



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 4

2021 Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

Report 52

June 2022

4



Portfolio Committee No. 4 - Customer Service and Natural Resources

2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979

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2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979

“June 2022”.

Chair: Hon. Mark Banasiak, MLC.



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Terms of reference

1. That Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture annually inquire into and report on the operation of the charitable organisations approved under s 34B of the *Prevention of Cruelty to Animals Act 1979*, and in particular:
 - (a) the matters contained in the annual reports of the approved charitable organisations, including their financial statements,
 - (b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979*, and
 - (c) any other related matter.
2. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of the financial year.

The terms of reference were referred to the committee by the Legislative Council on 9 June 2021.¹

¹ *Minutes*, NSW Legislative Council, 9 June 2021, pp 2290-2291, and amended, *Minutes*, NSW Legislative Council, 13 October 2021, p 2456.

Committee details

Committee members

The Hon Mark Banasiak MLC	Shooters, Fishers and Farmers Party	<i>Chair</i>
The Hon Emma Hurst MLC	Animal Justice Party	<i>Deputy Chair</i>
The Hon Scott Barrett MLC	The Nationals	
Ms Abigail Boyd MLC	The Greens	
The Hon Taylor Martin MLC	Liberal Party	
The Hon Peter Poulos MLC	Liberal Party	
The Hon Peter Primrose MLC	Australian Labor Party	
The Hon Mick Veitch MLC	Australian Labor Party	

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- * Ms Abigail Boyd MLC was a participating member from 25 November 2021 for the duration of the inquiry.
- ** The Hon Scott Barrett MLC replaced the Hon Wes Fang MLC as a substantive member of the committee from 1 March 2022. The Hon Wes Fang MLC replaced the Hon Sam Farraway MLC as a substantive member of the committee from 25 January 2022 to 1 March 2022.

Committee Secretariat

Mr Anthony Hanna, Principal Council Officer

Ms Ros O'Brien, Administration Officer

Ms Madeleine Foley, Director

Chair's foreword

This inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* – namely, the RSPCA NSW and the Animal Welfare League NSW – is a direct response to Recommendation 12 of the 2020 Upper House Select Committee inquiry into animal cruelty laws in New South Wales. It is the inaugural edition of what is intended to be an annual inquiry into the performance and operations of the enforcement agencies, including their compliance and enforcement operations.

The need for greater public accountability, transparency and oversight of the approved charitable organisations has exercised some thinking in recent times, being one of the key issues addressed by the 2020 Upper House Select Committee. The existing regulatory regime and animal welfare system in New South Wales place the approved charitable organisations in a peculiar position somewhere between the private and the public. As private charities that rely (in the most part) on fundraising and donations, they are not subject to the same checks and balances as government agencies or State owned corporations. And yet, through the section 34B delegations, the approved charitable organisations are entrusted with upholding a piece of criminal legislation, and their authorised officers hold a range of powers necessary to perform that very significant public function. Whilst a modest contribution, the approved charitable organisations also receive public funding from the NSW Government, seemingly to be used however they see fit.

This somewhat awkward straddling of the public and the private goes to the very heart of the rationale for this inquiry. In the absence of more appropriate measures of transparency and public accountability, this inquiry is aimed at subjecting the operations and performance of the approved charitable organisations to greater public scrutiny through the Upper House committee process. In particular, the manner in which they discharge their compliance and enforcement functions is clearly a matter of public interest, and it is not unreasonable for the community to expect much greater visibility into their law enforcement operations and expenditure of public monies.

Part of the inquiry's intent was to assess how well the enforcement agencies are discharging their responsibilities under the Act through an interrogation of the reporting indicators, results and financial information reported in their 2020-2021 annual and financial reports. While the approved charitable organisations must report to the Minister every year against a prescribed set of indicators, the public-facing annual and financial reports are the only glimpse the general public has into their operations, including how monies are spent.

When considered purely as a means of public accountability, these public-facing reports are entirely inadequate for this purpose and do not measure up. In particular, the annual reports are heavy on 'feel good' storytelling and light on meaningful detail. The idea that the public can effectively evaluate the charitable organisations' enforcement and compliance operations – or understand the ins-and-outs of their financials – based on these reports alone was not borne out in evidence to the committee.

The financial information in these reports was particularly difficult to understand and decipher. Making sense of this information and presenting key financials in a summary format was more difficult for the committee than it should have been. While their reliance on fundraising was again highlighted in the course of this inquiry, the public-facing reports did not offer any transparency or break-down around how much funding from donations, bequests or other sources of income are allocated towards the costs of running the approved charitable organisations' inspectorates.

This lack of transparency is unacceptable for organisations that receive public funding, however nominal this may currently be. It is not, however, an indictment on the approved charitable organisations themselves, but speaks more to deficiencies at a system level. Considering the important public functions they carry out on behalf of the government and the powers they hold under New South Wales law, there is unquestionably a role for the NSW Government to ensure greater transparency through mandated standardised public reporting. The NSW Government has, to date, not done enough in this regard.

But perhaps one of the most salient issues raised throughout the inquiry was funding – more precisely, questions around the adequacy of government funding and impacts of constrained resources on the enforcement agencies' operations. Set at only a small fraction of what it costs to run the RSPCA NSW and Animal Welfare League NSW inspectorates every year, there is little question that the existing government funding is unacceptably low. The government's contention that these are general animal welfare 'grants' not tied to the enforcement of the Act does little to explain the anomaly whereby the government effectively outsources the enforcement of animal cruelty laws but does not fund them – making it necessary for the charities to rely predominately on self-generated income. In any event, a robust review of what appear to be legacy funding arrangements is well overdue.

The different ways in which constrained resources play out in the delivery of enforcement and compliance operations and staff safety, formed another significant focus in inquiry evidence. The committee heard that, in some instances, current levels of service and responsiveness for cruelty complaints handling and investigation may be falling short of community expectations. Most concerning was the common practice of sending inspectors to call-outs alone, absent any known 'red flags' or intel on the subject address.

With these considerations in mind, the committee has made a modest number of recommendations with a view to significantly increasing funding to the approved charitable organisations' inspectorates and enhancing their mobile response capabilities. Importantly, in order to enhance public confidence in the State's animal welfare system, any future increase in government funding must be accompanied by a much higher degree of public accountability and transparency. Quite separate from the funding issues, the introduction of a standardised reporting format for the agencies' public-facing reports is considered an essential first step in improving public visibility of the approved charitable organisations' operations.

Finally, I wish to thank my committee colleagues and everyone who took the time to contribute to this inquiry. And to everyone who toiled away behind the scenes to make this inquiry possible, the committee owes you a debt of gratitude as always.

I commend this report to the House.



The Hon Mark Banasiak MLC
Committee Chair

Findings

- Finding 1** **35**
That the quality of the financial reports received from both of the approved charitable organisations made it difficult to ascertain what proportion of donated funds were used towards the costs of their animal welfare inspectorates.
- Finding 2** **37**
That the current level of NSW Government funding for the approved charitable organisations is unacceptably low, limiting the ability of the approved charitable organisations from effectively enforcing the *Prevention of Cruelty to Animals Act 1979* and has the potential to create an occupational health and safety risk for inspectors.
- Finding 3** **37**
That the NSW Government has failed to require standardised public facing reporting for the approved charitable organisations. This is unacceptable for entities that receive public monies and perform functions normally reserved for government agencies.
- Finding 4** **37**
That with increased NSW Government funding for the approved charitable organisations, a proper reporting and oversight system should be implemented.

Recommendations

Recommendation 1

38

That the NSW Government urgently review funding for the two approved charitable organisations, as recently committed to by the Hon Dugald Saunders MP, Minister for Agriculture and Western New South Wales, to give consideration to:

- covering the costs of the compliance and enforcement operations of these organisations without reliance on charitable donations, including conducting regular proactive inspections, sending inspectors to call-outs in pairs and operating a staffed animal cruelty response team 24/7
- establishing a dedicated stream specifically tied to the compliance and enforcement activities of the approved charitable organisations – the inspectorates – as well as the associated services that support those activities.

Recommendation 2

38

That, contingent on the adoption of Recommendation 1, the NSW Government implement more formal arrangements to introduce rigour around its recurrent grants to the approved charitable organisations, including clear reporting and acquittal obligations, performance indicators, expectations around service levels and measurement of outcomes.

Recommendation 3

38

That, in consultation with the approved charitable organisations, the NSW Government develop and mandate a standardised reporting format, with prescribed categories of information, for the approved charitable organisations' annual and financial reports.

Recommendation 4

38

That as a matter of priority, the NSW Government implement Recommendation 11 of the 2020 Select Committee report on animal cruelty laws in New South Wales.

Recommendation 5

38

That the NSW Government fund the procurement of additional mobile veterinary clinics, and consider funding the ongoing costs of running the mobile veterinary clinics, for both of the approved charitable organisations in recognition of the vital roles these clinics play in disaster relief efforts and in improving animal welfare outcomes in rural and regional New South Wales.

Conduct of inquiry

The terms of reference for this annual inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* are established in the resolutions appointing committees in the 57th session of Parliament. These were updated on 9 June 2021 to provide for Portfolio Committee No. 4 – Customer Service and Natural Resources to annually inquire into and report on the operation of the charitable organisations approved under section 34B of the Act – namely, the RSPCA NSW and the Animal Welfare League NSW.

The committee received 20 submissions, conducted an online questionnaire completed by 256 respondents and held one public hearing at Parliament House in Sydney.

The committee also conducted a site visit to the RSPCA NSW head office and shelter in Yagoona, New South Wales, and the Animal Welfare League NSW facility in Kemps Creek, New South Wales.

Inquiry related documents are available on the committee’s website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Chapter 1 Introduction

This chapter introduces the scope, rationale and context for this inquiry – a newly adopted standing inquiry for animal welfare issues – thereby setting the scene for the committee's consideration of the key issues detailed in Chapter 2.

It begins by detailing how the inquiry came about and its aim to facilitate greater scrutiny of the enforcement of animal cruelty laws in New South Wales. This is followed by a brief outline of the regulatory regime for the *Prevention of Cruelty to Animals Act 1979* including the statutory reporting requirements for the approved charitable organisations.

Having set out the regulatory arrangements, the chapter then provides an introduction to the two approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*, namely the RSPCA NSW and the Animal Welfare League NSW. General information about their priorities and functions leads into a summary of their key reporting indicators, results and financial information in 2020-2021. As there is currently no prescribed list of reporting indicators for their public-facing reports, these summaries are drawn from various sources within inquiry evidence.

About this inquiry

Genesis of the inquiry

1.1 The 2021 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* – namely, the RSPCA NSW and the Animal Welfare League NSW – was initiated in response to Recommendation 12 of the 2020 Upper House Select Committee inquiry into animal cruelty laws in New South Wales.¹

1.2 Among its 14 recommendations, the committee recommended:

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.²

1.3 This recommendation led to the present inquiry, the first of what is intended to be an annual inquiry into the performance of the two enforcement agencies under the *Prevention of Cruelty to Animals Act 1979* (hereafter, the Act), with particular attention to the exercise of their

¹ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), pp x-xii.

² Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 60.

compliance and enforcement powers.³ The intent is to establish ongoing parliamentary oversight of the approved charitable organisations, thereby enhancing their accountability to the public and fostering improved community confidence in the work they do to ensure good animal welfare outcomes.⁴

- 1.4** This new annual inquiry recognises that the approved charitable organisations are entrusted with – and carry out – a significant public function on behalf the NSW Government. This delegation of law enforcement powers for an entire area of public law to private charities/not-for-profits is effected through a unique legislative framework and regulatory regime outlined in paragraphs 1.15 to 1.20 below.
- 1.5** To implement the select committee's recommendation, on 9 June 2021, the NSW Legislative Council agreed to a motion amending the resolutions appointing committees in the 57th session of Parliament to provide for Portfolio Committee No. 4 – Customer Service and Natural Resources to 'annually inquire into and report on the operation of the charitable organisations approved under s 34B of the *Prevention of Cruelty to Animals Act 1979*'.⁵ This established the committee's mandate and authority for the standing inquiry into the enforcement agencies under the Act.

Contemporaneous animal welfare proposals and reviews

- 1.6** This inquiry into the approved charitable organisations under the Act was initiated at a time of considerable flux in animal welfare policy. At least two proposals are under consideration which could result in changes or reforms to the animal welfare system in New South Wales as well as funding for compliance and enforcement functions. While the inquiry largely focuses on the point-in-time operations and performance of the enforcement agencies based on the current legislative framework and funding arrangements, a rudimentary understanding of these broader proposals and reforms is helpful in providing context to the inquiry and some stakeholder submissions.
- 1.7** Perhaps most significantly, the NSW Government has embarked on a process to modernise the policy and legislative framework for animal welfare in New South Wales, principally by exploring opportunities to streamline and strengthen animal welfare laws and make them easier to understand.⁶ A headline proposal of this reform process is to replace the *Prevention of Cruelty to Animals Act 1979*, the *Animal Research Act 1985* and the *Exhibited Animals Protection Act 1986* with a 'single, modern animal care and protection law'.⁷

³ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 60.

⁴ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 59.

⁵ *Minutes*, NSW Legislative Council, 9 June 2021, p 2291.

⁶ NSW Department of Primary Industries, *NSW animal welfare reform: Discussion paper*, stakeholder discussion paper, 2021, p 3.

⁷ NSW Department of Primary Industries, *NSW animal welfare reform: Discussion paper*, stakeholder discussion paper, 2021, p 8.

- 1.8** Further to these proposed reforms, the NSW Government released an exposure draft of the Animal Welfare Bill 2022 in early 2022 for public consultation.⁸ Then Minister for Agriculture and Western New South Wales, the Hon Adam Marshall MP, referred the exposure draft and terms of reference to the Legislative Council's Standing Committee on State Development for inquiry and report.⁹
- 1.9** If the exposure draft were to be enacted in its current form, it would have implications for the compliance and enforcement functions of the approved charitable organisations. For instance, Mr Matthew Godwin, Chief Inspector for the Animal Welfare League NSW, commented that the League's inspectorate would need to be scaled up – potentially a doubling of Full Time Equivalents (FTE).¹⁰
- 1.10** In addition to this legislative reform process, the newly appointed Minister for Agriculture and Western New South Wales, the Hon Dugald Saunders MP, committed to reviewing the funding arrangements for the two approved charitable organisations in response to questioning at a March 2022 hearing for the 2021-2022 Budget Estimates inquiry.¹¹
- 1.11** The committee was unable to confirm the timeline for this funding review, with a senior Government official indicating (as at 28 March 2022) the review was still 'high on the radar' but there were no additional details to hand.¹²

Scope and focus of the inquiry

- 1.12** As intimated above, the State's animal welfare framework (and animal welfare issues more generally) has increasingly been in the public spotlight, a trend that shows no sign of abating. In evidence before the committee, this increasing attention and scrutiny was seen as a reflection of the importance of animal welfare in the public consciousness – or expressed in another way, 'the growing popular sentiment towards the welfare of animals'.¹³
- 1.13** With this heightened scrutiny of animal outcomes, the appropriateness or otherwise of the existing regulatory regime which effectively delegates enforcement powers to private charities reliant on fundraising, donations and bequests, has already exercised a significant amount of discussion and public policy dialogue. While these issues were again raised in the course of this inquiry, it is not the committee's intention to revisit this debate here but would instead refer interested parties to the report of the Select Committee on Animal Cruelty Laws in New South

⁸ Draft Animal Welfare Bill 2022, public consultation draft, accessed online at <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-welfare-reform>.

⁹ Media release, NSW Legislative Council, Standing Committee on State Development, 'Government's proposed animal welfare policy, legislation and regulations to be examined', 2 December 2021.

¹⁰ Evidence, Mr Matthew Godwin, Chief Inspector, Animal Welfare League NSW, 28 March 2022, p 24.

¹¹ Evidence, Hon Dugald Saunders MP, Minister for Agriculture and Minister for Western New South Wales, Budget Estimates 2021-2022, 15 March 2022, p 30.

¹² Evidence, Mr Scott Hansen, Director General, NSW Department of Primary Industries, 28 March 2022, p 40.

¹³ Submission 18, RSPCA NSW, p 6; Submission 20, Animal Liberation NSW, p ii. See also: Submission 12, NSW Young Lawyers, Animal Law Committee, p 5.

Wales.¹⁴ Arguments surrounding the intrinsic and relative merits of this regulatory framework are given detailed and comprehensive consideration in that report.

- 1.14** In accordance with the terms of reference, the committee's deliberations in this report are focused, as far as practicable, on questions concerning the operations and performance of the approved charitable organisations in the relevant reporting period, being from 1 July 2020 to 30 June 2021. This is gleaned primarily from the results, deliverables and financial information reported in their respective annual reports and financial statements, but also via their submissions and testimony to this inquiry.

Overview of the regulatory regime for the enforcement of the Act

- 1.15** This section provides an overview of the regulatory regime for the enforcement of the *Prevention of Cruelty to Animals Act 1979*.
- 1.16** This regime is peculiar in that, while the NSW Department of Primary Industries administers the Act, it is not an enforcement agency and Departmental officers do not hold enforcement powers. Instead, enforcement powers, including investigative powers and the authority to prosecute offences under the Act, are vested in charitable organisations approved at the discretion of the portfolio Minister under the relevant provisions of the Act.¹⁵
- 1.17** This delegation of powers is enacted under subsection 1 of section 34B, which states that 'the Minister may, by order published in the Gazette, approve of a charitable organisation for the purposes of the exercise by its officers of law enforcement powers under this Act.' The Minister also has the power to withdraw an approval given under section 34B if, in their opinion, it is in the public interest to do so.¹⁶
- 1.18** The RSPCA NSW and Animal Welfare League NSW are the only charitable organisations approved under section 34B, having previously chosen to 'put their hand up' for approval as an enforcement agency.¹⁷
- 1.19** Under the legislation, officers of the approved charitable organisations hold a broad range of powers including, but not limited to:
- the power to enter land
 - the power to inspect animals
 - the power to seize or retain possession of an animal, relocate an animal, administer food, drink or veterinary care to an animal or euthanize an animal where it is suspected that the animal is in distress

¹⁴ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020).

