

Report on the online questionnaire:

Inquiry into animal cruelty laws in New South Wales

Background

As part of its Inquiry into animal cruelty laws in New South Wales, the Select Committee launched an online questionnaire to encourage individuals to participate in the inquiry.

The online questionnaire provided individuals with an easily accessible means of having their say, given the anticipated high levels of public interest in this inquiry. It was open from 1 – 29 November 2019 and received 3,757 responses.

The questionnaire was not intended as a statistically valid, random survey. Like the submission process, respondents self-selected in choosing to participate. This means that respondents were not a representative sample of the New South Wales population, but rather interested members of the public who volunteered their time to have a say. It should also be noted that some of the participants in the questionnaire resided outside of New South Wales.

The online questionnaire did not replace the usual submission process, which was still available for those individuals and organisations who wished to make longer and more detailed responses to the inquiry's terms of reference. In this regard, it should be noted that some respondents may have completed both the questionnaire and made a submission.

Responses to the online questionnaire will inform the committee's views throughout the inquiry and be used in the inquiry report.

Questions asked

The online questionnaire consisted of six questions seeking views regarding the matters raised in the terms of reference.

The multiple choice questions sought participants' views on various matters:

- the appropriateness and efficacy of charitable organisations being the primary body to enforce animal cruelty legislation
- whether a specialist investigative animal cruelty unit should be established.

The open-ended questions encouraged participants to expand on their views on key issues:

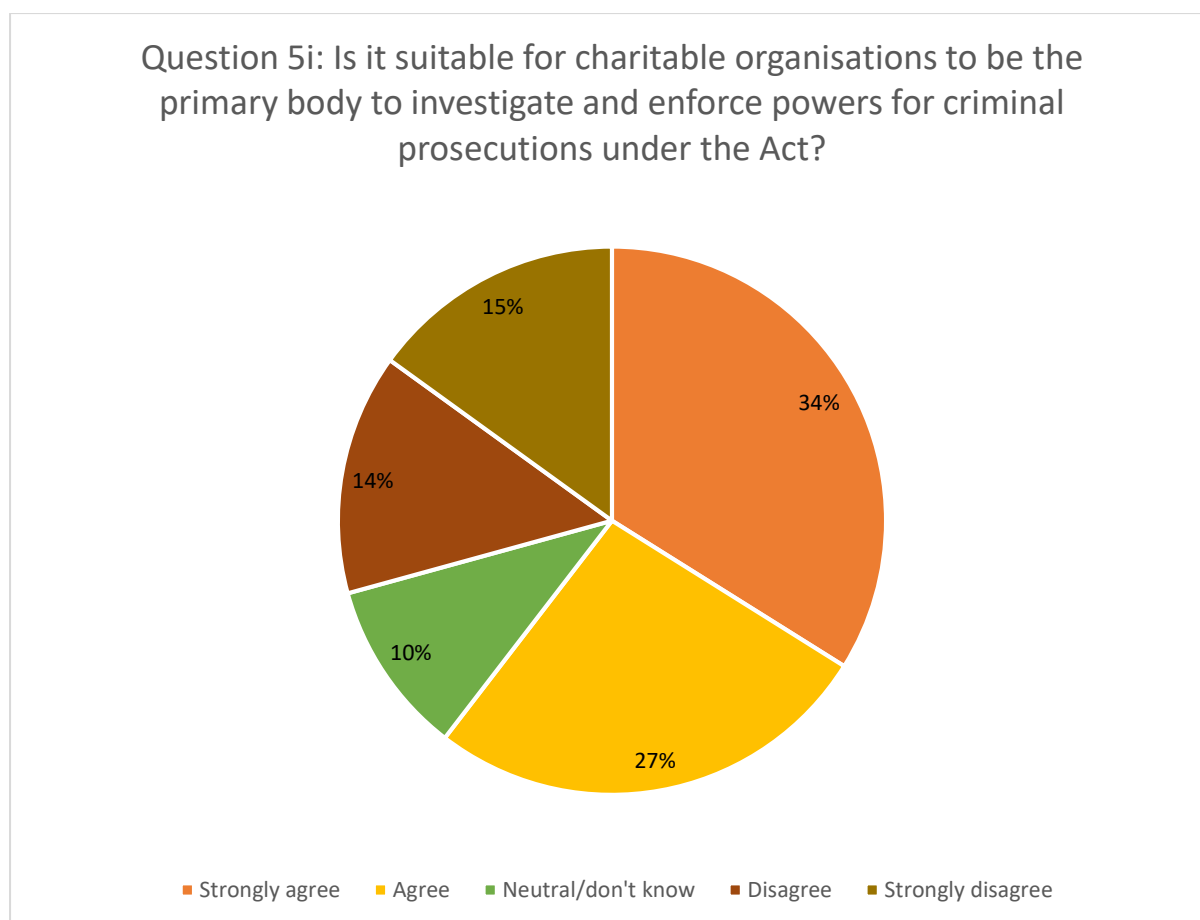
- the appropriateness and efficacy of charitable organisations designated to enforce animal cruelty legislation
- the adequacy of government funding for these organisations to achieve the objectives of the Act
- the adequacy of charitable organisations regarding the prosecution and investigation of animal cruelty
- whether non-government charitable organisations are the appropriate entities to hold criminal prosecution powers.

