



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 4 – REGIONAL NEW SOUTH WALES, WATER AND AGRICULTURE

MEDIA RELEASE

UPPER HOUSE COMMITTEE ANNOUNCES TWO NEW INQUIRIES

FOR IMMEDIATE RELEASE

25 November 2021

The NSW Legislative Council's Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture has today commenced two new inquiries: one with a focus on the charitable organisations responsible for enforcing the State's animal welfare laws; the other looking into why legislative provisions for Aboriginal cultural fishing, passed in 2009, have not yet commenced.

The first of these inquiries will examine the operation and performance of the two approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* – namely, RSPCA NSW and the Animal Welfare League NSW. The inquiry responds to recommendations arising from the select committee inquiry into animal cruelty laws in New South Wales, which handed down its findings in June 2020.

Under the regulatory framework for animal welfare in NSW, the government department responsible for the Act and animal welfare policy is not empowered to enforce it. 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.

Committee Chair, the Hon Mark Banasiak MLC, commented: "While the two approved charitable organisations are required to report to the Minister on the exercise of their regulatory functions, there is clearly a broader public interest in the effectiveness of their compliance and enforcement operations. This inquiry – being the first of a standing annual inquiry into these organisations – is about bringing greater transparency and public accountability to this important aspect of their operations. The inquiry will also examine the organisations' annual reports, including their financial statements."

Interested individuals are invited to comment on these issues by completing an online questionnaire, open until 28 February 2022: <https://www.surveymonkey.com/r/5ZCJTVM>

Concurrently, the committee is conducting a separate inquiry into the commencement of the *Fisheries Management Amendment Act 2009*. Schedule 1 of the Act contains a provision for Aboriginal cultural fishing. This authorises an Aboriginal person to take or possess fish despite the daily limits prescribed by the Act, where the fish are taken for the purpose of Aboriginal cultural fishing. The amending legislation was passed by Parliament and received assent in 2009, to commence on a day to be appointed by proclamation. To date, this provision has not commenced in law. The inquiry will shed light on the historical reasons behind this, any challenges or potential road blocks to its commencement and the impact of its non-commencement on Aboriginal cultural fishing, among other issues.



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Mr Banasiak stated: "It's been more than 11 years since this amending legislation was passed. Our committee will investigate why this has sat on the list of unproclaimed legislation for so long. We owe more to the First Nations communities of New South Wales."

Submissions to this inquiry close on 28 February 2022.

Public hearings for both inquiries will be held early next year.

More information about the inquiry into approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* is available on the inquiry webpage: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2851>

More information about the inquiry into the commencement of the *Fisberies Management Amendment Act 2009* is available on the inquiry webpage: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2850>

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For further information please contact Committee Chair, the Hon Mark Banasiak MLC, on 9230 2573.