¹⁵ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 3.

¹⁶ *Prevention of Cruelty to Animals Act 1979*, s 34B(1) and (2).

¹⁷ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 3; Evidence, Mr Hansen, 28 March 2022, p 44.

- the power to issue written decisions in accordance with section 24N where an authorized officer is satisfied that a person is contravening a provision of the Act or the regulations
- the power to issue penalty notices in accordance with section 33E for offences against the Act or the regulations which are designated as 'penalty notice offences'.¹⁸

1.20 NSW Police is also an enforcement agency of the State's animal cruelty laws – referred to in evidence as the 'third leg of the enforcement arm within animal welfare in the State'.¹⁹

Reporting and governance

1.21 The reporting obligations of the approved charitable organisations are set out in subsections 3 and 4 of section 34B:

(3) A charitable organisation that has been approved in accordance with this section must, within 3 months after 30 June in each year, provide the Minister with a report addressing such matters in relation to the exercise by itself or its officers of functions under this Act as may be prescribed by the regulations.

(4) In addition, a charitable organisation that has been approved in accordance with this section must, if requested by the Minister to do so, provide the Minister with a report on any matter specified by the Minister that relates to the enforcement of this Act by the organisation.²⁰

1.22 The categories of information to be reported to the Minister under section 34B are prescribed by the Prevention of Cruelty to Animals Regulation 2012. Reports of the approved charitable organisations must address:

- complaints and investigations concerning the treatment of animals,
- counsel, advice or cautions given,
- notices issued,
- proceedings for offences instituted,
- officers of the organisation and training provided for them,
- complaints about the organisation or its officers.²¹

1.23 In addition to these matters, the regulations also prescribe detailed stipulations regarding the matters to be included in the section 34B Ministerial reports of the approved charitable organisations. These consist of:

(a) a statement of the number of, and a summary of the substance of, complaints relating to animal cruelty or mistreatment received by the organisation,

(b) a statement of the number of visits or investigations made by officers of the organisation as a result of those complaints,

¹⁸ *Prevention of Cruelty to Animals Act 1979*, s 24E, s 24I, s 24J, s 24N and s 33E.

¹⁹ Evidence, Mr Hansen, 28 March 2022, p 41.

²⁰ *Prevention of Cruelty to Animals Act 1979*, s 34B(3) and (4).

²¹ Prevention of Cruelty to Animals Regulation 2012, s 34.

- (c) a statement of the number of visits or investigations made by officers of the organisation that were unrelated to those complaints (such as routine inspections of abattoirs, veterinary practices, pet shops or saleyards),
- (d) a statement of the number of persons officially cautioned by officers of the organisation,
- (e) a statement of the number of notices issued by officers of the organisation under section 24N of the Act,
- (f) a statement of the number of penalty notices issued by officers of the organisation,
- (g) a statement of the number of proceedings for offences under the Act or the regulations that were instituted by officers of the organisation, together with details of the defendants and the charges,
- (h) details of the outcome of such of those proceedings as had been finally determined as at the date of the report,
- (i) details of the outcome of such proceedings for offences as were referred to in the immediately previous report but not finally determined as at the date of that report,
- (j) a list, current as at the date of the report, of the officers of the organisation, together with any changes made to that list since the immediately previous report,
- (k) details of any complaints received by the organisation in relation to its activities (or those of its officers) under the Act, including details as to the resolution of those complaints and of the disciplinary action (if any) taken against any person as a result of those complaints,
- (l) details of the training provided by the organisation for its officers.²²

1.24 As noted by Animal Liberation NSW in its contribution to this inquiry, annual reports to the Minister pursuant to section 34B are not made publicly available. Itself a charity that works to improve the lives of all animals, Animal Liberation NSW advised the committee of its recent efforts to obtain copies of the section 34B reports for both the RSPCA NSW and the Animal Welfare League NSW – efforts which were met with refusal by the Minister and the NSW Department of Primary Industries according to this inquiry participant.²³

1.25 Additionally, as not-for-profit charitable organisations, the RSPCA NSW and Animal Welfare League NSW are also subject to various other reporting and governance requirements under the *Australian Charities and Not-for-profit Commission Act 2012* (Cth) and the *Charitable Fundraising Act 1991*. They must also comply with the fundraising rules and reporting requirements administered by NSW Fair Trading.²⁴ Both organisations also indicated that their accounts are externally audited as required by State and Federal legislation.²⁵

²² Prevention of Cruelty to Animals Regulation 2012, s 34.

²³ Submission 20, Animal Liberation NSW, p 17.

²⁴ Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 28 March 2022, p 11; Evidence, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 28 March 2022, p 21.

²⁵ Evidence, Mr William Beerden, General Manager, Regulation and Business Services, RSPCA NSW, 28 March 2022, p 11; Evidence, Mr Slater, 28 March 2022, p 21.

The RSPCA NSW: An overview

- 1.26** The RSPCA NSW has performed a compliance role in enforcing animal cruelty laws since 1928 and currently operates the largest animal welfare inspectorate in Australia.²⁶
- 1.27** The RSPCA NSW runs seven shelters, three veterinary hospitals, one adoption and retail care centre and a kenneling facility in partnership with Corrective Services NSW. It employs more than 500 staff and has almost 3,000 volunteers.²⁷
- 1.28** In addition to the inspectorate functions, RSPCA NSW operations encompass the following ancillary services:
- treating, sheltering and re-homing animals which are abandoned, surrendered or seized by RSPCA NSW inspectors
 - supporting the community to promote good animal welfare outcomes through education and community outreach
 - providing animal welfare assistance in natural disasters, including drought, bushfires and floods.²⁸
- 1.29** The committee observed RSPCA NSW operations first-hand when it toured the various functional areas of its Yagoona head office and shelter on Friday 25 March 2022. This site visit provided insight into the scale and breadth of RSPCA NSW operations, some of the operational challenges they face and the resources needed to perform its inspectorate functions and deliver various associated animal welfare services. Members met with various staff including: Mr Steve Coleman, Chief Executive Officer; Mr William Beerden, General Manager of Regulatory and Business Services; Ms Kristy Blake, General Manager, Animal Operations and Fundraising; Ms Ursula McGeown, General Manager, Community and Engagement; and Dr Liz Arnott, Chief Veterinarian.

The RSPCA NSW in 2020-2021

- 1.30** Key indicators, results and financial information for the RSPCA in 2020-2021 are compiled in Table 1 below. The figures in this table have been drawn from various sources: the 2020-2021 RSPCA NSW Annual Report and Financial Report (General Purpose Tier 2), submissions and witness evidence. As there is currently no prescribed list of reporting indicators, some line items are reported on by one of the approved charitable organisations but not the other; in this case the table indicates 'not reported'.

²⁶ Submission 18, RSPCA NSW, p 1; Evidence, Mr Coleman, 28 March 2022, p 2.

²⁷ Evidence, Mr Coleman, 28 March 2022, p 2.

²⁸ Submission 18, RSPCA NSW, p 1.

Table 1 The RSPCA NSW: FY 2020-2021 in review²⁹

FINANCIALS	
Revenue (not including legacies and government grants)	\$37,382,000
Operating expenses	\$56,830,000
NSW Government funding received (operational/recurrent)*	\$424,000
Donations	\$7,755,000
Bequests/legacies	\$18,165,000
Fundraising	\$6,665,000
KEY INDICATORS AND STATISTICS	
Number of animals that received care	24,271
Number of animals placed in foster care	Not reported
Number of animals rehomed	10,892
Number of animals euthanized	7,013
THE RSPCA NSW INSPECTORATE	
Costs to run inspectorate**	\$7,000,000 plus \$7,000,000 in support services
Number of inspectors as at 30 June 2021	38
Number of cruelty complaints received	15,114
Number of complaints investigated	13,838
Number of written decisions issued	527
Number of penalty infringement notices issued	109
Number of criminal prosecutions commenced in FY 2020-2021	104
Number of successful prosecutions carried out/completed in FY 2020-2021	Not reported

* This is distinct and separate from other NSW Government funding received for major capital works or special one-off NSW Government grants for initiatives such as the Puppy Farm Taskforce. Refer to paragraphs 1.33 to 1.35 below.

** Mr Coleman of the RSPCA NSW noted these were approximate costs.

- 1.31** Table 1 seeks to present the RSPCA NSW 2020-2021 financial information and reporting indicators in a clear, easily digestible format. Importantly, this is not how the RSPCA NSW financial information was presented through its public-facing reports, and it was a considerable exercise for the committee to locate the relevant financial data, understand it in context and collate it into an acceptable standard of financial reporting.

²⁹ RSPCA NSW, *General purpose tier 2 financial report 2020-2021* (2021), pp 7 and 18; Evidence, Mr Hansen, 28 March 2022, p 38; RSPCA NSW, *Your year in review: 2020-2021 annual report*, pp 3, 12 and 17; Submission 18, RSPCA NSW, pp 2-4.

- 1.32** The recurrent grant of \$424,000 from the NSW Government, as reported above, is to support the RSPCA NSW's operational expenses only. This is the same quantum of funding the RSPCA NSW receives every year to help with its operational costs.³⁰
- 1.33** In evidence to the committee, Mr Steven Coleman, Chief Executive Officer of the RSPCA NSW, noted that in addition to this annual grant, his organisation has received two special one-off grants from the NSW Government – the first being an amount of \$400,000 for the Puppy Farm Taskforce and the second being an amount of \$500,000 to assist the organisation through drought.³¹ Whether these one-off grants were received in the relevant reporting period, or in a different financial year, was not clear from the evidence before the committee.
- 1.34** As further context to the level of government funding for the RSPCA NSW, the committee was also made aware of significant funding it has received from the NSW Government for capital works. This funding has facilitated the construction or redevelopment of various RSPCA NSW assets and facilities around the State over the past 10 years.³² The recently completed works and upgrades at the Yagoona head office and shelter – which the committee toured as part of its site visit – were made possible by the latest round of NSW Government capital works funding in the order of \$10.5 million.³³
- 1.35** A component of this \$10.5 million in funding is reported in the RSPCA NSW 2020-2021 Financial Report as helping to fund the future construction of the Blue Mountains Wildlife Rehabilitation Facility. A total of \$1.34 million from this funding stream – provided through the Office of Local Government – has been earmarked for this purpose.³⁴
- 1.36** Stakeholder perspectives on the adequacy of these funding arrangements – as well as the indicators and results reported by both of the approved charitable organisations in their respective annual reports – are considered in detail in Chapter 2.

The Animal Welfare League NSW: An overview

- 1.37** The Animal Welfare League NSW is a private charity and peak body in the field of animal welfare in New South Wales. It operates under a constitutional charity structure.³⁵
- 1.38** The Animal Welfare League NSW exists to:
- promote and advance the welfare of all animals;
 - provide shelter and care for neglected and all abandoned animals;

³⁰ Evidence, Mr Coleman, 28 March 2022, p 4.

³¹ Evidence, Mr Coleman, 28 March 2022, p 4.

³² Evidence, Mr Coleman, 28 March 2022, p 5.

³³ Evidence, Mr Coleman, 28 March 2022, p 8; Answers to questions on notice, Hon Shelley Hancock MP, former Minister for Local Government, 2020-2021 Budget Estimates, 6 April 2021 cited in Submission 20, Animal Liberation NSW, p 10. See also: Media Release, Hon Shelley Hancock MP, former Minister for Local Government, 'Multi-million dollar boost for RSPCA NSW shelters', 2 March 2021.

³⁴ RSPCA NSW, *General purpose tier 2 financial report 2020-2021* (2021), p 27.

³⁵ Animal Welfare League NSW, *About: The board*, [no date], <https://www.awlnsw.com.au/the-board>.

- prevent and prosecute cruelty to animals via the Animal Welfare League NSW Inspectorate;
- provide veterinary care to injured and sick animals;
- promote the de-sexing of all animals; and
- rehabilitate and rehome animals that come into their care.³⁶

1.39 Administratively and operationally, the Animal Welfare League NSW works to deliver these objectives through its Inspectorate, Veterinary Services, Animal Shelter and Foster Care Program – as well as via more than 20 community groups or branches located across New South Wales.³⁷

1.40 The League's Inspectorate enforces animal welfare legislation, regulations and codes of practice by investigating cruelty complaints, assisting with State government disaster relief efforts and educating the community on best animal welfare standards.³⁸

1.41 The Veterinary Services team provides expert care to animals, including through the League's Mobile Vet Truck.³⁹

1.42 The League's Animal Shelter in Kemps Creek, New South Wales, provides care to animals, including rehabilitation, adoption, accepting surrenders into care and reducing euthanasia rates for healthy and treatable animals.⁴⁰

1.43 Supported by a network of carers, the League's Foster Care Program finds temporary living situations in preparation for permanent homes.⁴¹

1.44 The Animal Welfare League NSW is a member-based organisation with individuals paying an annual fee to be voting members and attend Annual General Meetings.⁴²

1.45 The League hosted the committee at its Kemps Creek facility on 25 March 2022 giving members a first-hand appreciation of its operations including front-of-house retail, kennels and cattery, the veterinary clinic and the League's Mobile Vet Truck which had recently returned from the Lismore floods. Members met with Mr Mark Slater, the League's Chief Executive Officer, Dr David Hope, President of the Board of Directors, and Mr Matthew Godwin, Chief Inspector.

The Animal Welfare League NSW in 2020-2021

1.46 Key indicators, results and financial information for the Animal Welfare League NSW in 2020-2021 are compiled in Table 2 below. The figures in this table have been drawn from various

³⁶ Animal Welfare League NSW, *Financial report for the year ended 30 June 2021*, p 3.

³⁷ Animal Welfare League NSW, *Annual report: 2020-2021*, p 2.

³⁸ Animal Welfare League NSW, *Annual report: 2020-2021*, p 2.

³⁹ Animal Welfare League NSW, *Annual report: 2020-2021*, p 2.

⁴⁰ Animal Welfare League NSW, *Annual report: 2020-2021*, p 2.

⁴¹ Animal Welfare League NSW, *Annual report: 2020-2021*, p 2.

⁴² Evidence, Mr Slater, 28 March 2022, p 19. See also: Animal Welfare League NSW, Frequently asked questions, [no date], <https://www.awlnsw.com.au/frequently-asked-questions>.

sources: the 2020-2021 Animal Welfare League NSW Annual Report and Financial Report, submissions and witness evidence. As there is currently no prescribed list of reporting indicators, some line items are reported on by one of the approved charitable organisations but not the other; in this case the table indicates 'not reported'.

Table 2 The Animal Welfare League NSW: FY 2020-2021 in review⁴³

FINANCIALS	
Total income in FY 2020-2021	\$11,029,812
Operating expenses	\$8,551,577
NSW Government funding received (operational/recurrent)	\$75,000
Donations	\$371,818
Bequests/legacies	\$5,856,487
Fundraising	\$929,204
Revenue from memberships	\$17,982
KEY INDICATORS AND STATISTICS	
Number of animals that received care	5,559
Number of animals placed in foster care	910
Number of animals rehomed	3,284
Number of animals euthanized	193
THE ANIMAL WELFARE LEAGUE NSW INSPECTORATE	
Costs to run inspectorate	\$2,500,000 plus \$2,000,000 in support services
Number of inspectors as at 30 June 2021*	5 (4 Sydney metro and 1 regional)
Number of cruelty complaints received	976
Number of attendances to investigate complaints**	1,205
Number of written decisions issued	54
Number of penalty infringement notices issued	Not reported
Number of criminal prosecutions commenced in FY 2020-2021	2
Number of successful prosecutions carried out in FY 2020-2021	2

* According to the League's submission to the inquiry, it employs five authorised inspectors. The League's answers to questions on notice state that its inspectorate is made up of six inspectors.

** The League's 2020-2021 annual report states that 1,205 attendances were conducted, whereas its submission to the inquiry puts this figure at 1,310.

⁴³ Animal Welfare League NSW, *Financial report: 2020-2021*, p 17; Evidence, Mr Hansen, 28 March 2022, p 38; Animal Welfare League NSW, *Annual report: 2020-2021*, pp 5, 8 and 17; Submission 19, Animal Welfare League NSW, p 1; Answers to questions on notice, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 23 May 2022, p 4.

- 1.47** As with the RSPCA NSW, the 2020-2021 financial information and reporting indicators for the Animal Welfare League NSW were presented in way that made it difficult for the committee to locate the relevant financial data, understand it in context and collate it into an acceptable standard of financial reporting. Table 2 is designed to bring together some of this information in a public-friendly format.
- 1.48** Part of the inquiry's intent was to assess how well the enforcement agencies are discharging their responsibilities under the Act through an interrogation of the reporting indicators, results and financial information such as those summarised in Tables 1 and 2 above. Whether such an assessment is possible based purely on the publicly available information is one of the key issues examined in Chapter 2, to which the committee now turns.

Chapter 2 Key issues

This chapter examines the key issues raised in evidence concerning the operation and performance of the approved charitable organisations in 2020-2021, particularly in relation to their compliance and enforcement activities under the *Prevention of Cruelty to Animals Act 1979*. The chapter begins by detailing the NSW Government's funding for the approved charitable organisations and the adequacy of this funding envelope. This is followed by a discussion of stakeholder perspectives on the adequacy of the organisations' annual and financial reports as the primary means of public accountability and transparency. The chapter concludes with a summary of the evidence presented to the committee on the exercise by the approved charitable organisations of their compliance and enforcement functions.

