructive public debate.

Courts are bound by rules: the penalties prescribed in the legislation, previous court decisions and legislation - in particular the Crimes (Sentencing Procedure) Act, which states in s3A:

Purposes of sentencing:

The purposes for which a court may impose a sentence on an offender are as follows:

- (a) to ensure that the offender is adequately punished for the offence,
- (b) to prevent crime by deterring the offender and other persons from committing similar offences,
- (c) to protect the community from the offender,
- (d) to promote the rehabilitation of the offender,
- (e) to make the offender accountable for his or her actions,
- (f) to denounce the conduct of the offender,
- (g) to recognise the harm done to the victim of the crime and the community.

It also specifies the matters a court must take into account and reflect as aggravating and mitigating factors.

Courts have available a variety of sentencing options,(depending on the penalties prescribed in the legislation applicable to each particular offence eg obviously an offender cannot be sent to jail or the alternatives to jail applied if the maximum penalty for the offence is a fine.) youth justice conferencing, fines, good behaviour bonds, community service orders, home detention, weekend detention, suspended sentences, full-time jail.

Punishment must fit the crime – but in whose opinion? If the courts were to adopt a populist approach and seek to satisfy the community outrage as often whipped up by various arms of the media at the expense of doing justice, then the community as a whole suffers. This can require a great deal of courage and intellectual honesty from the presiding judicial officer.

Some statistics relating to sentences imposed for various offences may be of interest. The Judicial Commission statistics show outcomes for all cases dealt with from July 2000 to the present. They reveal 125 adult cases were finalised relating to s5(1) (cruelty)POCTAA:

- 3 (2%) were imprisoned
- 74 (59%) received fines ranging between \$25 - \$4000
- 19 (16%) were dismissed without conviction
- 6 (5%) received community service orders
- the remainder received good behaviour bonds of varying kinds.

123 cases under s.6(1) (aggravated cruelty:

- 6 (5%) received prison sentences
- 60 (49%) received a fine (ranging between \$50 ->\$5000)
- 21 (17%) were dismissed without conviction
- 12 (10%) received community service orders
- 2 (2%) received suspended jail sentences
- 16 (13%) received good behaviour bonds.

The Children's Court is governed by different legislation when it comes to sentencing where the emphasis is on rehabilitation. From July 1998 to the present, the Judicial Commission statistics reveal:

s5(1) (cruelty) 3 cases were dealt with by the Court:

- 1 received a fine
- 1 received a good behaviour bond

1 received some form of control order

s6(1) aggravated cruelty -10 cases were dealt with:

7 (70%) received a good behaviour bond

3 (30%) cases were dismissed with a caution

2005 RSPCA Australia Scientific Seminar Speaker Profiles

Professor Clive Phillips - Chair and Speaker in Session 3

Clive Phillips studied agriculture and animal science at university, obtaining a PhD in dairy cattle nutrition and behaviour from the University of Glasgow in 1983. He then spent 11 years at the University of Wales, Bangor, where he researched dairy cow responses to changes in their housing system, lighting, floors etc, as well as toxic and nutritive minerals for ruminants. In 1995, he moved to the University of Cambridge's vet school, where, as a Senior Lecturer in Farm Animal Production Medicine, he worked on modelling toxic mineral pathways in the human food chain, concentrating mainly on the problems of cadmium absorption in sheep. He founded the Epidemiology and Informatics Unit at the Vet School in 2001. He was a member of the UK's Milk Development Council, chaired the UK Ministry of Agriculture's Bovine Tuberculosis husbandry panel and participated in the independent investigation of the use of cadmium by the Ministry of Defence. In 2003, he became the inaugural holder of Australia's first Chair in Animal Welfare, in the University of Queensland's vet school, and established the Centre for Animal Welfare and Ethics. The Centre currently has approximately 15 researchers studying topics on a wide range of animals, including companion, farm and zoo animals, and many welfare issues, foremost amongst which is the export of live animals from Australia to the Middle East.

Clive has published over 120 articles on animal welfare and management in scientific journals and is the author/editor of 8 books, including Principles of Cattle Production and the Behaviour and Welfare of cattle. He also edits a series of books, published by Springer, on the welfare of different species of animals.