The full list of questions is at Appendix 1.

Responses to multiple choice questions

Question 4: The majority of persons (32 per cent) are neutral or do not know the adequacy of the standard of care and kill rates of stray, seized or surrendered animals under the control of charitable organisations. An equal number of persons think that it is adequate (20 per cent) or inadequate (20 per cent).

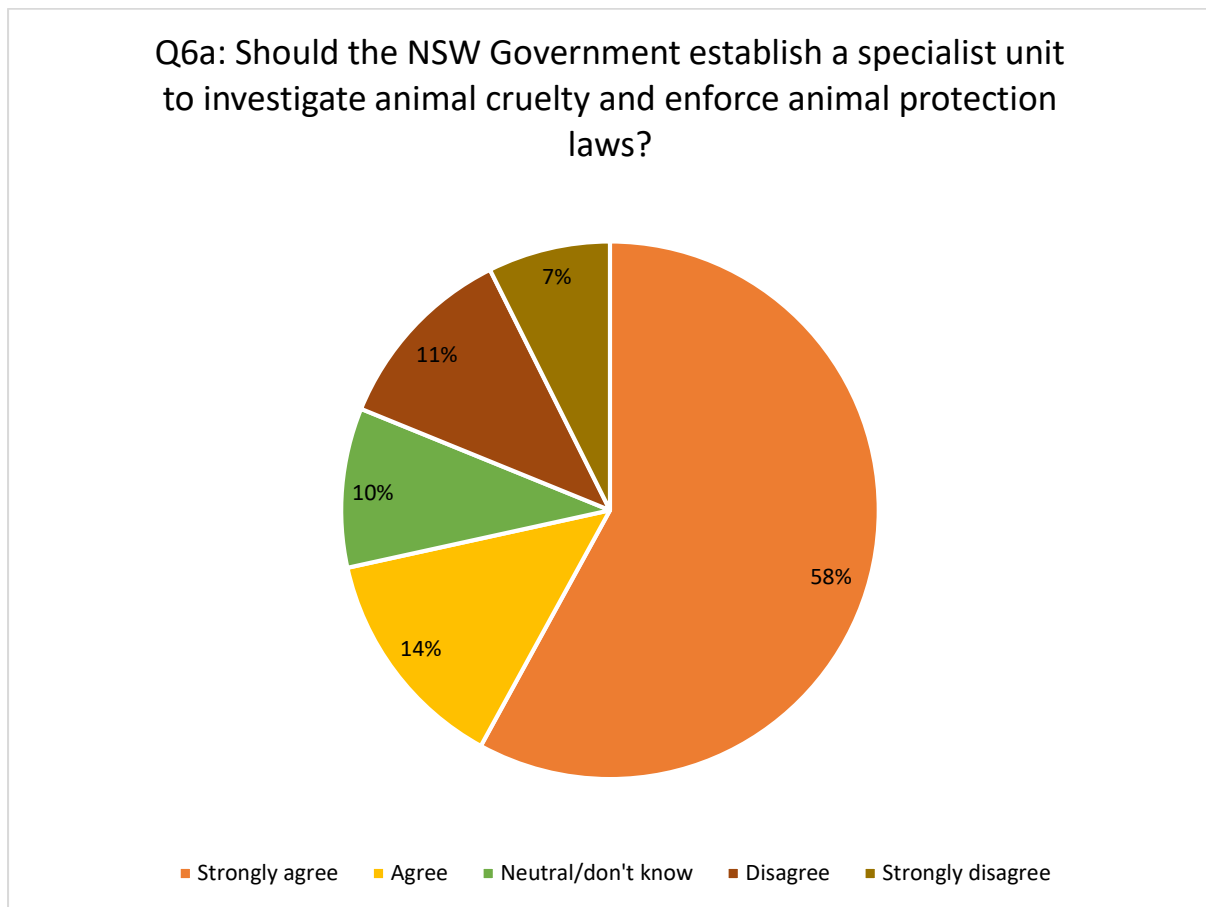
Question 5i: The majority (34 per cent) strongly agree that charitable organisations are suitable to enforce animal cruelty legislation, and (27 per cent) of persons agree that these organisations are suitable. Combined (61 per cent) indicated a favourable opinion.