Adequacy of Government funding for the enforcement agencies

2.1 Questions surrounding government funding for the two approved charitable organisations were given considerable attention throughout the committee's inquiry. The rationale and history for the amount of funding provided by the NSW Government and, more importantly, the adequacy of this funding were both the subject of significant comment. Stakeholders identified particular areas that may be impacted by limited funding, including the operation of the cruelty complaints hotline and employee safety, and identified priority areas for additional funding, namely disaster assistance. These issues are examined in the following sections through a discussion of stakeholder views and perspectives.

Recurrent NSW Government grants from consolidated revenue

2.2 As detailed in Chapter 1, the approved charitable organisations receive a grant from the NSW Government each year to help with their operational expenses, administered through the NSW Department of Primary Industries. The annual amount the RSPCA NSW receives – being a sum of \$424,000 – has been static for 15 years, as has the amount of \$75,000 that is allocated to the Animal Welfare League NSW.⁴⁴

2.3 The last increase to the RSPCA NSW grant occurred prior to FY2007-2008 when it doubled from \$212,000 to \$424,000 to assist the organisation's relocation to its headquarters in Homebush Bay.⁴⁵

2.4 While the amounts have remained unchanged since FY2007-2008, the committee heard that the original funding agreement dates back much further in time, possibly to 1997.⁴⁶ Mr Scott Hansen, Director General of the NSW Department of Primary Industries, was unable to shed light on its original basis or formulation, commenting that:

⁴⁴ Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 28 March 2022, p 4; Evidence, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 28 March 2022, p 22. See also: Evidence, Dr Kim Filmer, Chief Animal Welfare Officer, NSW Department of Primary Industries, Budget Estimates 2021-2022, 15 March 2022, p 49.

⁴⁵ Evidence Mr John Tracey, Deputy Director-General, Biosecurity and Food Safety, NSW Department of Primary Industries, 28 March 2022, p 43.

⁴⁶ Evidence, Mr Scott Hansen, Director General, NSW Department of Primary Industries, 28 March 2022, p 43.

It is actually a historical allocation or determination that goes back. We were actually trying to find, for the purposes of preparation of today, the original description or basis for [the funding], and we are still yet to turn up that original description or basis.⁴⁷

- 2.5** Under examination by the committee, Mr Matthew Godwin, Chief Inspector for the Animal Welfare League NSW, explained the ostensibly ad-hoc processes that sit around how these grants are administered every year. He informed the committee that, based on his 'basic overview' of the process:

... a specific time of the year is set aside for the solicitation of the \$75,000 as a grant. We would write a very, very, very brief submission and then that money is provided. As far as the acquittal process is concerned, from my understanding it is ... almost incorporated into the submission that we provide to the [NSW Department of Primary Industries]. That is probably the simplest way to put it. There is no actual "it went here; it went there". It is more of a broad statement.⁴⁸

- 2.6** Mr Mark Slater, Chief Executive Officer of the Animal Welfare League NSW, advised that there are no specific expectations or key performance indicators associated with the recurrent NSW Government grants.⁴⁹

- 2.7** This was reiterated by senior government officials representing the NSW Department of Primary Industries. Referring to the grants the Department provides to a whole range of animal welfare agencies (not just the approved enforcement agencies), Mr Scott Hansen, the Department's Director General, emphasised that '[a]ll of these grants are for the purposes of animal welfare and they are not tied to enforcement or compliance activities'.⁵⁰

- 2.8** Further illustrating the nature of these grants, Mr Hansen impressed upon the committee what he considered an important distinction between, on one hand, the provision of general, untied funding to promote animal welfare in the State and, on the other, the outsourcing of law enforcement functions to a non-government organisation through a procurement arrangement.⁵¹ According to Mr Hansen, grants to the approved charitable organisations fall into the former category with no link whatsoever to the enforcement of the *Prevention of Cruelty to Animals Act 1979*:

All of these are grants that are purely for the purposes of animal welfare and they are not tied to enforcement or compliance activities. ... it is not as though we procure the services of RSPCA or the Animal Welfare League in the provision of enforcement and compliance activities. There is a grant that we provide them annually and then there is them being accredited enforcement agencies under the Act in terms of their compliance and enforcement activities.

[...]

⁴⁷ Evidence, Mr Hansen, 28 March 2022, p 38.

⁴⁸ Evidence, Mr Matthew Godwin, Chief Inspector, Animal Welfare League NSW, 28 March 2022, p 22.

⁴⁹ Evidence, Mr Slater, 28 March 2022, p 22.

⁵⁰ Evidence, Mr Hansen, 28 March 2022, p 38.

⁵¹ Evidence, Mr Hansen, 28 March 2022, p 38.

That money is not tied in any way through [a Memorandum of Understanding] or others in terms of that allocation. It is purely a grant.⁵²

- 2.9** Adding to this evidence, Dr Kim Filmer, the Department's Chief Animal Welfare Officer, spoke of the more informal understandings between the Department and the approved charitable organisations around how this funding is to be spent, including 'ongoing dialogue' to identify potential priorities or areas of need if or when they arise. Dr Filmer explained:

We have ongoing dialogue with both of those organisations throughout the year. It is not just at the beginning of the year we say, "This is what you need to spend the money on." That money is spent by the organisations in the way that they see fit. But we do have ongoing dialogue with them about areas of need. If something arises or something is becoming an issue or something is causing concern, then that becomes part of the ongoing dialogue that we have with them throughout the year.⁵³

- 2.10** In response to questioning about acquittal processes, Dr Filmer advised the committee that the approved charitable organisations furnish the Department with 'feedback' by way of a letter outlining what they have used the money for, and that 'they are usually pointing [to it being used] for inspector functions'.⁵⁴

- 2.11** As detailed below, the NSW Government grants to the approved charitable organisations represent a very small fraction of what it costs to operate their animal welfare inspectorates. While the Animal Welfare League NSW acknowledged indirectly their reliance on fundraising to uphold the Act⁵⁵, the committee was unable to ascertain what proportion of donated funds were used towards the inspectorate costs. This was not clear from the evidence before the committee, nor the publicly available financial reports and statements of the approved charitable organisations.

Stakeholder perspectives on the adequacy of funding

- 2.12** Putting these grants in perspective as a percentage of operational costs, the committee noted that it costs the Animal Welfare League NSW approximately \$2.5 million in direct costs each year to run its inspectorate of six inspectors and administrative support.⁵⁶ Additional to these direct costs are the costs of housing and caring for animals as well as legal fees for prosecutions, estimated together to be more than \$2 million (not including GST).⁵⁷

- 2.13** For the RSPCA NSW, the cost is somewhere in the vicinity of \$14 million in expenses each year to run their inspectorate of 38 inspectors, consisting of:

⁵² Evidence, Mr Hansen, 28 March 2022, p 38.

⁵³ Evidence, Dr Kim Filmer, Chief Animal Welfare Officer, NSW Department of Primary Industries, 28 March 2022, p 39.

⁵⁴ Evidence, Dr Filmer, 28 March 2022, p 39.

⁵⁵ Evidence, Mr Slater, 28 March 2022, p 17.

⁵⁶ Answers to questions on notice, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 23 May 2022, p 5. The League's submission to the inquiry states that it employs five authorised inspectors, whereas their answers to questions on notice state that it employs six inspectors.

⁵⁷ Answers to questions on notice, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 23 May 2022, p 5; Evidence, Mr Slater, 28 March 2022, p 17. This estimate was premised on some underlying assumptions and caveats.

... about \$7 million directly for our inspectorate per year, but that cannot happen unless we spend the extra six to seven million in support services—that is veterinary support, that is sheltering support, that is agistment costs—all of those services that complement what our inspectorate do.⁵⁸

- 2.14** Several inquiry participants considered the current levels of funding for the enforcement agencies to be inadequate when considered in the context of their significant compliance functions, further highlighting their reliance on charitable donations to uphold an important piece of criminal legislation. The Cat Protection Society of NSW was one such participant, with their submission highlighting the expensive and labour intensive nature of inspectorate services and how this competes with other agency functions for finite resources:

...these are charitable organisations that aren't fully funded for their compliance activities and reporting. Inspectorate services are necessarily expensive: they're labour intensive, require highly trained staff, involve transport and veterinary costs, as well as timely, high-level administrative and legal support. Both organisations have a remit beyond monitoring compliance with POCTAA and thus face competing demands for internal funds allocation. It deeply concerns us that law enforcement of animal welfare is highly dependent on charitable donations; it sends a message that these laws are not as important as other laws.⁵⁹

- 2.15** The NSW Young Lawyers echoed this sentiment. Its Animal Law Committee referred to the scale and extent of the State's animal agriculture industry and companion animal ownership rates to give further credence to its assertion that current levels of funding are inadequate:

The level of funding provided to the [approved charitable organisations] to perform the public function of investigating and enforcing animal welfare offences in NSW is, in the Committee's view, inadequate when considered against the scale and extent of commercial and domestic animal use across the state; in NSW, the livestock industry generated \$7.276 billion of output for financial year 2020,18 and it is estimated that 1,668 commercial animal facilities are in operation. Additionally, a 2020 report indicated that approximately 64% of individuals in NSW care for at least one pet.⁶⁰

- 2.16** Similarly, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, considered the level of Government funding and resultant reliance on charitable donations problematic, giving evidence that 'having to fundraise to enforce criminal laws is just not good enough'⁶¹. Ms Ward was of the opinion that this does not meet community expectations for animal welfare in New South Wales.⁶² Accordingly, one of the recommendations put forward by the Animal Defenders Office was to guarantee sufficient funding for the approved charitable organisations to enable them to carry out inspections, investigations and enforcement activities for all types of animals in New South Wales.⁶³

- 2.17** Another inquiry participant suggested the current inspectorate staffing levels are far from adequate or appropriate given they are expected to 'oversee more than 70 million animals in the

⁵⁸ Evidence, Mr Coleman, 28 March 2022, p 7.

⁵⁹ Submission 13, Cat Protection Society of NSW, p 1.

⁶⁰ Submission 12, NSW Young Lawyers Animal Law Committee, p 6.

⁶¹ Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, pp 28-29.

⁶² Evidence, Ms Ward, 28 March 2022, p 28.

⁶³ Evidence, Ms Ward, 28 March 2022, p 28.

agribusiness industry, and the many millions of native, wild and companion animals, as well as animals used for entertainment and medical experimentation.⁶⁴

- 2.18** Comparisons between the level of Government funding for animal welfare inspectorates in New South Wales and those of other States and territories were again raised in evidence to this inquiry, with Ms Ward of the Animal Defenders Office telling the committee 'it does not stack up' that New South Wales makes the smallest contribution (in percentage terms) out of all the jurisdictions given the number of animals and extent of animal-related industries in the State.⁶⁵
- 2.19** Countering perceptions of inadequate funding, Mr Scott Hansen and Dr John Tracey of the NSW Department of Primary Industries told the committee they were not aware of any formal requests from the RSPCA NSW or the Animal Welfare League NSW for additional grant funding.⁶⁶
- 2.20** In questioning before the committee, Mr Hansen indicated he was not aware of any requests from either the RSPCA NSW or the Animal Welfare League NSW for additional funding.⁶⁷ Providing further detail on this issue, Dr Kim Filmer, the Department's Chief Animal Welfare Officer, referred to general discussions she has with the enforcement agencies around 'what you could do if you had more.'⁶⁸ However, when questioned about whether the RSPCA NSW specifically has made any request to the Department, Dr Filmer commented that 'there has been nothing formal to my knowledge'.⁶⁹
- 2.21** In contrast to this evidence, both the RSPCA NSW and the Animal Welfare League NSW advised the committee that they had previously requested that the NSW Government review and increase their level of funding.⁷⁰

Impacts of constrained resources

- 2.22** The different ways in which the funding envelope may be impacting on the operations of the approved charitable organisations emerged as an area of significant concern throughout the inquiry. This section brings together stakeholder views on the potential consequences of underfunding for the approved charitable organisations, in particular the effectiveness of their enforcement and compliance operations under the Act. It focuses on issues surrounding: handling of cruelty complaints; staffing, workloads and employee safety; and funding for disaster relief efforts.

⁶⁴ Submission 2, Ms Eliza Allan, p 1.

⁶⁵ Evidence, Ms Ward, 28 March 2022, p 29.

⁶⁶ Evidence, Mr Hansen, 28 March 2022, p 40; Evidence, Dr Tracey, 28 March 2022, p 40.

⁶⁷ Evidence, Mr Hansen, 28 March 2022, p 40.

⁶⁸ Evidence, Dr Filmer, 28 March 2022, p 40.

⁶⁹ Evidence, Dr Filmer, 28 March 2022, p 40.

⁷⁰ Evidence, Mr Coleman, 28 March 2022, p 4; Evidence, Mr Slater, 28 March 2022, p 16.

Cruelty complaints handling

2.23 The committee heard in evidence from the RSPCA NSW about the challenges they face in handling the large volume of cruelty complaints received every year – 15,000 odd complaints – within the finite resource envelope in which they currently operate.⁷¹ This evidence revealed that, in triaging and assessing which complaints are urgent and which complaints can wait, RSPCA NSW officers regularly make 'tough calls' using the best of their expertise.⁷² It also alluded to a disconnect between the expectations of some members of the community – particularly those who do not understand what the enforcement agency can and cannot do – and the reality of what the RSPCA NSW can provide within the current staffing levels and resources at its disposal.⁷³ Referring to this reality, the organisation's Chief Executive Officer, Mr Steven Coleman, directly attributed these challenges to a 'lack of resources', explaining to the committee:

I think it is fair to say that we make those tough calls all day, every day ... if you can appreciate, when you are dealing with 15,000-odd alleged cruelty complaints it is near on impossible, because of a lack of resources, that we can respond to every informant and give them an update. It is just impossible.⁷⁴

2.24 The staffed operating hours for the cruelty complaints line was another operational area where there was seen to be a misalignment between service level expectations within the community and the reality of what the approved charitable organisations can feasibly do within their current staffing/resourcing parameters.⁷⁵

2.25 This highlighted the inability of the approved charitable organisations to effectively respond to animal cruelty complaints with their current levels of government funding.

2.26 The RSPCA NSW operates its contact centre 7 days a week between 8.00 am and 5.00 pm, with an alternate process in place for informants to lodge a complaint if they call outside of these hours.⁷⁶ Likewise, Mr Mark Slater of the Animal Welfare League NSW informed the committee that their cruelty complaints line is 'not manned 24/7' as 'we do not have the financial capability to be able to do that', but informants can leave a message outside of staffed hours.⁷⁷

2.27 Acknowledging these limitations, the RSPCA NSW told the committee they could run a 24/7 cruelty complaints line if they had additional resources. When asked how much additional funding would be required for this purpose, Mr Steven Coleman of the RSPCA NSW remarked that '[y]ou could double it'.⁷⁸ It was unclear as to what figure Mr Coleman was proposing to be doubled.

⁷¹ Evidence, Mr Coleman, 28 March 2022, p 4.

⁷² Evidence, Mr Coleman, 28 March 2022, p 4.

⁷³ Evidence, Mr Coleman, 28 March 2022, p 4.

⁷⁴ Evidence, Mr Coleman, 28 March 2022, p 4.

⁷⁵ Evidence, Mr Coleman, 28 March 2022, p 4.

⁷⁶ Evidence, Mr Coleman, 28 March 2022, pp 3 and 4.

⁷⁷ Evidence, Mr Slater, 28 March 2022, p 17.

⁷⁸ Evidence, Mr Coleman, 28 March 2022, pp 3 and 6.

2.28 Ms Ward from the Animal Defenders Office gave first-hand evidence about how the lack of funding for the approved charitable organisations impacts their ability to respond to animal cruelty complaints:

What we see is that totally legitimate documented complaints about cruelty to animals are not responded to. Even our tiny volunteer-run community legal centre has received significant examples of that. It is completely distressing to everyone involved: the animals who have suffered, the people who have witnessed it and the people who have come to us... It is just an indication that the system is not working.⁷⁹

2.29 In relation to what they could do with increased funding, the Animal Welfare League NSW signalled its intention to work with the NSW Government in the near future for 'greater rounds of funding' to build their inspectorate capabilities.⁸⁰

2.30 The ability (or lack of ability) of the RSPCA NSW and Animal Welfare League NSW to conduct 'proactive' or 'routine' inspections of 'animal trades' was of concern to many inquiry participants. It is noted that in 2020-2021, the RSPCA NSW conducted only 201 routine inspections and the Animal Welfare League NSW only conducted 12 routine inspections.⁸¹

2.31 The RSPCA NSW and Animal Welfare League NSW made it clear that this is an issue of lack of resourcing. For example, the RSPCA NSW stated that 'the capacity to conduct 'routine' inspections is dependent on available resources with investigation of animal cruelty complaints taking priority.'⁸²

2.32 Mr Matthew Godwin from the Animal Welfare League NSW indicated it would be desirable to do more proactive inspections:

I would most definitely be wanting to do more proactive inspections. Like I indicated before, it is a matter of resourcing. We are currently focussed on the reactive stuff that we get—people ringing up lodging cruelty complaints. Most of our time is taken up at this present time investigating those complaints.⁸³

2.33 For the Animal Welfare League NSW, having the funding to employ more staff on the ground was identified as a prerequisite to becoming a more pro-active enforcement agency:

From a grassroots perspective, having people on the ground would enable us to transition a little bit more towards the proactive rather than the reactive. We are quite reactive at the moment, although this is something that we are endeavouring to change. It does come down to personnel issues...

[...]

[I]t is a matter of resourcing. ... Most of our time is taken up at this present time investigating those complaints. Yes, most definitely, we would be—given an increase in

⁷⁹ Evidence, Ms Ward, 28 March 2022, p 29.

⁸⁰ Evidence, Mr Slater, 28 March 2022, p 17.

⁸¹ Submission 18, RSPCA NSW, pp 2-3; Submission 19, Animal Welfare League NSW, p 1.

⁸² Submission 18, RSPCA NSW, p 2.