Session 1 – Identifying the relationship between cruelty to animals and other offences

Professor Paul Wilson

Professor Paul Wilson, formerly Director of research at the Australian Institute of Criminology, has written and spoken about the relationship between animal cruelty and Conduct Disorder in Children previously. He is the author or co-author of 25 books and hundreds of academic articles on crime and justice matters. Currently he is Chair of Criminology at Bond University on the Gold Coast.

Superintendent Carlene York

Superintendent Carlene York joined the NSW Police in 1983, and was one of the first female officers to be assigned to police stations performing general duties in various stations within the Metropolitan area.

Carlene has worked in a wide range of areas including as a senior prosecutor representing the police in criminal prosecutions and as a staff officer providing advice and assistance in relation to media issues, NSW Police policy and strategic direction of the NSW Police.

Carlene is currently appointed as a Commander in the Criminal Identification Specialist Branch of the NSW Police at the rank of Superintendent, responsible for the areas of Fingerprint Operations, Document Examination Unit, Criminal Records Section, Forensic Procedures Implementation Team and the CrimTrac Coordination Unit. In 2005, Superintendent York was awarded the Australian Police Medal for displaying exceptional dedication, commitment and outstanding leadership throughout her Policing career.

Session 2 – Preventing cruelty through early intervention

Associate Professor Eleonora Gullone

Eleonora Gullone is Associate Professor in the Department of Psychology at Monash University and a Fellow of the Australian Psychological Society. As a developmental psychologist, her work has primarily been concerned with children's emotional development with a view to promoting their psychological wellbeing. Over the last several years, Eleonora has extended her research to better understand children's relationships with non-human animals and the importance of these relationships for both children's and animals' wellbeing. Several of her present investigations are focusing on the links between cruelty to animals, criminal behaviour, and violence toward humans.

Nerys Lewis

Nerys Lewis has a background in the theory of animals (a zoology degree), and the practice of people (12 years of special education and welfare work with young people with emotional disturbance). She now puts the two together in her work for Menzies Inc. at their ambitious project to reduce violence in the local community through the development of Sages Cottage & Children's Farm in Baxter, Victoria. She shares the work there with Chloe (a pig), Sqwishy (a galah) and Karen (a person).

Jo Hatch and Jim Wilson

Jo Hatch is currently employed as Team Leader, Counselling & Prevention Programs, at the Children's Protection Society in Melbourne. She is qualified in Social Work and Psychology, and has worked over the past decade with many children and young people experiencing psychosocial difficulties and exhibiting a range of behavioural and emotional problems. Jo is about to complete her Doctor of Clinical Psychology (Child Specialisation) at Melbourne University. She is a self-confessed animal lover.

Jim Wilson is the Executive Manager Education with RSPCA Victoria. He manages their \$2m RSPCA Education Centre that is the largest education centre for animal welfare in Australia. Jim has been the Managing Director of the Lort Smith Animal Hospital, Director of Education with the Victorian Zoological Parks and Gardens Board, Senior Policy Officer in the Department of Education and Senior Education Officer with the Environment Protection Authority. He is past president and life member of the Victorian and Australian Associations for Environmental Education.

Session 3 – Preventing cruelty through legislation and prosecution**Kevin Apostolides**

Kevin Apostolides is the Chief Inspector with RSPCA Victoria. He joined the RSPCA in 1982, as a change from teaching environmental science and biology to high school students and has been active in enforcing animal welfare legislation in Victoria ever since. Kevin represents RSPCA Victoria on a range of committees related to developing codes of practice and legislation. One of his main roles is to approve prosecution briefs for RSPCA cases – he has been prosecuting cases of cruelty to animals for 21 years.

Sue Schreiner

Sue Schreiner is a law graduate of the ANU and has a Diploma in Criminology at Sydney University. She has practised as a Barrister for 12 years and Magistrate for 30 years, although she 'retired' after 24 years, only to come back as an Acting Magistrate (which just means part time). At present her work is specialising in Mental Health law.

Sue has sat in nearly all the Courts in NSW in varying capacities, and spent two years on the Broken Hill circuit which covered the far west of NSW (south to Victoria, north to Queensland and east as far as Cobar). Sue has a particular interest in animal law and the welfare of animals.