Question 5ii: The majority (31 per cent) strongly agreed that charitable organisations are effective and appropriate to investigate and enforce powers regarding commercial premises and intensive farm operations, and (23 per cent) agree to this proposition. Combined (54 per cent) indicated a favourable opinion.

Question 5iii: The majority (33 per cent) strongly agreed that the charitable organisations are appropriately accountable to the government and community; (28 per cent) also agreed to this proposition. Combined (62 per cent) indicated a favourable opinion.

Question 6a: The majority (58 per cent) strongly agree that a specialist unit should be created to investigate cruelty to animals, and (14 per cent) also agreed to the proposition. Combined (72 per cent) indicated a favourable opinion.



The response data for the multiple choice questions is reproduced in Appendix 2.

Responses to open-ended questions

The five open-ended questions provided an opportunity for respondents to comment on the suitability of charitable organisations enforcing animal cruelty legislation, the adequacy of government funding supplied to these organisations, the adequacy of these organisations to prosecute and investigate animal cruelty, the efficacy of these organisations having criminal prosecutorial powers and whether a specialist unit should be established to investigate animal cruelty.

A sample of answers to these questions is provided below.

Q2: Do you think that charitable organisations (RSPCA NSW and Animal Welfare League NSW), are the appropriate authorities to enforce (that is, investigate and prosecute) legislation for the prevention of cruelty to animals? Please give reasons for your answer.

Negative

- "No, because they are volunteer organisations. They cannot guarantee to attend to issues in a timely manner. Nor are they public servants, with the associated obligations to the public service code of conduct. Animal Welfare should be policed by specially trained police. Also, animal welfare laws in NSW need to be strengthened so the focus is actually on animal welfare and not on how to profit from animals."
- "No. As charities, they receive funding from organisations, which eliminates their ability to remain without conflict. Government organisations are under the threat of ICAC, and would not be so easily swayed..."
- "No, it should be a special group within the police force. The RSPCA can be bias towards and against some situations it investigates, while leaving others that are being significantly cruel without retribution at all."

Positive

- "Yes absolutely. They're trained and experienced in such matters, not to mention they have all animals' best interests at heart. Because they're strongly familiar with animal welfare, they would also know what to look out for and have a high level of knowledge on what is or isn't ok in the treatment of animals."
- "Yes. It's the specific role and mandate of these two agencies to specifically look after animal welfare in all its facets. I would worry if the normal police force were to do this, the animal cases would be put on the back-burner due to human-related crimes taking precedence."
- "Yes. They have decades of experience in not just investigating animal cruelty but also working with the authorities and associated bodies required to bring justice. They also have the added advantage of remaining independent from government agendas."

Q3: These charitable organisations (RSPCA NSW and Animal Welfare League NSW) receive limited funding from the Government to be the primary enforcers of the Act. Do you think they are adequately funded by government to achieve the objectives of the Prevention of Cruelty to Animals Act 1979? Please give reasons for your answer.