⁸³ Evidence, Mr Godwin, 28 March 2022, p 22.

personnel and the ability to cover more of the State, yes, proactive inspections are critical.⁸⁴

Staffing, workload and employee safety

2.34 Evidence before the committee highlighted a number of concerning employee-related matters which at least partly stemmed from difficult decisions about how best to allocate stretched resources.

2.35 Perhaps most significantly, the committee heard it was not standard operating procedure for inspectors to work in pairs when attending call-outs to investigate cruelty complaints. Mr Godwin of the Animal Welfare League NSW, for instance, told the committee that their inspectors will almost always attend call-outs on their own depending on the details of the complaint they are investigating.⁸⁵ The RSPCA NSW conceded that, while not every complaint necessarily requires two inspectors, it would be ideal if they were in a position to have two staff attend certain complaints.⁸⁶

2.36 When asked about whether he would like to see increased funding to allow two inspectors to go out on each job, Mr Mark Slater from Animal Welfare League NSW stated:

I would completely agree. The vast majority of my day is spent keeping inspectors safe, maintaining location information. It is almost like a constant—I am not sure of the analogy, but the vast majority of my day is spent making sure each one of our inspectors is safe. We have implemented measures inasmuch as state-of-the-art communication equipment, training that we recently completed in December and trying to equip the inspectors with as much knowledge and equipment to keep them safe at this point in time. But at the end of the day, having two inspectors attend the job would be ideal.⁸⁷

2.37 Qualifying this evidence – and underscoring their commitment to employee safety – both of the enforcement agencies drew the committee's attention to a range of measures they have in place to mitigate risks to their inspectors and keep them out of harm's way. For example, Mr Coleman of the RSPCA NSW noted the additional safety measures and training the organisation has implemented (including self-defence training) while highlighting the Memorandum of Understanding the RSPCA NSW has with NSW Police. This MoU provides some degree of access to intelligence and also the assurance that 'it is a phone call away to the police to determine whether or not we should be going there at all, let alone on our own, or we go in partnership with the police.'⁸⁸

2.38 The Animal Welfare League NSW has similar measures and intelligence-sharing arrangements in place. Depending on the circumstances of the complaint, their inspectors sometimes work in partnership with NSW Police or will attend in the company of an RSPCA NSW inspector where a particular address and any potential dangers are known to both of the enforcement agencies.

⁸⁴ Evidence, Mr Godwin, 28 March 2022, pp 18 and 22.

⁸⁵ Evidence, Mr Godwin, 28 March 2022, p 17.

⁸⁶ Evidence, Mr Coleman, 28 March 2022, p 6.

⁸⁷ Evidence, Mr Slater, 28 March 2022, p 8.

⁸⁸ Evidence, Mr Coleman, 28 March 2022, pp 5-6.

Moreover, the League looks for certain indicators – 'red flags' – in assessing whether to send more than one inspector to a call out.⁸⁹

- 2.39** Both agencies also operate an inspector monitoring system which tracks the geolocation of their inspectors and features a duress alarm system.⁹⁰ The RSPCA NSW's satellite-based 'smart tracker' system was observed in operation by the committee during its visit to the RSPCA NSW headquarters in Yagoona.
- 2.40** Evidence the committee received on the correlation between domestic violence and cruelty to animals threw into sharp relief the risks inspectors potentially face when attending call-outs, with one witness pointing to research indicating that, where there are animal welfare issues, there is a very high risk of violence to people as well.⁹¹
- 2.41** In seeking to identify potential areas for reform, the committee questioned the enforcement agencies on potential priorities for additional government funding. One such area canvassed by the committee was the prospect of introducing a policy of sending two inspectors to call-outs, in line with the safety policies and protocols of Government agencies that investigate alleged breaches of legislation as part of their law enforcement responsibilities. When asked if this would be a priority for the RSPCA NSW, Mr Coleman remarked that 'we will never say no to additional resourcing'.⁹²
- 2.42** Similarly, Mr Slater of the Animal Welfare League NSW lent his full support to the proposition that inspector safety – in particular, additional funding to introduce a policy of sending two inspectors to call-outs – should be a high priority for government funding.⁹³
- 2.43** Responding to this issue, Mr Hansen of the NSW Department of Primary Industries expressed concern about 'any compliance officer walking into a situation on their own' and again referred the committee to the Memorandum of Understanding the enforcement agencies have with NSW Police for attendances that are deemed or suspected to be high risk.⁹⁴ While he conceded that no other enforcement agency sends one compliance officer to a private address as a matter of course, Mr Hansen told the committee that agencies operating within a constrained resource environment must ultimately make calculated decisions that balance the risk of their compliance activities with the paramount safety considerations of their staff:

... I am sure if those enforcement agencies decided that they were only going to send one person out, they would also be able to claim that they could get to twice as many cases. Everyone needs to make an assessment about the risk that they are sending their offices out into and the breadth by which to cover. It is a call that we make on everything, whether it is our fisheries complaints, whether it is our teachers or whether it is our nurses. It is trying to get that right blend between the number of employees

⁸⁹ Evidence, Mr Godwin, 28 March 2022, p 17.

⁹⁰ Evidence, Mr Godwin, 28 March 2022, p 18.

⁹¹ Evidence, Ms Kristina Vesk, Chief Executive Officer, Cat Protection Society of NSW, 28 March 2022, p 28. See also: Tabled document, Michelle Cleary, Dependra K. Thapa, Sanci West, Mark Westman & Rachel Kornhaber, *Animal abuse in the context of adult intimate partner violence: A systemic review*, 2021.

⁹² Evidence, Mr Coleman, 28 March 2022, p 6.

⁹³ Evidence, Mr Slater, 28 March 2022, p 18.

⁹⁴ Evidence, Mr Hansen, 28 March 2022, p 41.

dealing with the right number of people, or the right number of employees to send to a case. It is ultimately the responsibility of the agency that is hiring and deploying those into the field. Ensuring the safety of their staff should be first and foremost. If this is an area of concern for them, there is always the case that they send them out in pairs, they either reduce that caseload or they use more of their funding to employ more staff to cover that. That is not a decision that we make.⁹⁵

2.44 In relation to whether there are sufficient inspectors to meet the workload, the committee heard from the Animal Welfare League NSW that they sometimes struggle to recruit inspectors as the position requires a specialised set of skills that can be hard to find. Mr Godwin spoke of the difficulties they face when undertaking recruitment for inspectors, observing that 'we do get a lot of applicants but the suitability of those applicants is what generally makes it difficult.'⁹⁶

2.45 Animal Welfare League NSW inspectors are paid \$60,000 per year plus superannuation, as set by the Animal Care and Veterinary Services Award 2020.⁹⁷ The League agreed that the relatively low rate of remuneration effectively narrows the potential candidate pool to those who are genuinely very passionate about animal welfare.⁹⁸

2.46 As detailed in Chapter 1, the Animal Welfare League NSW employs five inspectors, only one of whom is regionally based in Bathurst. This concentration of the League's inspectors in the Sydney basin did not escape the committee's attention, leading to questions about how the League deals with cruelty complaints in rural and regional New South Wales. Addressing these concerns, the League explained:

There are major centres within regional New South Wales that we could definitely have an Animal Welfare League inspectorate presence. In relation to what occurs now, we have one regional inspector who is based in Bathurst but will travel within the Central Tablelands and the Central West. I think the furthest she has gone, so far, is Dubbo. We do a lot of work in Dubbo, as indicated previously. For the rest of the State, we are very well known – well, not very well known, but we are well known to be within the Central Tablelands and the Central West, to have a presence there. That generates cruelty complaints for us in those regions. The rest of the State, we do get calls. If we are able to, if time is not critical, if it is something that we can deploy an inspector to within a couple of days and it is not going to impact the welfare of any animals involved, we will do that. What we find presently, just due to staffing numbers, is that if it does require attendance immediately, we have to either refer it to the RSPCA or to the local police.⁹⁹

2.47 The Animal Welfare League NSW expressed that establishing an inspectorate presence in certain major centres in regional New South Wales would 'most definitely be on the wish list.'¹⁰⁰

2.48 Concerns about current staffing levels and how these might impact on the effectiveness of compliance and enforcement activities were not only limited to the number and reach of inspectors. Each agency's complement of legal staff was also of particular interest to the

⁹⁵ Evidence, Mr Hansen, 28 March 2022, p 41.

⁹⁶ Evidence, Mr Godwin, 28 March 2022, p 22.

⁹⁷ Evidence, Mr Godwin, 28 March 2022, p 22; Evidence, Mr Slater, 28 March 2022, p 23.

⁹⁸ Evidence, Mr Godwin, 28 March 2022, p 23.

⁹⁹ Evidence, Mr Godwin, 28 March 2022, p 23.

¹⁰⁰ Evidence, Mr Godwin, 28 March 2022, p 23.

committee, these being other personnel that are critical to handling prosecutions and compliance under the Act.

- 2.49** The Animal Welfare League NSW does not have in-house legal counsel and, depending on the enormity of the case, generally relies on *pro bono* legal assistance. If a particular case requires special counsel, the League finds funding in their budget to engage external legal counsel.¹⁰¹
- 2.50** The RSPCA NSW employs one legal counsel and one junior lawyer to manage all legal matters for the organisation, such as prosecutions, regulatory compliance and bequests. It also engages outside legal assistance on a needs basis, depending on workload, capacity and timeframes.¹⁰²
- 2.51** In answers to questions on notice, the RSPCA NSW advised the committee that its Senior Legal Counsel, Ms Kathryn Jurd, works 55 hours per week on average including regional travel.¹⁰³

Funding for disaster relief/assistance and mobile clinics

- 2.52** The inquiry sought to shine a light on the important role both of the approved charitable organisations play in disaster response and assistance through bushfires, floods and drought. When the need arises, they are often called on in an emergency response capacity to provide animal welfare assistance, often working alongside other emergency services and disaster relief arms of the NSW Government (that is, first responders).
- 2.53** An example of this emergency response deployment is detailed in the Animal Welfare League NSW's 2020-2021 Annual Report with respect to the State's flooding crisis of March 2021. At the request of the NSW Department of Primary Industries, the League's Mobile Vet Truck was deployed to Castle Hill Showground with a complement of staff and volunteers. Through their presence there, the League's response team provided food, fresh drinking water, bedding and towels to animals that had been rescued from the floods, and administered emergency veterinary relief to companion animals and livestock.¹⁰⁴
- 2.54** In addition to emergency assistance, the League's Mobile Vet Truck is deployed to regional New South Wales locations to run mobile vaccination, de-sexing and microchipping clinics with the aim of placing downward pressure on euthanasia rates and alleviating the workload on local veterinary services.¹⁰⁵ In the reporting period FY 2020-2021, the League's Mobile Vet Truck carried out a total of 10 community trips and emergency response deployments, assisting 437 animals.¹⁰⁶
- 2.55** Like the League, the RSPCA NSW informed the committee of its role in responding to natural disasters such as floods, bushfires and drought, a role that consists of three principal activities:

¹⁰¹ Evidence, Mr Slater, 28 March 2022, p 17.

¹⁰² Evidence, Mr Coleman, 28 March 2022, p 5.

¹⁰³ Answers to questions on notice, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 9 May 2022, p 1.

¹⁰⁴ Animal Welfare League NSW, *Annual report: 2020-2021*, p 10.

¹⁰⁵ Animal Welfare League NSW, *Annual report: 2020-2021*, p 10; Evidence, Mr Slater, 28 March 2022, p 15.

¹⁰⁶ Animal Welfare League NSW, *Annual report: 2020-2021*, p 14.

- **first**, the agency's mobilisation by the emergency management team of the NSW Department of Primary Industries, which sees their inspectorate staff being deployed into the field to make assessments of livestock and companion animals
- **second**, deployment of other RSPCA NSW staff and volunteers to established evacuation centres
- **third**, the RSPCA NSW runs pop-up relief clinics in areas affected by natural disasters as a means to engage with affected communities around animal welfare issues and provide free supplies such as pet food and livestock fodder.¹⁰⁷

2.56 It was noted during the inquiry that the RSPCA NSW does not receive separate funding from the NSW Government for emergency response efforts, but instead funds such deployments from their donations and other funding streams – that is, 'through our own means'.¹⁰⁸ Mr Steven Coleman of the RSPCA NSW subsequently clarified that the NSW Department of Primary Industries does in fact reimburse them for some of the expenses incurred.¹⁰⁹

2.57 This evidence accorded with the testimony of the NSW Department of Primary Industries representatives who stated that, in addition to the recurrent/annual grants (detailed at paragraphs 2.2 to 2.11 above), the Departmental makes other payments to the enforcement agencies throughout the year to reimburse certain costs incurred as a result of disaster relief deployment.¹¹⁰

2.58 According to both of the enforcement agencies, every emergency response deployment takes capacity out of the system for their business-as-usual inspectorate and veterinary services. In evidence to the committee, the RSPCA NSW described the impact when finite resources are diverted to the shifting and often unforeseen priorities of disaster response:

But what we cannot forget is that ... we have still got business-as-usual work to get on with. Currently, when an inspector leaves their area to respond to an emergency management situation there is inevitably a backlog of cruelty complaints that still continue to come in. So they are not being attended to whilst we are responding out in the field to those emergency management issues or those declared disasters.¹¹¹

2.59 Underscoring these competing demands, both of the approved charitable organisations saw opportunities to do more to assist in disaster management efforts and enhance their emergency response capabilities if provided with additional funding and resources.

2.60 When asked about their 'shopping list' of priorities for additional funding, the RSPCA NSW saw potential to enhance their emergency response capabilities by recruiting additional inspectors, providing further disaster management training for staff and volunteers and by adding to their mobile Animal Welfare Response fleet/assets:

... with additional funding we are ready to do more. We can be deployed quicker... Together with, perhaps, into the future, additional training from emergency

¹⁰⁷ Evidence, Mr Coleman, 28 March 2022, pp 2 and 9.

¹⁰⁸ Evidence, Mr Coleman, 28 March 2022, p 2.

¹⁰⁹ Evidence, Mr Coleman, 28 March 2022, p 7.

¹¹⁰ Evidence, Mr Hansen, 28 March 2022, p 41; Evidence, Dr Tracey, 28 March 2022, p 39.

¹¹¹ Evidence, Mr Coleman, 28 March 2022, p 3. See also: Evidence, Mr Slater, 28 March 2022, p 15.

management agencies to further complement the skills and the training that our inspectors and our staff and our volunteers receive in that space. I do not think there is ever a point at which you could ever say that you could not do with more resources. ... I think you saw our Animal Welfare Response Unit—a modified motorhome. If we had two or three or four of those located in different parts of New South Wales we could respond more efficiently. That would help. Additional inspectors would certainly help in that space. Additional training would help in that space.¹¹²

- 2.61** The Animal Welfare League NSW shared some of these same priorities, telling the committee they could 'quite easily employ another three [Mobile Vet Trucks]' and already have 'quite detailed plans' for scaling up and building on their mobile response capabilities, subject to 'a brief from the Government on what they would like first responders to look like.'¹¹³

Other stakeholder concerns about adequacy of funding

- 2.62** According to the NSW Young Lawyers' Animal Law Committee, a lack of stable and adequate funding for the approved charitable organisations 'demonstrably compromises' their ability to prevent cruelty to animals and promote animal welfare – that is, the very purpose of the Act's existence.¹¹⁴

- 2.63** More specifically, the Animal Law Committee submitted that current deficiencies in Government funding for the approved charitable organisations diminish the effectiveness of their compliance and enforcement functions in the following ways:

- **First**, as the approved charitable organisations must seek funding from other sources (such as bequests, corporate partnerships and donations) to fill gaps in government funding, this diverts efforts away from their core functions as enforcement agencies
- **Second**, receiving funding from donors or revenue generated from initiatives such as the 'RSPCA Approved' accreditation program for animal products, could lead to a real or perceived conflict in their decision-making such that their impartiality could be seen to be compromised
- **Third**, a lack of funding undermines the viability of proactive and preventative measures such as routine inspections and community education, resulting in an underutilisation of the benefits of these more proactive animal welfare measures
- **Fourth**, a shortage of resources can make systemic, complex or difficult cases less feasible to pursue and prosecute when compared with other, more straightforward matters.¹¹⁵

- 2.64** Ms Ward from the Animal Defenders Office also expressed concern at the low rate of Government funding for the enforcement agencies, 'because New South Wales is the largest jurisdiction, the largest State. The number of animals, the number of animal trades—it does not stack up'.¹¹⁶ Ms Ward recommended that:

¹¹² Evidence, Mr Coleman, 28 March 2022, p 3.

¹¹³ Evidence, Mr Slater, 28 March 2022, p 14.

¹¹⁴ Submission 12, NSW Young Lawyers Animal Law Committee, p 5.

¹¹⁵ Submission 12, NSW Young Lawyers Animal Law Committee, pp 6-7.

¹¹⁶ Evidence, Ms Ward, 28 March 2022, p 29.

... the existing framework be strengthened by guaranteeing sufficient funding for approved charitable organisations to enable them to carry out inspections, investigations and enforcement activities with respect to all types of animals in New South Wales.¹¹⁷

- 2.65** There was also some concern among inquiry participants about the kill rates of the approved charitable organisations, as gleaned from the data reported in their 2020-2021 annual reports. Suggestions that the RSPCA NSW kill rates are too high gained particular currency among responses to the committee's online questionnaire.¹¹⁸

Transparency and accountability of the approved charitable organisations

- 2.66** The inquiry provided a forum to examine, through stakeholder insights, whether the approved charitable organisations are subject to an appropriate level of scrutiny, public accountability and independent oversight commensurate with their statutory powers and delegated authority as law enforcement agencies. This section provides an overview of inquiry participants' views on the adequacy of the information provided in the approved charitable organisations' annual reports and financial statements with respect to their reporting for the financial year 2020-2021.

