



## Report on the online questionnaire

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

As part of its 2021 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*, Portfolio Committee No. 4 – Customer Service and Natural Resources conducted an online questionnaire to encourage public participation in an efficient and accessible way. This was the primary means by which members of the public were encouraged to share their views on the operations and performance of the two enforcement agencies under the Act, namely the RSPCA NSW and the NSW Animal Welfare League.

The questionnaire was not intended as a statistically valid, random survey. 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.

The online questionnaire was open from 25 November 2021 to 28 February 2022. The committee received 256 responses. The majority of participants were residents of New South Wales (80.08 per cent). The questionnaire was conducted in parallel with a targeted call for written submissions from key stakeholder groups. However, if other individuals or organisations wished to provide a more detailed response, they could still lodge a written submission through the online portal.

This report summarises the responses received and provides a sample of participants' views on the operations and performance of the RSPCA NSW and the NSW Animal Welfare League. The report draws on responses from New South Wales residents only. These responses will inform the committee's views throughout the inquiry and may be used in the inquiry report.

#### Questions asked

The questionnaire comprised of five questions: two mandatory administrative questions collecting participant details; and three optional open-ended questions eliciting stakeholder views on matters contained within the charitable organisations' annual reports and the exercise of their enforcement functions.

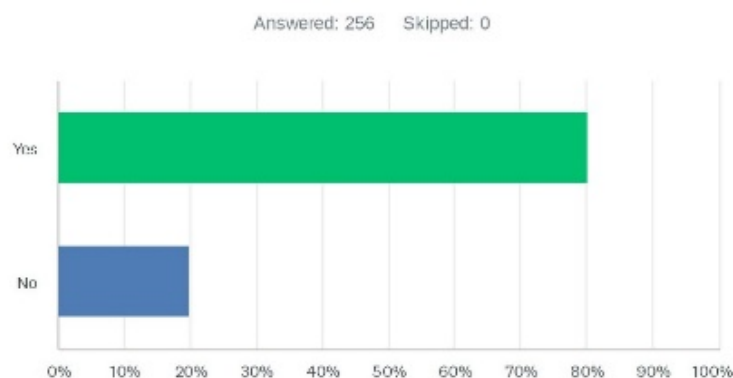
The questions are reproduced in full at Appendix 1.

#### Responses to questions

**Question 1: [mandatory] Please enter your contact details: Name, email address and postcode.**

*[Responses not analysed]*

**Question 2: [mandatory] Are you a resident of NSW? Select one of the following options.**



ANSWER CHOICES	RESPONSES	
Yes	80.08%	205
No	19.92%	51
TOTAL		256

**Question 3: Do you have any comments on the matters contained in the annual reports of the approved charitable organisations, including their financial statements?**

Question 3 was presented as an optional free-text question. It received 93 responses in total. Participants raised a number of concerns about the completeness, accuracy, transparency and level of detail within the annual reports of the two approved charitable organisations. Several respondents suggested that the information contained in the RSPCA NSW and NSW Animal Welfare League annual reports is not sufficient to enable the public to assess their performance as enforcement agencies. Other key concerns raised in response to this question included the number of companion animals euthanised each year, the prosecution rate relative to the number of complaints received and the current level of government funding for each organisation. A sample of participants' views is provided below:

- '...[The RSPCA NSW] is a very wealthy charity, with assets then exceeding M\$100, and income not only from donations, but substantial commercial investments. The amounts spent on administration and wages, the latter not being dissected, were enormous. The sum which could be shown to be actually spent on animals was 14% of expenditure.'
- 'I note the AWL NSW report includes reference to the Inspectorate, including number of complaints, attendances and successful prosecutions. The RSPCA NSW report makes reference to the number of cruelty investigations but no further detail as to attendances or outcomes. Neither report illuminates what might be the main issues of concern, trend data or strategies for addressing same.'
- 'As the 2 main enforcement agencies of POCTA, there needs to be greater detail about the number of inspectors, resources given to those inspectors, cruelty cases reported, the number investigated, and the outcomes of those investigations (stating the numbers is not enough, we need more detailed information as numbers don't tell the full story). AWL's report says that 979 complaints were received but only 2 successful prosecutions occurred. Why is this prosecution rate so low? The RSPCA doesn't provide any detail about the cruelty cases reported, investigated or prosecuted. Its financial report says that \$6.5m funded the inspectorate, but no further detail about how the funds were used. There is insufficient information for the public to assess how effectively the AWL and RSPCA are discharging their obligations under POCTA to prosecute animal cruelty.'