Negative

- "No. As a former employee, I have witnessed countless animals euthanized for space or treatable diseases/conditions due to lack of resources. Meanwhile millions goes into running the inspectorate."
- "They are definitely not adequately funded by the Government. There are so many aspects to prevention of cruelty to animals, from the discernment of such behaviour, to the prosecution of the perpetrator/s, removal of the animal or animals in question, veterinary treatment as required, provision of shelter and on-going care and rehabilitation, and, ultimately, the finding of sanctuary or suitable homes. As well, this could mean dealing with individual members of the public or with institutions or organizations such as the greyhound racing establishment, the abattoirs and the export trade, etc. The fact that charitable organizations have to beg for donations from the public, and rely heavily on volunteer aid is proof enough."
- "No. Both organisations struggle to have inspectors deal with all the reports of animal cruelty, so tend to only address those where 1) animals are already dead, 2) the health of the animal is significantly poor and the animal is in extreme pain, 3) the animals and owners have been "visited" before and ongoing monitoring is not seeing improvements, 4) mass numbers of farm animals have been abandoned for a long period and most are dead or just need to be euthanised, and 5) RSPCA approaches tend to be euthanise (kill) due to the substantial resources... to provide shelter and care."

Positive

- "Yes. RSPCA particularly make a lot of income from their own programs, have their own agenda and do not adequately represent the interests of all Australians."
- "Yes. RSPCA raises millions of dollars a year, plus currently, the fines from their own prosecutions to back to them. No other system operates this way."
- "Yes. In fact I believe that as they are charitable organisations and should not receive any extra funding from the government. If charitable organisations fail to be self-sustaining then it is a clear indication that the public don't support their work. It is also a case of double dipping - government organisations can't receive charitable donations so why should self-proclaimed charitable organisation receive government funding. Funding money would be better directed to existing government organisations and extend the compliance work force with officers appointed with powers across a wide variety of Acts."

Q3a: Are these charitable organisations (RSPCA NSW and Animal Welfare League NSW) achieving the objectives of the Prevention of Cruelty to Animals Act 1979 in relation prosecution and investigation of animal cruelty? Please give reasons for your answer.

Negative

- "They appear to for pets and similar animals, but fail in commercially used animals (farms, testing facilities, entertainment etc). Given the vast majority of animals under human ownership fall into the second category, I feel like this is a more important segment to concentrate on. There appears to be far too many welfare issues consistently and repetitively occurring throughout the farming and racing industries for example. This is because issues are not being prosecuted often enough or harshly enough, and because prosecutors do not have adequate monitoring abilities or powers."
- "No, I do not feel that they do. RSPCA officers have not power to remove animals and it can take days for them to attend to an animal in need. Animals in need should be attended to ASAP regardless of the time. Investigation needs to thorough and evidence pertinent to each case gathered. Charges need to be more severe and fines, sentences higher and longer."
- "No, not to the full potential. Unfortunately both organisations seem to spend more time, money and resources on advertising and attempting to discredit other groups and organisations. Lack of investigation, many false accusations and inability to speak the truth has led to many innocent people unjustly prosecuted and many more false media reports aimed at gaining sympathy from the public to better their own agenda."

Positive

- "RSPCA and AWL are onsite exactly where they need to be, such as farms, abattoirs, zoos, saleyards, breeding establishments, livestock ships, scientific testing organisations, and tourist parks. The RSPCA alone responded to nearly 60,000 cases. I would venture that the organisations are doing a fine job at what they are tasked to do and passionate about. (Removing their ability to be onsite at these locations will desert animals to increased suffering as no government agency will be as independent) The failure lies in the weak punishments and consequences of animal cruelty. Too few times charges are actually laid, and when prosecution is successful, the penalties are pathetically small. This is not a reflection on the RSPCA and the AWL. This is a poorly functioning justice system, not brave enough to actually penalise perpetrators of these heinous acts..."
- "At the moment, these organisations are the only organisations that are enforcing the legislation. The Act is broad from the city to the country with these organisations providing the breadth of experience and knowledge in all areas of animal welfare. These organisations exist for providing animal welfare. This would not be the same from a privatised company focused on making a profit. If the NSW Police were asked to take on this responsibility, then it is likely that this would not be a sufficient priority for them given their primary focus is on protecting humans."
- "I believe the RSPCA is achieving the objectives of the act by maintaining a trained workforce to respond and intervene into reported acts of animal cruelty and in particular by its ability to tend and give ongoing care to mistreated animals. Its integration of paid workforce with a levelling of interested volunteers ensures ongoing public support in this regard."