Adequacy of annual reports and financial information

- 2.67** As noted in Chapter 1, the approved charitable organisations' yearly reports to the Minister, pursuant to section 34B of the Act, are not publicly available. These reports are initially lodged with the NSW Department of Primary Industries' Animal Welfare Unit whose staff 'cross-reference and check that document to make sure they have provided the information that is required for them under the regulation.'¹¹⁹ According to Dr Kim Filmer, the Department's Chief Animal Welfare Officer, these reports to the Minister address 'quite clearly specified' requirements and contain not only more detail than 'the glossy document that is put out to the public', but also certain information not appropriate for public release.¹²⁰
- 2.68** Despite the Select Committee on animal cruelty laws finding there is no reason why such reports should not be released to the public,¹²¹ and given that the NSW Government has not taken steps to make these reports public, the public-facing annual reports and financial statements still remain the only public glimpse into the compliance and enforcement operations of the RSPCA NSW and Animal Welfare League NSW.
- 2.69** Overwhelmingly, the weight of evidence before the committee pointed to a dissatisfaction with the level of detail, categories of information and operational results reported in the approved

¹¹⁷ Evidence, Ms Ward, 28 March 2022, p 28.

¹¹⁸ Portfolio Committee No. 4 – Customer Service and Natural Resources, NSW Legislative Council, *Report on the online questionnaire: 2021 inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 2; Submission 7, Ms Brenda May, p 1; Submission 8, name suppressed, p 1;

¹¹⁹ Evidence, Dr Filmer, 28 March 2022, p 43.

¹²⁰ Evidence, Dr Filmer, 28 March 2022, p 43.

¹²¹ Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 59.

charitable organisations' public-facing annual reports and financial statements. This publicly reported information was seen to have limited utility and provide scant insight into the compliance and enforcement activities of the approved charitable organisations within the relevant reporting period.

- 2.70** Ms Tara Ward of the Animal Defenders Office voiced concerns of this nature, telling the committee that the annual reports do not contain sufficient information to enable the public to assess the effectiveness of animal welfare laws:

Annual reports can be useful in achieving a level of accountability and transparency. However, the Animal Defenders Office is concerned that the annual reports published on the websites of approved charitable organisations do not contain sufficient information to enable the public to evaluate how well—or not—our animal protection laws are operating or to identify issues for reform and areas requiring additional funding.¹²²

- 2.71** Adding their voice to these concerns, the Cat Protection Society lamented the 'little detail' in the annual reports about the agencies' inspectorate functions and the limited picture they present of compliance with the Act.¹²³ The Society identified a number of gaps or omissions around the data sets reported and took issue with the apparent lack of analytical data in the reports which could help shed light on trends, gaps and emerging issues:

There is a lack of data on the number and type of activities (eg nature of non-compliance; species) and actions taken (eg desk review; site visit; referral to police or other agency) and outcomes; number of inquiries/complaints followed through (which might reflect unmet demand and capacity constraints); and a lack of analytical data which might reveal trends, gaps and emerging issues. While the AWL report notes that complaints generally related to acts of omission (neglect) rather than deliberate cruelty, and the RSPCA's report refers to its Intensive Breeding Taskforce, neither report presents a broad picture of compliance with POCTAA, nor detailed data or analysis that might identify areas of need, or areas where animal welfare has improved.¹²⁴

- 2.72** According to the Cat Protection Society, the lack of detailed reporting in the approved charitable organisations' annual reports was owing, in no small part, to a lack of funding. Referring to submissions made by other inquiry participants, Ms Vesk observed that many of them:

... pointed to a lack of detail in the approved charitable organisations' annual reports. Indeed, we made this observation ourselves. But as we also noted, they are not even adequately funded for their compliance activities, let alone reporting and data analysis.¹²⁵

- 2.73** Animal Care Australia was particularly blunt in its assessment of the RSPCA NSW 2020-2021 annual report, suggesting that it appears to be 'more intent on telling 'short stories' about individual animals rather than focusing on the statistical data of animals that come into their

¹²² Evidence, Ms Ward, 28 March 2022, p 27.

¹²³ Submission 13, Cat Protection Society of NSW, p 1.

¹²⁴ Submission 13, Cat Protection Society of NSW, p 1.

¹²⁵ Evidence, Ms Vesk, 28 March 2022, p 26.

care and their outcomes'.¹²⁶ Animal Care Australia alleged that the RSPCA NSW annual report is 'designed to provoke further fundraising rather than reporting on actual results.'¹²⁷

2.74 In a written submission, a former employee of the RSPCA offered a critical evaluation of the animal outcomes and euthanasia reporting in the RSPCA NSW 2020-2021 annual report, arguing that 'the categories and information provided in relation to why animals are euthanised is far too general and conceals unacceptable reasons (convenience killing) for why animals are being killed.'¹²⁸ According to this inquiry participant, many of the terminations reported with reference to behavioural reasons, fractious feline, infectious or medical reasons, should more accurately be reported as terminations for organisational reasons – that is, where RSPCA NSW resources and capacity were restricted.¹²⁹ This evidence proposed that the euthanasia data be further disaggregated or broken down in order to provide a more accurate picture of 'how many animals are needlessly euthanised.'¹³⁰

2.75 As a general principle of transparency and public accountability, Animal Liberation NSW emphasised the importance of current, accurate and transparent information about performance and expenditure for agencies that perform important public functions. For Animal Liberation NSW, the annual reports and financial statements of the approved charitable organisations fell short of meeting this important principle.¹³¹ In particular, they regarded the RSPCA NSW financial statements as 'particularly difficult to navigate in terms of government funding and grants' and suggested that key information is often difficult to locate in their annual report.¹³² Sharing common ground with this view, Animal Care Australia characterised the financial statements as 'so broad and unclear that the information is impossible to honestly review or decipher.'¹³³

2.76 To address this perceived lack of clarity and transparency, Animal Liberation NSW recommended a number of inclusions and additions to future annual reports and financial statements, including clear and easily digestible information on:

- any liaison or investigations by the approved charitable organisations with respect to self-governing animal-user industries such as greyhound racing or thoroughbred racing
- all government funding and grants
- any withdrawal of services by the approved charitable organisations
- the outcomes of puppies seized from puppy factories
- the number of applications lodged pursuant to the *Government Information (Public Access) Act 2009* and their outcomes
- the RSPCA NSW vulnerable people and animal programs
- Annual General Meetings held by the approved charitable organisations' branches

¹²⁶ Submission 15, Animal Care Australia, p 4.

¹²⁷ Submission 15, Animal Care Australia, p 5.

¹²⁸ Submission 14, name suppressed, p 1.

¹²⁹ Submission 14, name suppressed, pp 1-2.

¹³⁰ Submission 14, name suppressed, p 1.

¹³¹ Submission 20, Animal Liberation NSW, p 9.

¹³² Submission 20, Animal Liberation NSW, pp 9-10.

¹³³ Submission 15, Animal Care Australia, p 2.

- other relevant matters.¹³⁴

- 2.77** According to Animal Care Australia, there needs to be a much greater emphasis in the annual and financial reports on explaining how funds (both government and charitable) are designated and utilised, as tax payers and donors have a right to know how their contributions are spent.¹³⁵
- 2.78** Under examination by the committee, Ms Kristina Vesk expanded on the types of compliance and enforcement data the Cat Protection Society would expect to see included in annual reports, especially around investigations and inspections.¹³⁶ Similarly, NSW Farmers proposed that annual reports should include 'more granular information about compliance issues against [the *Prevention of Cruelty to Animals Act 1979*]' partly to enable analysis of trends.¹³⁷
- 2.79** Further, Animal Care Australia called for both of the approved charitable organisations to be required to report on the same comparable statistics and the same financial categories, to be standardised by the Minister. This standardisation was considered necessary so that both organisations can be assessed, reviewed and held accountable on an equivalent basis.¹³⁸
- 2.80** Calls for a standardised reporting framework were supported by the NSW Department of Primary Industries, with its Director General telling the committee '[we] would welcome the opportunity for a more standardised reporting framework and there will be ways in which we could do that going forward.'¹³⁹
- 2.81** Under questioning by the committee, Animal Care Australia emphatically supported the idea of having a prescribed list of reporting requirements for enforcement and compliance activities established in legislation.¹⁴⁰

Adequacy of oversight and accountability

- 2.82** While both of the approved charitable organisations have legislative obligations around financial reporting, the evidence to the inquiry generally indicated that the approved charitable organisations were not considered to be subject to sufficient levels of independent oversight and public accountability for funding received from the NSW Government. For some inquiry participants, there was a significant disparity between the checks, balances and oversight arrangements in place for Government bodies that carry out important public functions and enforce the State's laws, and what was perceived to be a lack of accountability for the approved charitable organisations. This evidence is detailed in the following paragraphs.
- 2.83** Concerns about transparency and accountability were outlined in evidence from the NSW Young Lawyers' Animal Law Committee. The Committee's position was premised on the principle that all entities and decision-makers that exercise public functions should be subject

¹³⁴ Submission 20, Animal Liberation NSW, p 19.

¹³⁵ Submission 15, Animal Care Australia, p 2.

¹³⁶ Evidence, Ms Vesk, 28 March 2022, p 30.

¹³⁷ Evidence, Dr James Jackson, President, NSW Farmers, 28 March 2022, p 35.

¹³⁸ Submission 15, Animal Care Australia, p 3.

¹³⁹ Evidence, Mr Hansen, 28 March 2022, p 43.

¹⁴⁰ Evidence, Mr Sam Davis, Vice President, Animal Care Australia, 28 March 2022, p 30.

to appropriate levels of openness, transparency and accountability – imperatives that, in their view, do not fully apply to the approved charitable organisations.¹⁴¹ The Committee explained:

The compliance and enforcement functions of the [approved charitable organisations] under POCTAA is a public function. It is the Committee's position that principles of openness, transparency and accountability ought to apply to all entities and decision-makers exercising public functions. As private charitable organisations, information held by the two [approved charitable organisations] in relation to their public functions are not subject to disclosure under the Government Information (Public Access) Act 2009 (NSW). [Approved charitable organisations] may therefore provide limited information about compliance and enforcement programs in their Annual Reports... This lack of transparency, and the resultant limited available data, makes it difficult to undertake any detailed analysis of the effectiveness of the [approved charitable organisations] in meeting the objects of POCTAA.¹⁴²

2.84 Similarly, Ms Tara Ward of the Animal Defenders Office commented that the operations of the approved charitable organisations lack transparency, making it difficult to assess how they exercise their compliance and enforcement functions.¹⁴³ For Ms Ward, this lack of transparency was an artefact of a legal framework which 'gives to private charities investigative and coercive powers normally confined to law enforcement agencies within the Executive branch of government or independent statutory bodies'.¹⁴⁴

2.85 Like the NSW Young Lawyers' Animal Law Committee, Ms Ward highlighted that the enforcement agencies are not subject to mandatory freedom of information laws and, as a result, it is difficult to access the information needed to properly assess their performance and make them more accountable to the people of New South Wales.¹⁴⁵ Ms Ward observed:

To properly assess how approved charitable organisations exercise their compliance and enforcement functions under our animal welfare laws, the community would need to know information that is currently difficult to obtain, such as: the number of written directions and/or penalty infringement notices issued in a reporting period and for how many animals; what types of animals; which offences; information about prosecutions finalised in the reporting period, including the number and types of victim animals, the offences and the outcomes.¹⁴⁶

2.86 NSW Farmers was another exponent of this view, with its President telling the committee that the approved charitable organisations are not currently meeting the principles of transparency and accountability that the community would expect from agencies that perform public functions and receive government funding.¹⁴⁷ Referring to the prerequisites for effective enforcement bodies that enjoy the community's trust, Dr Jackson commented:

Critically, enforcement bodies must be adequately resourced and possess the necessary expertise and skills to ensure that they can effectively undertake their role. Finally, as

¹⁴¹ Submission 12, NSW Young Lawyers, Animal Law Committee, p 4.

¹⁴² Submission 12, NSW Young Lawyers, Animal Law Committee, p 4.

¹⁴³ Evidence, Ms Ward, 28 March 2022, p 27.

¹⁴⁴ Evidence, Ms Ward, 28 March 2022, p 27.

¹⁴⁵ Evidence, Ms Ward, 28 March 2022, p 27.

¹⁴⁶ Evidence, Ms Ward, 28 March 2022, pp 27-28.

¹⁴⁷ Evidence, Dr Jackson, 28 March 2022, p 34.

these agencies carry out public functions, their operations and expenditure of government funds must be transparent and accountable. Non-government enforcement agencies are not currently meeting these principles. They do not meet the required standards of knowledge, transparency, impartialness or accountability required to produce the best animal welfare outcomes in New South Wales in relation to commercial livestock. As a result, community trust in our animal welfare systems is not as high as it could be.¹⁴⁸

- 2.87** NSW Farmers further argued that enforcement agencies must be impartial, avoid any conflicts of interest and should not engage in political advocacy, activism or public campaigns. NSW Farmers were not convinced that the approved charitable organisations were models of these principles.¹⁴⁹
- 2.88** In addition, the oversight and accountability of inspectors was a key concern for Animal Care Australia. Briefly, this inquiry participant proposed an oversight role for the NSW Department of Primary Industries such that all animal welfare inspectors would be directly answerable and accountable to the Department.¹⁵⁰ Sounding a similar note, NSW Farmers suggested that the Department should be able to exercise more control over the approved charitable organisations to provide much greater oversight of their operations and improve animal welfare outcomes.¹⁵¹
- 2.89** By contrast, the NSW Young Lawyers' Animal Law Committee expressed concern about the potential conflict of interest for the NSW Department of Primary Industries which could affect their ability to act as an oversight body:

Animal welfare is usually seen as an additional cost to producers and conflicts with [the Department's] informal role as partners of the industry. The framework of [the Department] blurs the line between economic goals, which serve the industry, and regulatory goals, which serve the public interest.¹⁵²

- 2.90** For Ms Kristina Vesk of the Cat Protection Society of NSW, any future reforms to the animal welfare system and oversight arrangements must be conditional upon an uplift in funding. This was considered necessary to prevent resources being diverted away from the core business of compliance and enforcement. Ms Vesk cautioned that adding additional layers of accountability to the existing system, with the levels of resourcing remaining unchanged, would result in a 'diversion of those very limited resources from investigating cruelty and into reporting.'¹⁵³

Exercise of compliance and enforcement functions

- 2.91** This section brings together evidence assessing the exercise by the approved charitable organisations of their compliance and enforcement functions. Inquiry participants raised a number of concerns about the manner in which the approved charitable organisations acquit these responsibilities – concerns that were not always tied to questions of funding. This section

¹⁴⁸ Evidence, Dr Jackson, 28 March 2022, p 34.

¹⁴⁹ Submission 17, NSW Farmers, p 1.

¹⁵⁰ Submission 15, Animal Care Australia, p 11.

¹⁵¹ Submission 17, NSW Farmers, p 1.

¹⁵² Submission 12, NSW Young Lawyers Animal Law Committee, pp 11-12.

¹⁵³ Evidence, Ms Vesk, 28 March 2022, p 29.

also briefly touches on some of the proposed solutions put forward by inquiry participants to remedy a framework that was considered to be deficient. Such proposals repeat familiar ground covered in various other forums, and are thus only dealt with here in a summary fashion.

Stakeholder assessments of the charitable organisations' performance in relation to compliance and enforcement

- 2.92** Animal Care Australia – a national association that lobbies for the interests of all hobbyist and pet animal keepers – raised a number of concerns about the manner in which the RSPCA NSW exercises its powers and authority under the Act.
- 2.93** Referring to evidence the association gave to the previous Upper House Select Committee inquiry into animal cruelty laws in New South Wales, Animal Care Australia doubled down on its contention that there is currently an 'overzealous' use of the investigative, evidence gathering and enforcement powers vested in authorised officers of the approved charitable organisations, chiefly the RSPCA NSW.¹⁵⁴
- 2.94** In the opinion of Animal Care Australia, the powers of the approved charitable organisations to enter land and inspect and seize animals, are being exercised in a way that constitutes an over-reach of the intent of the laws, with a presumption of guilt being the default position:
- The mere defensive claim that a phone complaint of potential animal abuse justifies the mobilisation of several inspectors to enter a property without permission, to inspect and seize all animals found on that property without apparent illness or harm having been perpetrated seems extremely over-reaching of the intent of the laws designed to protect the animals. What is apparent in many cases is the presumption of guilt over innocence, and the irresponsible and unnecessary stress inflicted on the animals – all in the pursuit of 'catching the offender.'¹⁵⁵
- 2.95** Animal Care Australia went on to detail to the committee a raft of anecdotal reports. One particular example brought to the committee's attention alleged that RSPCA NSW officers had refused to engage with the regular, treating veterinary practitioner of an animal they had seized, and ignored that practitioner's care instructions.¹⁵⁶ When questioned how common this experience was, Mr Michael Donnelly of Animal Care Australia repudiated suggestions this was a 'one-off' occurrence, saying instead '[u]sually it is a common occurrence. When we do receive a complaint, most of those complaints include where those animals are already under veterinary care, or under veterinary treatment.'¹⁵⁷
- 2.96** The committee notes that Animal Care Australia's criticisms were levelled at the RSPCA NSW only. The association was unequivocal in lending its support to the regulatory approach taken by the Animal Welfare League NSW inspectorate which, in its view, is better able to recognise neglect or simple omissions and address such omissions through education rather prosecution.¹⁵⁸

¹⁵⁴ Submission 15, Animal Care Australia, pp 6-7.

¹⁵⁵ Submission 15, Animal Care Australia, p 6.

¹⁵⁶ Submission 15, Animal Care Australia, p 9.

¹⁵⁷ Evidence, Mr Michael Donnelly, President, Animal Care Australia, 28 March 2022, p 30.

¹⁵⁸ Submission 15, Animal Care Australia, p 6; Evidence, Mr Donnelly, 28 March 2022, p 31.

