



The Hon. Adam Marshall MP
Minister for Agriculture
Minister for Western New South Wales

OM20/6887

Mr David Blunt
Clerk of the Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

David,

Please find enclosed the NSW Government response to the report of the Select Committee on Animal Cruelty Laws in New South Wales, for tabling in the Legislative Council.

Yours sincerely

Adam Marshall
MINISTER

Encl.

30 NOV 2020

*Received at 3:30pm
Friday 4 December
2020*

SENSITIVE: NSW CABINET

Attachment A - NSW Government response to the Select Committee on Animal Cruelty Laws in New South Wales

#	Recommendation	Government Response
1	That the NSW Government consider a review of the current arrangements for body worn devices for the purposes of investigations into animal cruelty offences with a view to permitting such devices to be worn by officers of approved charitable organisations.	Noted This matter will be considered as part of the Animal Welfare Action Plan.
2	That the NSW Government, as part of its review of the <i>Prevention of Cruelty to Animals Act 1979</i> , increase penalties for animal cruelty offences.	Noted This matter will be considered as part of the Animal Welfare Action Plan.
3	That the NSW Government move responsibility for animal welfare matters out of the Department of Primary Industries.	Not supported The NSW Department of Primary Industries (NSW DPI) has extensive animal care expertise and world-leading knowledge of animal related processes and industries. NSW DPI has a detailed understanding of animal welfare developed over many years of administering NSW's animal welfare laws and policy.
4	That the NSW Government investigate data collection and sharing between the AWL NSW, RSPCA NSW, and the NSW Police Force in order to inform evidence based decisions about funding and education needs for the sector, and to assist in the comprehensive enforcement of laws on animal cruelty to protect animals from harm and improve their welfare, subject to information privacy principles.	Noted This matter will be considered as part of the Animal Welfare Action Plan.
5	That the NSW Government significantly increase funding to more adequately resource and staff the RSPCA NSW and AWL NSW inspectorates to enable them to effectively perform their compliance and enforcement role and conduct regular inspections without reliance on charitable donations commencing with the	Noted

SENSITIVE: NSW CABINET

	2021/2022 financial year.	
6	That the NSW Government develop a quantitative funding model that is indexed in line with CPI commencing with the 2021/2022 financial year	Noted
7	That the NSW Government investigate and provide funding for the establishment and delivery of an education program on the most effective methods of improving animal welfare outcomes.	Noted This matter will be considered as part of the Animal Welfare Action Plan.
8	That the NSW Government ensure that the Prevention of Cruelty to Animals Act 1979 and the animal welfare framework that supports it are overhauled to better meet growing community understanding of animal sentience and expectations about animal welfare, and to reflect modern knowledge and practices regarding the treatment of animals.	Noted
9	That the NSW Government, as part of its review of the Prevention of Cruelty to Animals Act 1979, conduct extensive public consultation to ascertain community views about the new framework and ensure that the new legislation addresses modern community expectations about animal welfare.	Noted Extensive public consultation has already occurred as part of the Animal Welfare Action Plan and public consultation will continue as part of this process.
10	That the NSW Government, as part of the review of the Prevention of Cruelty to Animals Act 1979, consider statutory time limits for the prosecution of animal cruelty related crimes.	Noted This matter will be considered as part of the Animal Welfare Action Plan.
11	That the NSW Government amend the Prevention of Cruelty to Animals Act 1979 to require the approved charitable organisations to:	Noted

SENSITIVE: NSW CABINET

	<ul style="list-style-type: none"> • table their annual reports in both Houses of the NSW Parliament • comply with requests under the Government Information (Public Access) Act 2009. 	
12	<p>That the Legislative Council Portfolio Committee responsible for Primary Industries (or other Portfolio Committee that has primary responsibility for animal welfare) be required to conduct a one day public hearing each year involving the approved charitable organisations, with the hearing to be conducted after the lodgement of the approved charitable organisations' annual reports in NSW Parliament. One of the core requirements of the hearing will be to examine the approved charitable organisations' compliance and enforcement responsibilities under the Prevention of Cruelty to Animals Act 1979. Further, that approved charitable organisations be invited to attend the relevant Portfolio Committee in conjunction with representatives from the Department of Primary Industries.</p>	<p>Not supported</p> <p>The NSW Government notes approved charitable organisations appear regularly at Parliamentary inquiries.</p>
13	<p>That the NSW Government establish and fully fund a specialist unit within the NSW Police Force to investigate and prosecute animal cruelty offences.</p>	<p>Not supported</p> <p>The NSW Police Force's law enforcement resources complements the animal care expertise and infrastructure provided by the approved charitable organisations, to deliver a robust enforcement network for animal welfare in NSW.</p>
14	<p>That the NSW Government establish an independent statutory body, the Independent Office of Animal Protection, to oversight the animal welfare framework. Further, that the NSW Government consult stakeholders on the appropriate functions of the new body.</p>	<p>Not supported</p> <p>The administration and enforcement of NSW's animal welfare laws are currently provided through a robust framework of agencies and groups, including the NSW DPI, NSW Police Force and the approved charitable organisations.</p>