Q5b: Is it effective and appropriate for non-government charitable organisations to be the primary body required to investigate and enforce powers for criminal prosecutions under the Act? Please give reasons for your answer.

Strongly Disagree

- "If donations dry up then the work/money involved to investigate and prosecute is also in jeopardy. I also don't think a government body can enforce the Act in an unbiased manner. A government funded independent body I feel would give the best results."

Disagree

- "Independent charitable organisations are open to too many vested interests. What is needed is an independent department or office of animal welfare which acts impartially..."

Strongly Agree

- "These charities are accountable to their members as well as to government. They are subject matter experts in their field and are best served to carry out the duties they currently undertake with a high degree of professionalism, ethics and empathy for the plight of those they are protecting. They know the legal system and how to undertake the responsibilities currently bestowed upon them. There is no logical reason to change this."

Agree

- "I think NGOs can be more impartial than government bodies, in that while they are pursuing an animal welfare agenda, they are not beholden to lobbyists or their political interests beyond those of their supporters who usually share their goals. They also have the ability to develop particular expertise and have on the ground exposure which gives them greater knowledge of various issues."

Neutral

- "Not having worked closely within or having personal experience the RSPCA or the other group, I can't know the answers to these questions, but considering the size of commercial/intensive farms I presume that they don't hold as much power to act as a government body would."

Q6b: Should the NSW Government establish a specialist unit to investigate animal cruelty complaints and enforce animal protections laws, either as part of the NSW Police or as a separate independent statutory enforcement agency? Please give reasons for your answer.

Strongly Disagree

- "Inspectors with animal welfare agencies are well trained and have the support and resources of their whole organisation to help with the cases they investigate. I believe handing the responsibility to the police will further stretch their own resources and animal welfare matters will not be prioritised or dealt with appropriately due to so many other pressing issues with people."

Disagree

- "... [I] believe the expertise already exists in the animal welfare organisations. This extra costs/funding to setup the above could be allocated to the existing animal organisations."

Strongly Agree

- "The current system is inappropriate and unjust to the animals, community who expect animal cruelty legislation to be adequately enforced, and to the staff of these charitable organisations. To expect an organisation that relies primarily on community fundraising, and therefore it is imperative that they maintain a positive public image and reputation, to also act as impartial and objective investigators, is nonsensical..."

Agree

- "My concern with charities being in charge is that they could be swayed to prioritise certain issues based on what is 'trending' and will attract the most donations for them at the time."

Neutral

- "I would like to see the charitable bodies asked whether this would assist their operations, as they are the ones directly affected, and I assume their expertise on this topic is far greater than mine. On the surface it sounds as if it could be a useful addition, but it is debatable whether it could be objective enough or speedy enough (I can see the encumbrance of extra red tape)."

Conclusion

The online questionnaire has been a valuable tool to seek the views of interested stakeholders on the significant issues raised in the terms of reference. The material gathered through the questionnaire will inform committee members views as the inquiry progresses and assist the committee in formulating its findings.

Appendix 1: List of questions

1. Contact details:

Name:

Email address:

Postcode:
2. Do you think that charitable organisations (RSPCA NSW and Animal Welfare League NSW), are the appropriate authorities to enforce (that is, investigate and prosecute) legislation for the prevention of cruelty to animals? Please give reasons for your answer.
3. These charitable organisations (RSPCA NSW and Animal Welfare League NSW) receive limited funding from the Government to be the primary enforcers of the Act. Do you think they are adequately funded by government to achieve the objectives of the [Prevention of Cruelty to Animals Act 1979](#)? Please give reasons for your answer.
- 3a. Are these charitable organisations (RSPCA NSW and Animal Welfare League NSW) achieving the objectives of the [Prevention of Cruelty to Animals Act 1979](#) in relation prosecution and investigation of animal cruelty? Please give reasons for your answer.
4. How adequate do you think the standard of care and kill rates are for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations?
 - a. Highly adequate
 - b. Adequate
 - c. Neutral/don't know
 - d. Inadequate
 - e. Highly inadequate
- 5a. Is it effective and appropriate for non-government charitable organisations to be the primary body required to investigate and enforce powers for criminal prosecutions under the Act:
 - i. With regard to their suitability to exercise those powers?
 - a. Strongly agree
 - b. Agree
 - c. Neutral/don't know
 - d. Disagree
 - e. Strongly disagree