2.97 While Animal Care Australia commended the use of education over prosecution, other inquiry participants, in interrogating the compliance and enforcement information reported in the enforcement agencies' annual reports, questioned why the prosecution rates were so low based on the publicly available figures.¹⁵⁹

2.98 The Animal Defenders Office argued that there was a role for both education and prosecution:

I think there is a role for both. What we find is that they usually go hand in hand. So, while education can occur, the problem would be if the animal is left to languish, or the animals. That would be our primary concern. We would not want education at the expense of the welfare of the animals. We find that education occurs while the investigation starting with that process is occurring as well. Certainly we would not want to see one at the expense of the other.¹⁶⁰

2.99 The Cat Protection Society of NSW agreed with this approach, noting that:

... certainly there are times when a person is in crisis and things have been let go, including their own self-care as well as their animal care. That is not a situation where you necessarily want to prosecute in that criminal way, but there is a very high risk that the criminal aspects are being lost because the system is underfunded and because the engagement of police and the involvement in a really sustainable framework that enables that triaging in the first instance is absent.¹⁶¹

2.100 While the Animal Defenders Office was careful to direct any criticisms or concerns they had at the system or framework-level – rather than at individual agents working within that system – the Office did highlight a relevant example which spoke to the effectiveness of compliance and enforcement functions. Specifically, the Office described a recent experience where:

... in the last reporting period our community legal centre assisted a member of the public in making a serious animal cruelty complaint to an approved charitable organisation about animals kept by a large not-for-profit organisation. The Animal Defenders Office prepared a comprehensive complaint identifying potential breaches of animal welfare laws and codes of practice. Substantial evidence was provided and the complainant indicated their willingness to make a statement and/or testify. No response from the approved charitable organisation was ever received by either the complainant or our office. This was extremely distressing for the complainant as making the complaint took a considerable emotional toll on them and put their personal safety at risk. To receive no response at all from an enforcement agency, one which is not subject to mandatory freedom of information laws, or a formal complaints process, in our view, represents a failure of our animal protection enforcement framework.¹⁶²

¹⁵⁹ Submission 2, Ms Eliza Allan, p 1; Submission 14, name suppressed, p 2; Portfolio Committee No. 4 – Customer Service and Natural Resources, NSW Legislative Council, *Report on the online questionnaire: 2021 inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 2.

¹⁶⁰ Evidence, Ms Ward, 28 March 2022, p 28.

¹⁶¹ Evidence, Ms Vesk, 28 March 2022, p 28.

¹⁶² Evidence, Ms Ward, 28 March 2022, p 27.

Opportunities for reform

- 2.101** Having offered their perspectives on where the problems lie, some inquiry participants reiterated their thoughts on proposed solutions to address or remedy some of the issues raised throughout the inquiry. By their nature, these proposals are less about the performance of the RSPCA NSW and Animal Welfare League NSW in 2020-2021 and are more about broad reforms to fix the animal welfare framework. As they are not germane to the committee's remit for this inquiry, these proposed reforms are briefly outlined below, but are considered in much greater detail in the report of the Upper House Select Committee into animal welfare laws in New South Wales.
- 2.102** The proposal that received the most traction in evidence was for the establishment of an independent animal welfare body.¹⁶³
- 2.103** The NSW Young Lawyers' Animal Law Committee set out its case for such a body, stressing the importance of 'the appropriateness of funding to ensure that the aims of transparency and independence are achieved' and to ensure its effectiveness in achieving its mission.¹⁶⁴ This mooted independent body was envisaged to have both enforcement and community education responsibilities, reflecting the Animal Law Committee's view that education and rehabilitation is sometimes more effective at reducing re-offending than criminal prosecution.¹⁶⁵
- 2.104** The Animal Defenders Office also placed on record its support for an independent animal welfare body while noting this was not an entirely novel proposal:

In terms of appropriate responses to the systemic failings that we and other stakeholders continue to highlight, we note that at least two recent committees of inquiry of the Legislative Council have recommended that the New South Wales Government establish an independent statutory body to be responsible for animal protection issues. The animal Defenders Office endorses these recommendations.¹⁶⁶

- 2.105** Alternatively, NSW Farmers proposed that rather than establishing an independent body, enforcement powers should be held by the NSW Department of Primary Industries instead of the approved charitable organisations. NSW Farmers observed that the Department is uniquely placed for this function by virtue of its technical knowledge in animal health and biosecurity and its relationship-building capabilities.¹⁶⁷
- 2.106** On the other hand, Ms Tara Ward from the Animal Defenders Office indicated they would not support enforcement powers being transferred to the NSW Department of Primary Industries:

There is no way that the responsibility for enforcing animal protection laws could be transferred to an entity such as the [NSW Department of Primary Industries] because there would be a conflict of interest. The submission stated there would not be a conflict

¹⁶³ Submission 12, NSW Young Lawyers, Animal Welfare Committee, p 6; Evidence, Ms Ward, 28 March 2022, p 28; Portfolio Committee No. 4 – Customer Service and Natural Resources, NSW Legislative Council, *Report on the online questionnaire: 2021 inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 5.

¹⁶⁴ Submission 12, NSW Young Lawyers, Animal Welfare Committee, p 7.

¹⁶⁵ Submission 12, NSW Young Lawyers, Animal Welfare Committee, pp 8 and 10.

¹⁶⁶ Evidence, Ms Ward, 28 March 2022, p 28.

¹⁶⁷ Evidence, Dr Jackson, 28 March 2022, p 34.

of interest. There absolutely would be a conflict of interest because the [NSW Department of Primary Industries] is responsible for promoting animal industries. You could not have an entity such as the [NSW Department of Primary Industries] enforcing animal welfare laws without that perception of a conflict of interest. I think that would exacerbate the current problems with the system and would certainly not fix them or go anywhere near fixing them.¹⁶⁸

Committee comment

- 2.107** In conducting this inquiry, it was not the committee's intention to publicly shame either one of the approved charitable organisations. The RSPCA NSW and the Animal Welfare League are in a highly unusual position, where they have to rely predominantly on charitable donations to uphold criminal animal cruelty laws. Unlike other enforcement agencies which are fully funded by the NSW Government (for example, the NSW Police), the approved charitable organisations must make difficult decisions about how best to allocate resources between competing demands and priorities, and the evidence shows their stretched resources are affecting their capacity to uphold animal cruelty laws and effectively respond to animal cruelty. It is very concerning to hear that these agencies are making 'tough calls all day, every day' and having to 'triage' which animal cruelty complaints they respond to. Such decisions are made against a backdrop of growing public awareness and concern for animal welfare issues, constantly re-setting community expectations of what the State's enforcement agencies ought to be doing and the levels of service that ought to be maintained. The committee recognises these challenges and that there are opportunities for improvement.
- 2.108** In percentage terms, recurrent NSW Government funding to the RSPCA NSW and Animal Welfare League NSW represents approximately 3 per cent and 1.6 per cent respectively of what it costs to run their inspectorates every year. The committee notes the government's evidence that the annual grants are not meant to cover compliance and enforcement activities. However, the committee considers it unacceptable for the government to outsource the upholding of criminal legislation and not fund it, leaving it to private charities to rely on fundraising and other sources.

Finding 1

That the quality of the financial reports received from both of the approved charitable organisations made it difficult to ascertain what proportion of donated funds were used towards the costs of their animal welfare inspectorates.

- 2.109** We note with concern the impact of limited funding on the work health and safety of inspectors. It is unacceptable and alarming to the committee that it is not standard operating procedure for inspectors of the two approved charitable organisations to work in pairs when attending call-outs. This is out of step with the workplace safety procedures and protocols of agencies within Executive government that conduct investigations as part of their enforcement and compliance

¹⁶⁸ Evidence, Ms Ward, 28 March 2022, p 29.

activities, for example when investigating reports of alleged breaches of environmental and biodiversity laws.

- 2.110** We also note with concern the very low numbers of inspectors across New South Wales (only 43 combined), and the fact that neither the RSPCA NSW nor the Animal Welfare League NSW is able to conduct regular, proactive inspections on animal trades with their current levels of funding. This level of enforcement does not meet community expectations.
- 2.111** It is clear to the committee that both inspectorates require additional resourcing to significantly increase their headcount given the extent and scale of the enforcement task under the *Prevention of Cruelty to Animals Act 1979* – a task that will only increase if the proposed new legislation becomes law. The need for additional EFT applies not only to inspectors, but also other categories of personnel that support enforcement and compliance functions such as legal officers. In the committee's opinion, government funding is seriously inadequate and is in no way commensurate with the scale and extent of the compliance and enforcement task. We recommend that NSW Government funding be significantly increased to cover the costs incurred by the approved charitable organisations in enforcing and upholding the *Prevention of Cruelty to Animals Act 1979*, including adequate funding to ensure inspectors can work in pairs.
- 2.112** The committee acknowledges the RSPCA NSW's significant capital works program that has been made possible through the support of the NSW Government. As their footprint and capital assets grow, it is reasonable to assume that their staffing requirements and operational expenses would similarly increase apace. Investing in human resources is just as important as investing in assets and facilities.
- 2.113** The committee was concerned to hear there is currently no relationship or link between the enforcement of the *Prevention of Cruelty to Animals Act 1979* and the recurrent animal welfare grants from consolidated revenue, administered by the NSW Department of Primary Industries. It is the committee's strong view that any future enhanced funding streams from the NSW Government should be explicitly tied to the enforcement of the Act with appropriate acquittal and reporting requirements (see paragraph 2.114 below).
- 2.114** Evidence to the committee highlighted an apparent lack of rigour around how the NSW Government grants to the approved charitable organisations are currently administered, noting that the NSW Department of Primary Industries could not even determine how the current levels of funding were calculated. Given what appear to be the loose and informal arrangements for these grants, it is difficult to see how the NSW Government is fulfilling its duty to ensure that enforcement agencies are sufficiently funded to uphold animal cruelty laws. These loose arrangements would be unacceptable if government funding is to increase significantly commensurate with the compliance and enforcement function. The committee therefore recommends that, as part of the review process outlined in Recommendation 1, more formal administrative arrangements/framework be implemented to bring much greater accountability to the expenditure of any increased amounts of public money. This should include clear reporting and acquittal obligations, performance indicators, expectations around service levels, measurement of outcomes and other matters as deemed necessary.
- 2.115** The committee notes that it is critical for the approved charitable organisations to be appropriately funded and staffed to respond to animal cruelty complaints at all times. The community expects that animal cruelty complaints, particularly in emergency situations, will be responded to promptly. The committee also recognises early opportunities for better

coordination and sharing of services between the two approved charitable organisations – possibilities that could warrant further consideration in the future. The operation of a 24/7 cruelty complaints line is one obvious area where a shared service model has the potential to rationalise operational costs and improve efficiencies.

Finding 2

That the current level of government funding for the approved charitable organisations is unacceptably low, limiting the ability of the approved charitable organisations to effectively enforce the *Prevention of Cruelty to Animals Act 1979* and has the potential to create an occupational health and safety risk for inspectors.

- 2.116** The information that is currently publicly reported by the approved charitable organisations is of limited utility. In the committee's opinion, the annual reports and financial statements do not present sufficient information – nor the right categories/types of information – to enable proper and informed public scrutiny of their compliance and enforcement operations. In the committee's view, the NSW Government has failed to implement a standardised public reporting framework for the approved charitable organisations to ensure sufficient transparency and oversight. The committee notes the support in inquiry evidence for a standardised reporting framework for the approved charitable organisations to report to the general public on their operations and performance at the end of each reporting period. This standardised reporting framework should be developed in consultation with the approved charitable organisations.
-

Finding 3

That the NSW Government has failed to require standardised public facing reporting for the approved charitable organisations. This is unacceptable for entities that receive public monies and perform functions normally reserved for government agencies.

Finding 4

That with increased NSW Government funding for the approved charitable organisations, a proper reporting and oversight system should be implemented.

- 2.117** The committee finds there is a very concerning lack of transparency and accountability surrounding the performance and operations of the enforcement agencies. This speaks to deficiencies at a system or framework-level. In the committee's view, the approved charitable organisations should be subject to an appropriate degree of accountability and transparency in line with standards the community would expect for any law enforcement body with significant powers and authority under New South Wales law. With legislative reform still in early stages of consultation, we urge the NSW Government to implement, as a matter of priority, Recommendation 11 of the 2020 Select Committee report on animal cruelty laws in New South Wales as an interim measure.

- 2.118** The committee notes the significant and sometimes overlooked role the approved charitable organisations play in disaster relief and emergency assistance in response to bushfires, floods and drought, working hand-in-glove with the State's emergency services personnel. In the committee's view, this is a vital role that is largely funded by the enforcement agencies' own funding streams, with some reimbursements from the NSW Government under the Disaster Assistance Guidelines. We see significant value in scaling up both agencies' mobile response capabilities, not just for disaster relief deployment but also for outreach to rural and regional New South Wales through pop-up de-sexing, microchipping and vaccination clinics.

Recommendation 1

That the NSW Government urgently review funding for the two approved charitable organisations, as recently committed to by the Hon Dugald Saunders MP, Minister for Agriculture and Western New South Wales, to give consideration to:

- covering the costs of the compliance and enforcement operations of these organisations without reliance on charitable donations, including conducting regular proactive inspections, sending inspectors to call-outs in pairs and operating a staffed animal cruelty response team 24/7
- establishing a dedicated stream specifically tied to the compliance and enforcement activities of the approved charitable organisations – the inspectorates – as well as the associated services that support those activities.

Recommendation 2

That, contingent on the adoption of Recommendation 1, the NSW Government implement more formal arrangements to introduce rigour around its recurrent grants to the approved charitable organisations, including clear reporting and acquittal obligations, performance indicators, expectations around service levels and measurement of outcomes.

Recommendation 3

That, in consultation with the approved charitable organisations, the NSW Government develop and mandate a standardised reporting format, with prescribed categories of information, for the approved charitable organisations' annual and financial reports.

Recommendation 4

That as a matter of priority, the NSW Government implement Recommendation 11 of the 2020 Select Committee report on animal cruelty laws in New South Wales.

Recommendation 5

That the NSW Government fund the procurement of additional mobile veterinary clinics, and consider funding the ongoing costs of running the mobile veterinary clinics, for both of the approved charitable organisations in recognition of the vital roles these clinics play in disaster relief efforts and in improving animal welfare outcomes in rural and regional New South Wales.

Appendix 1 Submissions

No.	Author
1	Mr John Van Der Merwe
2	Ms Eliza Allan
3	Mrs Patricia Daykin
4	Ms Elizabeth Gentle
5	Mr Karl Karl
6	Mr Grant Holman
7	Ms Brenda May
8	Name suppressed
9	Name suppressed
10	Name suppressed
11	Confidential
12	NSW Young Lawyers (The Law Society of New South Wales)
13	Cat Protection Society of NSW Inc
14	Name suppressed
15	Animal Care Australia Inc
16	Confidential
17	NSW Farmers Association
18	RSPCA NSW
19	Animal Welfare League NSW
20	Animal Liberation NSW

Appendix 2 Witnesses at hearing

Date	Name	Position and Organisation
Monday 28 March 2022	Mr Steven Coleman	Chief Executive Officer, RSPCA NSW
Jubilee Room		
Parliament House	Mr Scott Meyers	Chief Inspector, RSPCA NSW
Via videoconference	Mr William Beerden	General Manager, Regulation and Business Services, RSPCA NSW
	Ms Kristy Blake	General Manager, Animal Operations and Fundraising, RSPCA NSW
	Mr Mark Slater	Chief Executive Officer, NSW Animal Welfare League
	Mr Matthew Godwin	Chief Inspector, NSW Animal Welfare League
	Mr Michael Donnelly	President, Animal Care Australia
	Mr Sam Davis	Vice President, Animal Care Australia
	Ms Tara Ward	Managing Solicitor, Animal Defenders Office
	Ms Kristina Vesk	Chief Executive Officer, Cat Protection Society of NSW
	Dr James Jackson	President, NSW Farmers
	Mr Scott Hansen	Director General, NSW Department of Primary Industries
	Dr John Tracey	Deputy Director General, Biosecurity and Food Safety, NSW Department of Primary Industries
	Dr Kim Filmer	Chief Animal Welfare Officer, NSW Department of Primary Industries

Appendix 3 Minutes

Minutes no. 51

Thursday 25 November 2021

Portfolio Committee No. 4 - Regional New South Wales, Water and Agriculture

Via WebEx at 1.34 pm

1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Mr Farraway

Mr Martin

Mr Poulos

Mr Primrose

Mr Shoebridge (participating for the duration of the inquiry into the commencement of the *Fisberies Management Amendment Act 2009*, until 1.36 pm)

Mr Veitch

2. Correspondence

The committee noted the following item of correspondence:

Received

- 1 November 2021 – Letter from Mr Primrose, Mr Banasiak and Mr Veitch requesting a meeting of Portfolio Committee No. 4 to consider a proposed self-reference into the commencement of the *Fisberies Management Amendment Act 2009*
- 25 November 2021 – Email from Mr Shoebridge to the committee, indicating that he wishes to be a participating members for the duration of the inquiry into the commencement of the *Fisberies Management Amendment Act 2009*.

3. 2021 Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

3.1 Terms of reference

The committee noted the following terms of reference in the resolution appointing the committee, as resolved by the House on 9 June 2021 and amended on 13 October 2021:

1. That Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture annually inquire into and report on the operation of the charitable organisations approved under s 34B of the *Prevention of Cruelty to Animals Act 1979*, and in particular:
 - (a) the matters contained in the annual reports of the approved charitable organisations, including their financial statements,
 - (b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979*, and
 - (c) any other related matter.
2. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of the financial year.

3.2 Closing date for submissions

Resolved, on the motion of Mr Veitch: That the closing date for submissions and the online questionnaire be 28 February 2022.