- 'The RSPCA kill too many animals instead of trying to rehome them. In the 2020/21 RSPCA NSW reported that they killed 29.2% of cats and 16.8% of dogs. The term they use for this is 'euthanasia' but other animal rescue organisations have much lower 'euthanasia' rates. These organisations should receive government funding rather than allowing RSPCA to dominate the public's conception of animal welfare. The smaller organisations are committed to rehoming animals rather than engaging in the nebulous area of 'community education' which seems to be the focus of RSPCA these days.'
- 'Both RSPCA and AWL kill far too many animals that come into their care. RSPCA's kill rate is higher than that of AWL and, as AWL is a fairly minor player, my focus here is RSPCA. RSPCA NSW is worse in this respect than its interstate counterparts. In 2020/21 reporting for RSPCA NSW show they killed 29.2% of cats and 16.8% of dogs and they misleadingly call the killing 'euthanasia'. Many rescue organisations do not practice convenience killing and their legitimately named euthanasia rate is around 2%. If RSPCA really don't practice convenience killing as they claim, they would need to explain the difference. RSPCA claim their 'euthanasia' rate is falling and, while it has fallen slightly in recent years, that decline can be explained by the decrease in the number of animals coming under RSPCA's care. It is closing shelters and refusing impounding contracts with councils. The reason for the high kill rates and reduced animal intakes cannot be explained by their financial position. RSPCA NSW made \$15 million profit last year and held \$67 million in cash and investments.'
- 'I would like to see more accountability throughout each area of these charitable organisations.'
- 'RSPCA is a not for profit charity and appear to have over \$126M in the bank but the government continue to provide them millions in grants. There is also a conflict of interest with the RSPCA doing DPI audits when it should performed by a Government body.'
- 'The RSPCA is making too much of a profit from its donations and kickbacks. It uses the public as volunteers to foster animals at their own expense, while getting hand-outs. They spend enormous amounts each year advertising for public donations.'
- 'Out of 13400 cats taken in, 5950 were NOT rehomed (euthanased?) - and of 6900 dogs taken in, 4795 were NOT rehomed (euthanased?). These figures are appalling for an organisation that has millions of dollars in funding. One might surmise that the rehoming of animals is not a high priority focus of said organisation.'
- 'The RSPCA of NSW received over 16,500 complaints of animal cruelty but initiated only 77 prosecutions. Perhaps that's because the 6% of funding provided by Government doesn't even cover wages of staff. This needs to be improved in relation to proper enforcement.'
- 'For the RSPCA 2021 report, I am incredibly shocked that there are fewer than 40 RSPCA inspectors state-wide. I would urge you to please consider recommending a substantial increase in government funding, to increase the capacity of these organisations to oversee the many millions of animals in NSW - both companion animals and native and wild - and to ensure animal cruelty laws are properly enforced.'
- 'No charity should have powers to prosecute people for supposed animal cruelty. The RSPCA make huge money out of these actions and ruin lives in the process. I believe they should have these powers taken away from them.'
- 'At present, 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. Proper details must be provided for animals euthanised under the sections of: behavioural, fractious

feline, infectious, medical and organisational. And proper details must be provided for exactly how and why animals "died in care".'

***Question 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?***

Question 4 was presented as an optional free-text question. It received 95 responses in total. Responses highlighted concerns about a perceived lack of transparency, underfunding and understaffing of the charitable organisations and a perceived lack of independence – among several other concerns. Several respondents repeated calls for the establishment of an independent body to investigate alleged cases of animal cruelty and enforce the State's animal cruelty laws. A sample of participants' views is provided below:

- 'Ensure approved charitable organisations are subjected to *Government Information (Public Access) Act 2009* (NSW) so it can begin to be determined why the rate of prosecution is so low i.e., specific reasons for why seemingly compelling cases are not pursued, and why certain cases are not investigated.'
- 'RSPCA NSW has an appalling record of actual prevention of cruelty animals ... The conflict of interest which is now inherent in much of what the once much admired and loved Society, is patent, and should disqualify it from what it is now involved in. The inspectorate cannot be an independent arbiter, when firstly, the Society derives substantial income from successful prosecutions (and none from the reverse), and derives huge amounts for endorsement for meat products, when at the same time, they are the inspecting authority for those same producers. RSPCA have an unacceptably high kill rate of animals, partly due to a semantic trick in the use of the word euthanasia. Other groups with little funding, effectively rescue animals from the RSPCA.'
- 'Prosecutions must be taken away from charitable organisations and moved to the DPP. For accountability, transparency and a fair trial. This is not happening currently. People plead guilty because of the *costs*, not because they accept the charges. There is no benefit here to anyone except the RSPCA who will sacrifice the welfare of an animal to get a prosecution. This is *not* the intention of POCTA. It must be rectified urgently.'
- 'AWL and RSPCA need to be more transparent about their compliance and enforcement functions - when/how they have exercised them and the outcome. Leaving them to determine what they report on their activities means they are not held forced to demonstrate that they have discharged the enforcement/compliance functions effectively. They hold a very precious status as the only 2 charitable organisations with authority to prosecute cruelty cases, so they need to be held more accountable. It is also critical to ensure they can show that they have acted independently and pursued cruelty cases to the full extent, without undue influence from industry. There needs to be a consistent reporting framework applicable to both organisations.'
- 'There are problems with giving the RSPCA an enforcement role in animal welfare. There are many documented cases where animals have been unnecessarily killed during such enforcement. The police don't have the expertise to enforce animal welfare, and the Department of Agriculture would have a conflict of interest if it were given this task. The best solution would be a separate Animal Welfare Commission, which would have no other interests except the compliance and enforcement roles found in the 1979 Act.'
- 'Compliance and enforcement of cruelty investigations is limited as they claim they have limited staff. With their huge financial coffers there should be more staff appointed.'

- 'There are too many separate organisations with their own rules and regulations a single regulatory body under government guidance would be fair and better regulated.'
- '... I think there needs to be a true independent body. Neither of these organisations are independent without having their own agenda. I think this clouds their dealings with people and breeders.'
- 'As a charity they should not have policing or enforcement functions. No other charity has this power. Law enforcement is a government responsibility.'
- 'They appear to be looking at the smaller hobby or occasional breeder rather than the larger breeding operations that are business orientated.'
- 'Vested interest groups should not be the ones conducting compliance and enforcement functions. Should be an independent function or government/local government responsibility.'
- 'The inspectors need an oversight body like the police do. They have more power than police for entry and use excuses to justify powers of entry. The police and other government organisations require an oversight yet a charitable organisation that makes large profits annually, has no oversight and a lot of power.'
- '0.4% of revenue raised was the result of court fines and costs - approximately 137,000. Considering the costs incurred in generating those fines, one could surmise that maybe prosecutions are not returning real life value for money. The practice of bringing many charges on an offender, and later cancelling all but one charge in order to get a "win" rather than actually prosecuting the entire case through the court is not the best use of the funds allocated to this practice. The only ones making any relevant income from the process are legal firms.'
- 'They need proper resourcing, including but not limited to, enforceable laws that deter offending, to prevent harm to both animals and humans.'
- 'Please provide more funding for organisations like the RSPCA to carry out more checks directly on animals living in farms and for any animal that could be in danger or living in an environment that is causing any suffering or pain. The Australian Government has enough money to make this happen and as a tax payer I am sure they can rustle up some funds.'
- 'Animals are supposed to be protected by the RSPCA, and yet many are not. There's not enough funding going to them, there's not enough compliance officers. They need to be directly funded by tax payer dollars, as is the police force. We need a police force for animals, not a charity with their hand out for donations.'
- '[The RSPCA] needs to be defunded and there needs to be an independent body to investigate and enforce animal welfare matters. [The RSPCA] cannot be objective if they then receive the animal into their care and can sell it on if the court so chooses. They should not be a charity on one hand and representing a government body on the other. The 2 functions need to be independent.'
- 'They exercise their powers appropriately and in the past [have] done a good job in relation to preventing animal cruelty.'
- '... they do a good job.'