- ii. In relation to commercial premises and intensive farm operations involving high numbers of animals?
 - a. Strongly agree
 - b. Agree
 - c. Neutral/don't know
 - d. Disagree
 - e. Strongly disagree
- iii. With regard to their accountability to government and the community?
 - a. Strongly agree
 - b. Agree
 - c. Neutral/don't know
 - d. Disagree
 - e. Strongly disagree

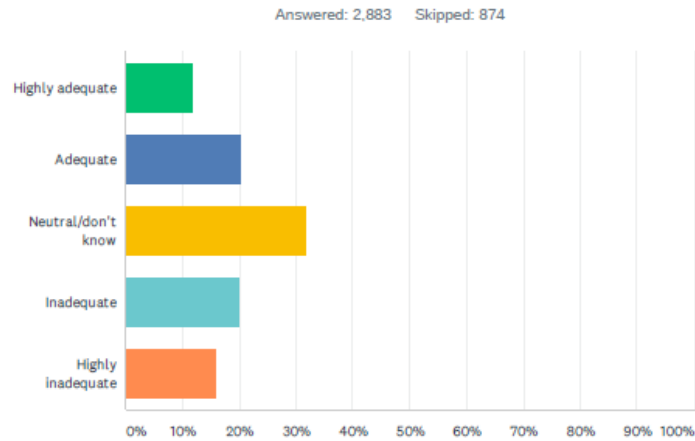
5b. Please give reasons explaining your responses to question 5 above.

- 6a. Should the NSW Government establish a specialist unit to investigate animal cruelty complaints and enforce animal protections laws, either as part of the NSW Police or as a separate independent statutory enforcement agency?
 - a. Strongly agree
 - b. Agree
 - c. Neutral/don't know
 - d. Disagree
 - e. Strongly disagree

6b. Please give reasons explaining your response to question 6 above.

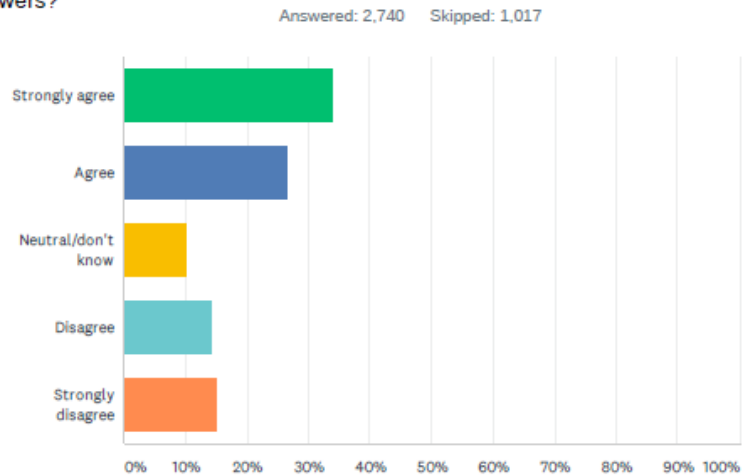
Appendix 2 : Data for multiple choice questions

Q4. How adequate do you think the standard of care and kill rates are for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations?



ANSWER CHOICES	RESPONSES	
Highly adequate	11.97%	345
Adequate	20.33%	586
Neutral/don't know	31.70%	914
Inadequate	20.12%	580
Highly inadequate	15.89%	458
TOTAL		2,883

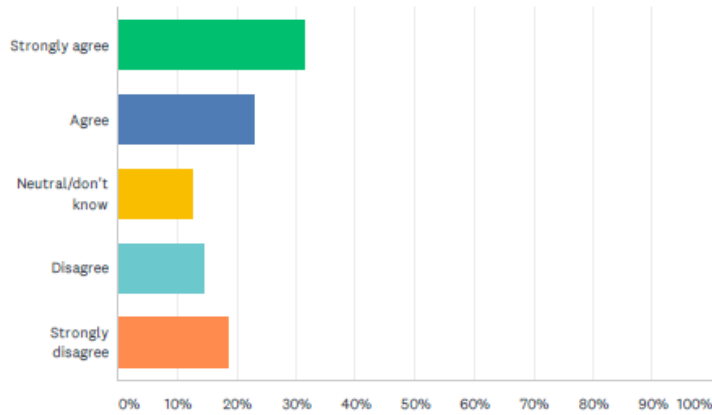
Q5. Is it effective and appropriate for non-government charitable organisations to be the primary body required to investigate and enforce powers for criminal prosecutions under the Act: i. With regard to their suitability to exercise those powers?