3.3 Stakeholder list

Resolved, on the motion of Ms Hurst: That the following stakeholders be invited to make a submission:

- NSW Department of Primary Industries
- NSW Police Force
- Animals Australia
- Animal Care Australia
- Animal Defenders Office
- Animal Law Institute
- Animal Liberation
- Animal Welfare League NSW
- FOUR PAWS Australia
- NSW Farmers
- NSW Young Lawyers Animal Law Committee
- Pet Industry Association of Australia
- PETA Australia
- RSPCA NSW

Resolved, on the motion of Ms Hurst: That members have two days to nominate additional stakeholders to make submissions and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

3.4 Online questionnaire

Resolved, on the motion of Ms Hurst: That the committee conduct an online questionnaire to capture individuals' views with the following questions and preamble, subject to the addition of links to the RSPCA NSW 2021 Annual Report, and the Animal Welfare League NSW 2021 Annual Report when available, into the preamble:

On [DATE], the NSW Legislative Council's Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture commenced its 2021 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*. Currently, the two approved charitable organisations are RSPCA NSW and Animal Welfare League NSW.

Further information about the inquiry, including the terms of reference, can be found on the committee's [website](#).

As part of the inquiry, the committee is seeking public comment through the following questions. Responses are due by [DATE].

Responses may be used in the committee's report. Names and contact details of respondents will not be published. The questionnaire will take approximately 5-10 minutes to complete.

1. Please enter your contact details.

Name:

Email address:

Postcode:

2. Are you a resident of NSW? Select one of these options:

a. Yes

b. No

3. Do you have any comments on the matters contained in the annual reports of the approved charitable organisations, including their financial statements (max 300 words)

4. Do you have any comments on the exercise by the approved charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979* (max 300 words)

5. Do you have any other comments (max 300 words)

Resolved, on the motion of Mr Veitch: That the committee not accept proformas.

3.5 Questionnaire report

Resolved, on the motion of Mr Poulos: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- only responses from NSW participants will be analysed in the report
- the committee authorises the secretariat to publish the questionnaire report on the inquiry website unless any member raises an objection to publication via email
- individual responses be kept confidential on tabling.

3.6 Hearing date

Resolved, on the motion of Mr Primrose: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

4. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

Inquiry into the commencement of the *Fisheries Management Amendment Act 2009*

That Portfolio Committee No 4 - Regional New South Wales, Water and Agriculture inquire into and report on the failure to proclaim the commencement of Schedule 1 of the *Fisheries Management Amendment Act 2009* concerning Aboriginal cultural fishing, and in particular:

- (a) the historical reasons for not commencing Schedule 1 for 11 years,
- (b) the present challenges to commencing Schedule 1,
- (c) the impact of the non-commencement of Schedule 1 on Aboriginal peoples and the practice of Aboriginal cultural fishing,
- (d) steps previously taken and proposed to be taken by the government to commence Schedule 1,
- (e) compliance measures undertaken by Fisheries NSW as it pertains to the non-commencement of Schedule 1, and
- (f) any other related matter.

Resolved, on the motion of Mr Veitch: That the committee adopt the terms of reference.

5. Conduct of inquiry into the commencement of the *Fisheries Management Amendment Act 2009*

5.1 Closing date for submissions

Resolved, on the motion of Mr Veitch: That the closing date for submissions be 28 February 2022.

5.2 Stakeholder list

Resolved, on the motion of Mr Primrose: That the following stakeholders be invited to make a submission:

- NSW Department of Primary Industries
- Aboriginal Affairs NSW
- NSW Marine Estate
- Aboriginal Fishing Advisory Council (DPI secretariat) – Mr Danny Chapman, Chair and NSWALC Councillor

- NSW Aboriginal Cultural Heritage Advisory Committee (Heritage NSW secretariat)
- Registrar, Aboriginal Land Rights Act 1983
- NSW Aboriginal Land Council
- NSW Coalition of Aboriginal Peak Organisations (CAPO)
- NTS CORP (Native Title Services Corporation)
- Nature Conservation Council of NSW
- Professional Fishermen's Association
- Recreational Fishing Alliance of NSW
- Aboriginal Legal Service (NSW/ACT)
- Professor Kate Barclay (Author of the Barclay Report for DPI; appeared at 2017 commercial fishing inquiry; research interest in social aspects of fishing)
- Grant Saunders (appeared at 2017 commercial fishing inquiry)
- Raymond Saunders (appeared at 2017 commercial fishing inquiry)

Resolved, on the motion of Mr Primrose: That members have two days to nominate additional stakeholders to make submissions and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

5.3 Hearing dates

Resolved, on the motion of Mr Veitch: That the timeline for a hearing be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

6. Adjournment

The committee adjourned at 1.43 pm, *sine die*.

Anthony Hanna
Committee Clerk

Minutes no. 62

Friday 25 March 2022

Portfolio Committee No. 4 – Customer Service and Natural Resources
 RSPCA NSW Head Office and Shelter, Yagoona, at 9.32 am

1. Members present

Mr Banasiak, *Chair*
 Ms Hurst, *Deputy Chair*
 Mr Barrett
 Mr Poulos (*until 11.45am*)
 Mr Veitch

2. Apologies

Mr Martin
 Mr Primrose
 Ms Boyd (*participating*)

3. Change of membership

The committee noted that the Hon Scott Barrett MLC replaced the Hon Wes Fang MLC as a substantive member of the committee from 1 March 2022.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 25 January 2022 – Letter from Mr Steven Coleman, Chief Executive Officer of the RSPCA NSW, to the committee Chair, inviting the committee to visit the RSPCA NSW facility prior to any hearing dates
- 1 March 2022 - Letter from the Hon Damien Tudehope MLC, Leader of the Government in the Legislative Council, to the Clerk of the Parliaments and Clerk of the Legislative Council, regarding changes to Government representation of membership on Legislative Council committees.

5. Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

5.1 Invitation for the committee to visit the approved charitable organisations

The committee noted that it previously agreed via email to accept an invitation from the RSPCA NSW to visit its facility in Yagoona and to also give the NSW Animal Welfare League the same opportunity to host the committee at its facility in Kemps Creek.

5.2 Site visit to the RSPCA NSW and NSW Animal Welfare League facilities

The committee conducted a site visit of the RSPCA NSW head office and shelter in Yagoona and was met by:

- Mr Steven Coleman, Chief Executive Officer
- Mr William Beerden, General Manager - Regulatory & Business Services
- Ms Kristy Blake, Animal Operations & Fundraising
- Ms Ursula McGeown, Community & Engagement
- Dr Liz Arnott, Chief Veterinarian.

Following the RSPCA NSW facility, the committee conducted a site visit of the NSW Animal Welfare League facility in Kemps Creek and was met by:

- Mr Mark Slater, Chief Executive Officer
- Dr David Hope, Board Chair
- Mr Matthew Godwin, Chief Inspector.

6. Adjournment

The committee adjourned at 4.23 pm until Monday 28 March 2022, public hearing for the inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

Anthony Hanna
Committee Clerk

Minutes no. 63

Monday 28 March 2022

Portfolio Committee No. 4 – Customer Service and Natural Resources
Jubilee Room, Parliament House, Sydney, at 9.04 am

1. Members present

Mr Banasiak, *Chair*
Ms Hurst, *Deputy Chair*
Mr Barrett
Ms Boyd (*participating*)
Mr Martin (*from 10.06 am*)

Mr Poulos
 Mr Primrose
 Mr Veitch (*until 1.55 pm*)

2. Previous minutes

Resolved, on the motion of Mr Veitch: That draft minutes nos. 51 and 61 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 17 March 2022 – Email from Mr Randall Stewart, Manager, Office of the Commissioner, NSW Police, to the secretariat declining the committee's invitation to give evidence on 28 March 2022 for the inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 18 March 2022 – Email from Ms Kathryn Jurd, General Counsel, RSPCA NSW, to the committee secretariat advising that an incomplete version of the RSPCA NSW 2021 Annual Report was originally provided to the committee, and providing an updated/final version.

4. Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

4.1 Additional stakeholders to be invited to make a written submission

The committee noted that it previously agreed via email to the following additional stakeholders be invited to make a written submission to the inquiry:

- Humane Society International – Australia
- World Animal Protection
- Cat Protection Society of NSW
- Justice for Max

4.2 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submissions nos. 1-10, 12-15, 17, 18 and 19.

Resolved, on the motion of Mr Veitch: That the committee authorise the publication of submission no. 20.

4.3 Confidential submissions

Resolved, on the motion of Mr Veitch: That the committee keep submission nos. 11 and 16 confidential, as per the request of the author, as they contain identifying and/or sensitive information.

4.4 Confidential attachment to submission no. 19

Resolved, on the motion of Mr Veitch: That the committee keep Attachment A to submission no. 19 confidential, as per the request of the author.

4.5 Submission no. 18 – Erratum

Resolved, on the motion of Mr Veitch: That the committee authorise the re-publication of submission no. 18 with the updated RSPCA NSW 2021 Annual Report.

4.6 Live streaming and recording of hearing

Resolved, on the motion of Mr Barrett: That the committee authorise the publication of the video recordings on the Parliament's YouTube channel.

4.7 Allocation of questioning

Resolved, on the motion of Mr Primrose: That the allocation of questioning for the public hearing on 28 March 2022 be left in the hands of the Chair.

4.8 Public hearing

Witnesses were admitted.

The committee proceeded to take evidence in public.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The following witnesses were sworn and examined:

- Mr Steven Coleman, Chief Executive Officer, RSPCA NSW
- Mr Scott Meyers, Chief Inspector, RSPCA NSW
- Mr William Beerden, General Manager, Regulation and Business Services, RSPCA NSW
- Ms Kristy Blake, General Manager, Animal Operations and Fundraising, RSPCA NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Mark Slater, Chief Executive Officer, NSW Animal Welfare League
- Mr Matthew Godwin, Chief Inspector, NSW Animal Welfare League

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Michael Donnelly, President, Animal Care Australia
- Mr Sam Davis, Vice President, Animal Care Australia
- Ms Tara Ward, Managing Solicitor, Animal Defenders Office
- Ms Kristina Vesik, Chief Executive Officer, Cat Protection Society of NSW

Ms Katrina Vesik tendered the following document:

- Research paper by Michelle Cleary, Deependra K. Thapa, Sancia West, Mark Westman and Rachel Kornhaber, entitled *Animal abuse in the context of adult intimate partner violence: A systematic review*, dated October 2021.

Mr Michael Donnelly tendered the following document:

- Animal Care Australia supplementary submission to the 2021 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*, dated 26 March 2022.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr James Jackson, President, NSW Farmers (*via WebEx*)

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Scott Hansen, Director General, NSW Department of Primary Industries
- Dr John Tracey, Deputy Director General, Biosecurity and Food Safety, NSW Department of Primary Industries (*via WebEx*)
- Dr Kim Filmer, Chief Animal Welfare Officer, NSW Department of Primary Industries

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.37 pm.

4.9 Tendered documents

Resolved, on the motion of Ms Hurst: That the committee accept and publish the following document tendered during the public hearing:

- Research paper by Michelle Cleary, Deependra K. Thapa, Sancia West, Mark Westman and Rachel Kornhaber, entitled *Animal abuse in the context of adult intimate partner violence: A systematic review*, dated October 2021, tendered by Ms Kristina Vesik, Chief Executive Officer, Cat Protection Society of NSW.

Resolved, on the motion of Mr Poulos: That the committee accept and publish the following document tendered during the public hearing with the exception of sensitive and/or identifying information:

- Supplementary submission from Animal Care Australia to the 2021 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*, dated 26 March 2022, tendered by Mr Michael Donnelly, President, Animal Care Australia.

5. Adjournment

The committee adjourned at 2.42 pm, *sine die*.

Anthony Hanna
Committee Clerk

Draft minutes no. 71

Monday 6 June 2022

Portfolio Committee No. 4 – Customer Service and Natural Resources

Room 1254, Parliament House, Sydney, at 10.00 am

1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Mr Barrett (*via WebEx*)

Ms Boyd

Mr Martin

Mr Poulos

Mr Primrose (*via WebEx*)

Mr Veitch

2. Previous minutes

Resolved, on the motion of Mr Poulos: That draft minutes nos. 62 and 63 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 26 May 2022 – Email from Mr Simon Khorramdel, to the Chair, outlining concerns about Sydney Water's response to his complaint.

Resolved, on the motion of Mr Veitch: That the committee respond to Mr Khorramdel acknowledging his email and advising him to contact the appropriate authorities.

4. Inquiry into the commencement of the Fisheries Management Amendment Act 2009

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 7, 7a, 22, 31, 34, and 42.

Resolved, on the motion of Mr Veitch: That the committee authorise the publication of submission nos. 5 and 5a.

4.2 Partially confidential submissions

Resolved, on the motion of Ms Hurst: That the committee authorise the publication of submission nos. 15, 16, 19, 21, 24, 25, 26, 28, 29 and 33, with the exception of identifying and/or sensitive information and/or potential adverse mention which are to remain confidential, as per the recommendation of the secretariat.

Resolved on the motion of Mr Veitch: That the committee authorise the publication of submission no. 13, with the tracked comments redacted and the figure amended, as per the request of the author.

5. Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

5.1 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Answers to questions on notice from the RSPCA NSW, received 9 May 2022
- Answers to questions on notice from NSW Farmers, received 11 May 2022
- Answers to questions on notice from the NSW Department of Primary Industries, received 17 May 2022
- Answers to questions on notice from Mr Matthew Godwin of the Animal Welfare League NSW, received 6 May 2022
- Answers to questions on notice from Mr Mark Slater of the Animal Welfare League NSW, received 23 May 2022

5.2 Consideration of the Chair's draft report

The Chair submitted his draft report, entitled '*2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*', which, having been previously circulated, was taken as being read.

Chapter 1

Resolved, on the motion of Ms Hurst: That paragraph 1.3 be amended by omitting 'for companion animals and other species' after 'animal welfare outcomes'.

Resolved, on the motion of Ms Hurst: That paragraph 1.25 be amended by inserting 'Both organisations also indicated that their accounts are externally audited as required by state and federal legislation.' [FOOTNOTE: Evidence, Mr William Beerden, General Manager, Regulation and Business Services, RSPCA NSW, 28 March 2022, page 1 and Evidence, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 28 March 2022, page 21.] after 'NSW Fair Trading.'

Resolved, on the motion of Ms Hurst: That Table 1 be amended by omitting the figure \$17,000 in the line 'Donations', and inserting instead \$7,755,000 [FOOTNOTE: Evidence, RSPCA Financial Report, Page 10 and 18.]

Resolved, on the motion of Ms Hurst: That in Table 1 insert a new line 'Operating Expenses - \$56,830,000' [FOOTNOTE: Evidence, RSPCA Financial Report, page 7.] after 'Total revenue'.

Resolved, on the motion of Ms Hurst: That Table 1 be amended by:

- a) inserting '(approximate)**' after words 'Costs to run inspectorate'
- b) insert a new footnote '** Transcript' after the paragraph '* This is distinct and separate from other NSW Government funding received for major capital works or special one-off NSW Government grants for initiatives such as the Puppy Farm Taskforce. Refer to paragraphs 1.33 to 1.35 below.'

Resolved, on the motion of Mr Veitch: that paragraph 1.31 be amended by:

- a) removing the italics in 'not'
- b) inserting 'for the committee' after 'it was a considerable exercise'.

Ms Hurst moved: That paragraph 1.34 be amended by omitting 'significant' after the words 'also made aware of'.

Question put and negatived.

Resolved, on the motion of Mr Veitch: That paragraph 1.34 be amended by omitting 'This funding has enabled' and inserting instead 'This funding has facilitated'.

Resolved, on the motion of Ms Hurst: That Table 2 be amended by:

- a) inserting new line 'Operating Expenses - \$8,551,577 [FOOTNOTE: Evidence, Animal Welfare League Annual Report, page 16-17] after 'Total revenue',
- b) omitting 'Not reported' and inserting instead '5559' [FOOTNOTE: Evidence, Animal Welfare League Annual Report, Page 5] in the line 'Number of animals received in care'
- c) omitting 'Not reported' and inserting instead '54' [FOOTNOTE: Evidence, Animal Welfare League Submission, Page 1] in the line 'Number of written decisions'.

Resolved, on the motion of Ms Hurst: That paragraph 1.47 be amended by inserting 'and reporting indicators' after 'financial information'.

Resolved, on the motion of Mr Veitch: That paragraph 1.47 be amended by omitting 'made it difficult to locate certain information and understand what the figures mean and answer basic questions the public would expect to know about the agency's financials' and inserting instead 'made it difficult for the committee to locate the relevant financial data, understand it in context and collate it into an acceptable standard of financial reporting.'

Chapter 2

Resolved, on the motion of Ms Hurst: That paragraph 2.11 be amended by omitting 'the extent to which the approved charitable organisations use their own funding streams – and what those funding streams are – to fund their inspectorates' and inserting instead 'what proportion of donated funds were used towards the inspectorate costs'.

Resolved, on the motion of Ms Hurst: That paragraph 2.16 be amended by inserting 'giving evidence that "having to fundraise to enforce criminal laws is just not good enough" [FOOTNOTE: Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 28-29] after 'reliance on charitable donations problematic'.

Resolved, on the motion of Mr Veitch: That paragraph 2.19 be amended by inserting 'formal' before 'requests'.

Resolved, on the motion of Mr Veitch: That the following new paragraph be inserted after paragraph 2.19:

'In questioning before the committee, Mr Hansen indicated he was not aware of any requests from either the RSPCA NSW or the Animal Welfare League NSW for additional funding. [FOOTNOTE: Evidence, Mr Scott Hansen, Director General, NSW Department of Primary Industries, 28 March 2022, p 40.] Providing further detail on this issue, Dr Kim Filmer, the Department's Chief Animal Welfare Officer, referred to general discussions she has with the enforcement agencies around 'what you could do if you had more.' However, when questioned about whether the RSPCA NSW specifically has made any request to the Department, Dr Filmer commented that 'there has been nothing formal to my knowledge'. [FOOTNOTE: Evidence, Dr Kim Filmer, Chief Animal Welfare Officer, NSW Department of Primary Industries, 28 March 2022, p 40.]