***Question 5: Do you have any other comments?***

Question 5 was presented as an optional free-text question. It received 80 responses in total. A sample of participants' views is provided below:

- 'There remains a need for better funding to investigate, prosecute and monitor compliance; and a need for data collection that can identify gaps, trends and emerging issues, as well as unmet demand. For transparency and the development of appropriate policy responses, qualitative and quantitative data is necessary.'
- 'Leaving charitable organisations like the RSPCA with legal requirements for enforcement tasks which should be the role of an agency of the government is out of step with public sentiment in the 21st century. Governments should fund a range of smaller charitable organisations which have a proven track record in rehoming animals and avoiding the unnecessary deaths which currently occur in Council Pounds and in RSPCA shelters.'
- 'Make both organisations more accountable for their expenditure [and] their enforcement decisions. Both need to be properly resourced so they can do their jobs to protect animals as they should.'
- 'The current organisations who are authorised under the Act do a perfectly good job and there is no reason to change the current arrangements.'
- 'Under no circumstances should there be any expansion of organisations who can enforce POCTA until those currently allowed start doing their job fairly, without prejudice. They should also get no further government funding until they demonstrate that they are doing what the Minister said it was to be used for, properly checking puppy mills for compliance.'
- 'Accountability is foremost in any business, especially a charitable organisation where we are always looking for their presence when there are obvious cruelty to any animal. Since 1979 the cruelty to animals has increased substantially but the regulations have not been updated to accommodate these conditions. Charitable organisations have to be more accountable to those who donate and officers of these organisations have to work harder to be seen doing the job that we all expect these charities to do.'
- 'I support a complete overhaul and enquiry into the whole RSPCA organisation and for it to be put out for public viewing.'
- 'I feel that the law is adequate in NSW.'
- 'The RSPCA needs investigation. It has become a political body, more intent on increasing its own power. It has a very high kill rate, it does not oppose huge puppy farm but has actually worked with them. It frequently attacks soft targets and refuses to work with reputable animal organisations.'
- 'These organisations should be replaced with governmental departments similar to fisheries.'
- 'Independent assessors should look at both organisations and the organisation's they are supposed to inspect.'
- 'The RSPCA has a direct conflict of interest in performing breeder audits. It sells dogs and actively campaigns against people buying pedigree puppies. It is neither objective nor unbiased on the issue of breeding.'

- 'The RSPCA needs to exercise its powers in good faith, and be penalised where it abuses those powers. Breaching its powers diminishes public confidence, which unfortunately interferes with the valid work it has to stop cruelty to animals.'
- 'A charitable organisation should not have the power that they do without an independent oversight of their use of power. They need to be more transparent in the eyes of the public.'
- 'Revoke their charitable status and let them run under the banner of a profitable business like they truly are. Be transparent and stop hiding behind the not for profit flag when it's a false narrative.'
- 'RSPCA inspectors (and the company as a whole) appear to be operating with very little oversight of their actions - especially when it comes to the activities regarding legal prosecution. The revenue expended for the meagre returns from fines and costs is exorbitant and is not being well spent. The practice of extending prosecutions for up to 2 years before even possibly seeing a courtroom to hear a case seems to have the aim of bankrupting those being prosecuted in order to secure a plea deal to less than the full number of charges before actually going to court and hearing the case in its entirety. There is also no place that any member of the public targeted by RSPCA inspectors can complain about the treatment they are subjected to ... The RSPCA inspectorate .... are effectively a law unto themselves with regards to prosecuting whomever they please, often interpreting POCTAA in the narrowest terms in order to bring a "case". POCTAA allows for education before prosecution, except in the direst of situations, yet RSPCA inspectors rarely exercise that option.'
- '50 inspectors are expected to oversee more than 70 million animals in the agribusiness industry, and the many millions of native, wild, and companion animals, as well as animals used for entertainment and medical experimentation. This needs drastic improvement.'
- 'As I learn more about the work of sanctuaries, rescue and welfare groups and charities ... I am horrified to discover the cruel behaviours of some people towards animals. These organisations fight against this cruelty and try their utmost to help the affected animals heal where possible, where resources allow, but I can't even imagine how traumatic it is for all involved and there is so much more to be done with the limited resources available. Animals cannot speak for themselves and are largely at the mercy of humans, and it's incredibly important that we focus attention, support and resources on punishing the perpetrators of these reprehensible acts, to ensure there's no uncertainty as to the absolutely vile and unacceptable nature of this behaviour. It's imperative that we do whatever possible to limit offending and reoffending, through proper enforcement of the laws. This is the right thing to do. I ask that the government please take the maximum action possible to achieve this objective.'

## Appendix 1: List of questions asked

### Questions:

1. Please enter your contact details.

Name:

Email address:

Postcode:

2. Are you a resident of New South Wales? Select one of the following options

*Multiple choice*

a. Yes

b. No

3. Do you have any comments on the matters contained within the annual reports of the approved charitable organisations, including their financial statements?

*300 words – free text*

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*?

*300 words – free text*

5. Do you have any other comments?

*300 words – free text*