ANSWER CHOICES	RESPONSES	
Strongly agree	33.91%	929
Agree	26.53%	727
Neutral/don't know	10.29%	282
Disagree	14.23%	390
Strongly disagree	15.04%	412
TOTAL		2,740

Q5 ii. In relation to commercial premises and intensive farm operations involving high numbers of animals?

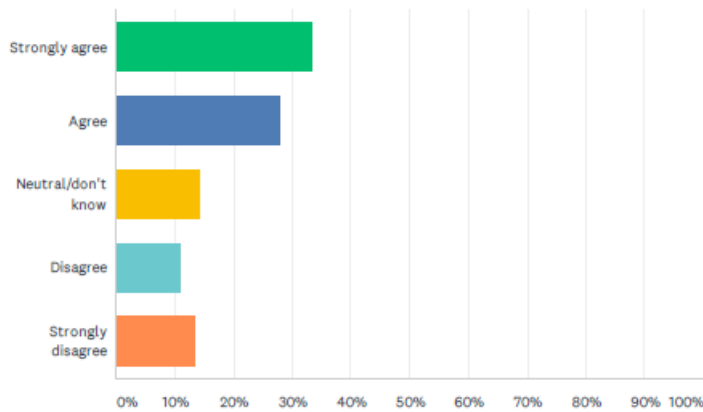
Answered: 2,730 Skipped: 1,027



ANSWER CHOICES	RESPONSES	
Strongly agree	31.39%	857
Agree	23.00%	628
Neutral/don't know	12.45%	340
Disagree	14.54%	397
Strongly disagree	18.61%	508
TOTAL		2,730

Q5 iii. With regard to their accountability to government and the community?

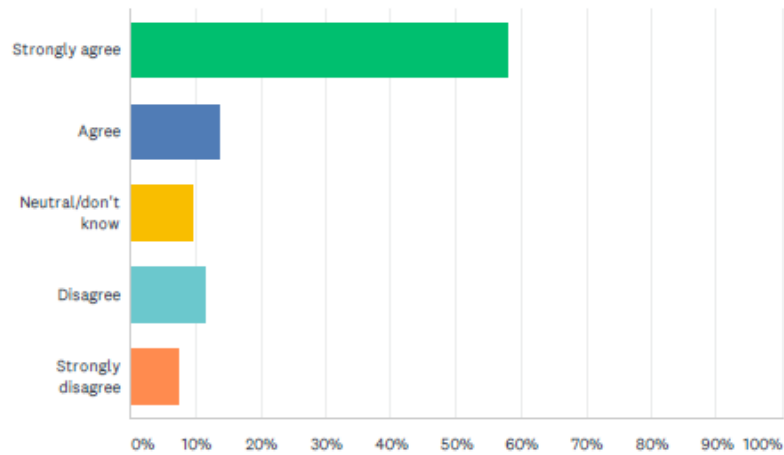
Answered: 2,726 Skipped: 1,031



ANSWER CHOICES	RESPONSES	
Strongly agree	33.49%	913
Agree	27.84%	759
Neutral/don't know	14.27%	389
Disagree	10.93%	298
Strongly disagree	13.46%	367
TOTAL		2,726

Q6a. Should the NSW Government establish a specialist unit to investigate animal cruelty complaints and enforce animal protections laws, either as part of the NSW Police or as a separate independent statutory enforcement agency?

Answered: 2,701 Skipped: 1,056



ANSWER CHOICES	RESPONSES	
Strongly agree	57.98%	1,566
Agree	13.59%	367
Neutral/don't know	9.59%	259
Disagree	11.48%	310
Strongly disagree	7.37%	199
TOTAL		2,701