Resolved, on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.19:

'In contrast to this evidence, both RSPCA NSW and the Animal Welfare League advised the Committee that they had previously requested that NSW Government review and increase their level of funding.

[FOOTNOTE: Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 28 March 2022, Page 4 and Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 28 March 2022, page 16.]

Resolved, on the motion of Ms Hurst: That paragraph 2.20 be amended by omitting 'perceived' after the words 'potential consequences of'.

Resolved, on the motion of Ms Hurst: That paragraph 2.21 be amended by inserting 'I think it is fair to say that we make those tough calls all day, every day' before 'if you can appreciate.'

Resolved on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.22:

'This highlighted the inability of the approved charitable organisations to effectively respond to animal cruelty complaints with their current levels of Government funding'.

Resolved, on the motion of Ms Hurst: That paragraph 2.24 be amended by inserting a new sentence 'It was unclear as to what figure Mr Coleman was proposing to be doubled.' after '[y]ou could double it.'

Resolved, on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.24:

Ms Ward from the Animal Defenders Office gave first-hand evidence about how the lack of funding for the approved charitable organisations impacts their ability to respond to animal cruelty complaints:

'What we see is that totally legitimate documented complaints about cruelty to animals are not responded to. Even our tiny volunteer-run community legal centre has received significant examples of that. It is completely distressing to everyone involved: the animals who have suffered, the people who have witnessed it and the people who have come to us... It is just an indication that the system is not working.' [FOOTNOTE: Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 29]

Resolved, on the motion of Ms Hurst: That the following new paragraphs be inserted after paragraph 2.25:

'The ability (or lack of ability) of RSPCA NSW and Animal Welfare League to conduct 'proactive' or 'routine' inspections of 'animal trades' was of concern to many inquiry participants. It is noted that in 2020-21, the RSPCA conducted only 201 routine inspections and AWL only conducted 12 routine inspections. [FOOTNOTE: Submission No. 8, RSPCA, Page 2-3, Submission No. 19, Animal Welfare League, page 1.]

RSPCA NSW and Animal Welfare League made it clear that this is an issue of lack of resourcing. For example, RSPCA NSW stated that "the capacity to conduct 'routine' inspections is dependent on available resources with investigation of animal cruelty complaints taking priority" [FOOTNOTE: Submission No. 8, RSPCA, Page 2.]

Mr Matthew Godwin from the Animal Welfare League indicated it would be desirable to do more proactive inspections:

'I would most definitely be wanting to do more proactive inspections. Like I indicated before, it is a matter of resourcing. We are currently focussed on the reactive stuff that we get—people ringing up lodging cruelty complaints. Most of our time is taken up at this present time investigating those complaints.' [FOOTNOTE: Evidence, Mr Matthew Godwin, Chief Inspector, Animal Welfare League NSW, 28 March 2022, Page 22.]

Resolved, on the motion of Ms Hurst: That paragraph 2.27 be amended by omitting 'finite and, in some cases,' before 'stretched resources'.

Resolved, on the motion of Ms Hurst: That the following new paragraphs be inserted after paragraph 2.28:

'When asked about whether he would like to see increased funding to allow two inspectors to go out on each job, Mark Slater from Animal Welfare League stated:

I would completely agree. The vast majority of my day is spent keeping inspectors safe, maintaining location information. It is almost like a constant—I am not sure of the analogy, but the vast majority of my day is spent making sure each one of our inspectors is safe. We have implemented measures inasmuch as state-of-the-art communication equipment, training that we recently completed in December and trying to equip the inspectors with as much knowledge and equipment to keep them safe at this point in time. But at the end of the day, having two inspectors attend the job would be ideal' [FOOTNOTE: Evidence, Mr Mark Slater, Chief Executive Officer, Animal Welfare League NSW, 28 March 2022, Page 18.]

Resolved, on the motion of Ms Hurst: That paragraph 2.29 be amended by omitting 'provides access to intelligence', and inserting instead 'some degree of access to intelligence' [FOOTNOTE: Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 28 March 2022, Page 6.]

Resolved, on the motion of Ms Hurst: That paragraph 2.34 be amended by omitting 'his unqualified support' and inserting instead 'his full support'.

Resolved, on the motion of Ms Hurst: That paragraph 2.38 be amended by

- a) omitting 'the League outlined how they currently maintain some coverage for the rest of the State'; and
- b) insert instead 'the League explained:

There are major centres within regional New South Wales that we could definitely have an Animal Welfare League inspectorate presence. In relation to what occurs now, we have one regional inspector who is based in Bathurst but will travel within the Central Tablelands and the Central West. I think the furthest she has gone, so far, is Dubbo. We do a lot of work in Dubbo, as indicated previously. For the rest of the State, we are very well known—well, not very well known, but we are well known to be within the Central Tablelands and the Central West, to have a presence there. That generates cruelty complaints for us in those regions. The rest of the State, we do get calls. If we are able to, if time is not critical, if it is something that we can deploy an inspector to within a couple of days and it is not going to impact the welfare of any animals involved, we will do that. What we find presently, just due to staffing numbers, is that if it does require attendance immediately, we have to either refer it to the RSPCA or to the local police. [FOOTNOTE: Evidence, Mr Matthew Godwin, Chief Inspector, Animal Welfare League NSW, 28 March 2022, Page 22]

- c) omitting 'but noted, however' inserting instead 'The Animal Welfare League expressed'.

Resolved, on the motion of Ms Hurst: That the following new paragraphs be inserted after paragraph 2.54:

Ms Ward from the Animal Defenders Office also expressed concern at the low rate of Government funding for the enforcement agencies, 'because New South Wales is the largest jurisdiction, the largest State. The number of animals, the number of animal trades—it does not stack up'. [Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 29.]

Ms Ward recommended that:

'the existing framework be strengthened by guaranteeing sufficient funding for approved charitable organisations to enable them to carry out inspections, investigations and enforcement activities with respect to all types of animals in New South Wales' [FOOTNOTE: Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 28]

Resolved, on the motion of M Veitch: That paragraph 2.56 be amended by:

- a) omitting 'The focus here is on the adequacy of the information provided in the approved charitable organisations annual reports and financial statements.'
- b) omitting 'this issue' and inserting instead 'the adequacy of the information provided in the approved charitable organisations annual reports and financial statements'.

Resolved, on the motion of Ms Hurst: That paragraph 2.58 be amended by inserting 'and given that the NSW Government has not taken steps to make this report public' after 'should not be released to the public.'

Resolved, on the motion of Ms Hurst: That paragraph 2.63 be amended by omitting 'They further surmised that their annual report is designed to elicit further fundraising rather than reporting on actual results.' and inserting instead 'ACA alleged that the RSPCA annual report is 'designed to provoke further fundraising rather than reporting on actual results.'

Resolved, on the motion of Mr Veitch: That paragraph 2.72 be amended by inserting at the start 'While both of the approved charitable organisations have legislative obligations around financial reporting'.

Resolved, on the motion of Ms Hurst: That paragraph 2.72 be amended by omitting 'appropriate standards of openness, independent oversight and public accountability' and inserting instead 'sufficient levels of independent oversight and public accountability for funding received from the NSW Government'.

Resolved, on the motion of Ms Hurst: That paragraph 2.77 be amended by omitting 'also questioned the impartiality and political neutrality of the approved charitable organisations. In their view' and inserting instead 'further argued that'.

Resolved, on the motion of Ms Hurst: That the following new paragraphs be inserted after paragraph 2.78:

By contrast, the NSW Young Lawyers expressed concern about the potential conflict of interest for the DPI which could affect their ability to act as an oversight body:

Animal welfare is usually seen as an additional cost to producers and conflicts with the DPI's informal role as partners of the industry. The framework of the DPI blurs the line between economic goals, which serve the industry, and regulatory goals, which serve the public interest. [FOOTNOTE: Submission No. 12, NSW Young Lawyers Submission, Page 11-12.]

Resolved, on the motion of Mr Veitch:

- a) That paragraph 2.83 be omitted: 'Reflecting on the section 24E provisions of the Act giving inspectors the power to enter land, Animal Care Australia observed that inspectors of the approved charitable organisations do not appear to be bound by the same laws and procedures the NSW Police must adhere to in order to justify entry onto a private property'
- b) That paragraph 2.84 be amended by omitting 'In their opinion' and inserting instead 'In the opinion of Animal Care Australia, ' and by inserting 'the approved charitable organisations' after 'the powers of'
- c) That paragraph 2.85 be omitted.
- d) That paragraph 2.86 be amended by inserting 'Animal Care Australia went on to detail to the committee a raft of anecdotal reports.' before 'One particular example'

Resolved, on the motion of Ms Hurst: That the following new paragraphs be inserted after paragraph 2.88:

'The Animal Defenders Office argued that there was a role for both education and prosecution:

I think there is a role for both. What we find is that they usually go hand in hand. So, while education can occur, the problem would be if the animal is left to languish, or the animals. That would be our primary concern. We would not want education at the expense of the welfare of the animals. We find that education occurs while the investigation starting with that process is occurring as well. Certainly we would not want to see one at the expense of the other.' [FOOTNOTE: Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 28.]

'The Cat Protection Society agreed with this approach, noting that:

certainly there are times when a person is in crisis and things have been let go, including their own self-care as well as their animal care. That is not a situation where you necessarily want to prosecute in that criminal way, but there is a very high risk that the criminal aspects are being lost because the system is underfunded and because the engagement of police and the involvement in a really sustainable framework that enables that triaging in the first instance is absent' [FOOTNOTE: Evidence, Ms Kristina Vesik, Chief Executive Officer, Cat Protection Society of NSW, 28 March 2022, Page 28.]

Resolved, on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.94:

'On the other hand, Ms Tara Ward from the Animal Defenders Office indicated that would not support enforcement powers being transferred to the DPI:

There is no way that the responsibility for enforcing animal protection laws could be transferred to an entity such as the DPI because there would be a conflict of interest. The submission stated there would not be a conflict of interest. There absolutely would be a conflict of interest because

the DPI is responsible for promoting animal industries. You could not have an entity such as the DPI enforcing animal welfare laws without that perception of a conflict of interest. I think that would exacerbate the current problems with the system and would certainly not fix them or go anywhere near fixing them.' [FOOTNOTE: Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 28 March 2022, Page 29.]

Resolved, on the motion of Ms Hurst: That paragraph 2.95 be amended by:

- a) inserting the sentence 'RSPCA NSW and the Animal Welfare League are in a highly unusual position, where they have to predominantly rely on charitable donations to uphold criminal animal cruelty laws.' after 'publicly shame either of the approved charitable organisations.'
- b) omitting 'Like all organisations with finite resources' and inserting instead Insert instead: 'Unlike other enforcement agencies which are fully funded by the NSW Government (for example, the NSW Police),'

Resolved, on the motion of Ms Hurst: That paragraph 2.95 be amended by omitting 'and this undoubtedly plays out in the reach of their enforcement and compliance work.' and inserting instead 'and the evidence shows their stretched resources are affecting their capacity to uphold animal cruelty laws and effectively respond to animal cruelty. It is very concerning to hear that these agencies are making 'tough calls all day, every day' and having to 'triage' which animal cruelty complaints they respond to"

Resolved, on the motion of Mr Veitch: That paragraph 2.95 be amended by omitting 'while emphasising' and inserting instead 'and that'.

Resolved, on the motion of Ms Hurst: That paragraph 2.96 be amended by omitting '-the precise nature of which could not be determined with any degree of certainty from the evidence before the committee'.

Resolved, on the motion of Mr Veitch: That Finding 1 be amended by:

- a) omitting 'That the quality of the financial reports received from both of the approved charitable organisations made it difficult to ascertain the extent to which they utilise alternative sources of finance to fund their animal welfare inspectorates and what exactly those sources are.' and
- b) inserting instead 'That the quality of the financial reports received from both of the approved charitable organisations made it difficult to ascertain what proportion of donated funds were used towards the costs of their animal welfare inspectorates.'

Resolved, on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.97:

'We also note with concern the very low numbers of inspectors across NSW (only 43 combined), and the fact that neither the RSPCA or AWL is able to conduct regular, proactive inspections on animal trades with their current levels of funding. This level of enforcement does not meet community expectations.'

Resolved, on the motion of Ms Hurst: That paragraph 2.98 be amended by omitting 'enhanced to help with the very costly business of running animal welfare inspectorates' and inserting instead 'increased to cover the costs incurred by the approved charitable organisations in enforcing and upholding the Prevention of Cruelty to Animals Act 1979,'

Resolved, on the motion of Ms Hurst: That paragraph 2.101 be amended by inserting ', noting that the Department of Primary Industries could not even determine how the current levels of funding were calculated'. [Evidence: Transcript, Page 38] after 'are currently administered.'

Resolved, on the motion of Ms Hurst: That paragraph 2.101 be amended by omitting 'by extension, the taxpaying public – could possibly determine if they are getting value for money for their spend' and inserting instead 'is fulfilling its duty to ensure that enforcement agencies are sufficiently funded to uphold animal cruelty laws.'

Resolved, on the motion of Ms Hurst: That paragraph 2.102 be amended by inserting 'The committee notes that it is critical for the approved charitable organisations to be appropriately funded and staffed to respond to animal cruelty complaints at all times. The community expects that animal cruelty complaints, particularly in emergency situations, will be responded to promptly.' Before 'The Committee also recognises'

Resolved, on the motion of Ms Hurst: That the following paragraph be inserted after paragraph 2.102:

'Finding X: The current level of Government funding for the approved charitable organisations is unacceptably low, is limiting the ability of the approved charitable organisations from effectively enforcing the Prevention of Cruelty to Animals Act 1979 and has the potential to create an occupational health and safety risk for inspectors.'

Resolved, on the motion of Ms Hurst: That paragraph 2.103 be amended by:

- a) omitting 'the annual reports of the approved charitable organisations are more focussed on fundraising than the discharge of their compliance and enforcement responsibilities. There is clearly a need for more meaningful data and less 'fluffy' storytelling' and inserting instead 'the NSW Government has failed to implement a standardised public reporting framework for the approved charitable organisations to ensure sufficient transparency and oversight.'
- b) omitting 'Whether this framework is prescribed in legislation or through non-legislative means, it should be developed in consultation with the approved charitable organisations, industry groups and animal welfare groups' and inserting instead: 'This standardised reporting framework should be developed in consultation with the approved charitable organisations'

Resolved, on the motion of Ms Hurst: That Finding 2 be amended by:

- a) omitting 'That the level of financial transparency and public facing reporting of the approved charitable organisations is grossly inadequate for entities that receive public monies and perform functions normally reserved for government agencies.' and
- b) inserting instead 'That the NSW Government has failed to require standardised public facing reporting of the approved charitable organisations. This is unacceptable for entities that receive public monies and perform functions normally reserved for government agencies.'

Resolved, on the motion of Ms Hurst: That the following paragraph be inserted after Finding 2:

'Finding X: That with increased NSW Government funding for the approved charitable organisations, a proper reporting and oversight system should be implemented.'

Ms Hurst moved: That the following new paragraph be inserted after paragraph 2.104: 'The committee also urges the NSW Government to establish an independent statutory body as another important measure to achieve oversight and transparency of the approved charitable organisations, as well as ensure effective enforcement of animal cruelty laws.'

Question put.

The committee divided.

Ayes: Ms Hurst, Mr Primrose, Mr Veitch.

Noes: Mr Banasiak, Mr Barrett, Mr Martin, Mr Poulos.

Question resolved in the negative.

Ms Hurst moved: That Recommendation 1 be amended by:

- a) inserting 'give consideration to' after 'Western New South Wales, to'
- b) omitting 'significantly increase government support for the compliance and enforcement operations of these agencies' and inserting instead 'cover the costs of the compliance and enforcement operations of these agencies without reliance on charitable donations, including conducting regular proactive inspections, sending inspectors to call-outs in pairs and operating a staffed animal cruelty complaints response team 24/7.'

Question put.

The committee divided.

Ayes: Mr Banasiak, Ms Hurst, Mr Primrose, Mr Veitch.

Noes: Mr Barrett, Mr Martin, Mr Poulos.

Question resolved in the affirmative.

Resolved, on the motion of Ms Hurst: 'That Recommendation 3 be amended by omitting 'animal welfare and industry groups' after 'approved charitable organisations,'

Resolved, on the motion of Ms Hurst: That Recommendation 5 be amended by

- a) omitting 'That the NSW Government consider contributing to the procurement of additional mobile veterinary clinics for both of the approved charitable organisations in recognition of the vital roles these clinics play in disaster relief efforts and in improving animal welfare outcomes in rural and regional New South Wales.'
- b) inserting instead 'That the NSW Government fund the procurement of additional mobile veterinary clinics and consider funding the ongoing costs of running the mobile veterinary clinics for both of the approved charitable organisations in recognition of the vital roles these clinics play in disaster relief efforts and in improving animal welfare outcomes in rural and regional New South Wales.'

Ms Hurst moved to insert the following new recommendation 'That as a matter of priority, the NSW Government implement Recommendation 14 of the 2020 Select Committee report on animal cruelty laws in New South Wales.'

Question put.

The committee divided.

Ayes: Ms Hurst, Mr Primrose, Mr Veitch.

Noes: Mr Banasiak, Mr Barrett, Mr Martin, Mr Poulos.

Question resolved in the negative.

Resolved, on the motion of Ms Hurst:

- The draft report as amended be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to questions on notice, responses to the online questionnaire, summary report of the online questionnaire and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions and individual responses to the online questionnaire be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- The secretariat is tabling the report on Friday 10 June 2022;
- The Chair advised that he did not intend to hold a press conference.

6. Adjournment

The committee adjourned at 12.03 pm, *sine die*.

Anthony Hanna
Committee Clerk

