

## **Online questionnaire report: 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979***

### **The purpose of the questionnaire**

As part of its inquiry, Portfolio Committee No. 4 – Regional NSW conducted an online questionnaire to encourage public participation in an efficient and accessible way.

The questionnaire was not intended to be an empirical study. The answers were provided by individuals who chose to participate in the process. The results of the questionnaire should therefore be treated as an overview of the opinions of those who are particularly engaged with the issues covered by the terms of reference for the inquiry.

The questionnaire was in addition to the usual submission process. The submission process was available to individuals and organisations wanting to provide a more detailed response to the inquiry's terms of reference.

This report summarises the responses of participants to the questions posed in the questionnaire. These responses will help inform the committee's views throughout the inquiry and may be used in the inquiry report.

### **Questions asked**

The questionnaire was made up of seven questions. These covered background information about the respondents – their contact details and whether they were a resident of New South Wales.

Three open-ended questions then sought the views of respondents as follows:

- Whether they had any comments on the matters contained with the annual reports of the charitable organisations approved under section 34B of the *Prevention of Cruelty to Animals Act 1979* (currently RSPCA NSW and Animal Welfare League NSW), including their financial statements.
- Whether they had 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*.
- Whether they had any other comments.

The online questionnaire was open from Wednesday 13 December 2023 to Tuesday 20 February 2024 and received 56 responses. The average time taken to complete the questionnaire was 1 hour and 25 minutes. A summary of the responses for each question is provided below. However, in accordance with the committee's resolution of 13 December 2023, only responses from New South Wales participants have been analysed in the report (apart from noting that the number of respondents who were residents of New South Wales versus the number who were not). Similarly, answers to questions one to three are not included in the report at all as they asked for personal details of the participants.

### **Responses to questions**

#### ***Q.4 Are you a resident of New South Wales?***

- Yes 36
- No 20

However, one of the respondents who was a resident of New South Wales appears to have answered the questionnaire twice, meaning that **35** people responded to the questionnaire who were residents of New South Wales.

***Q.5 Do you have any comments on the matters contained within the annual reports of the approved charitable organisations, including their financial statements?***

Of the 35 respondents who were residents of New South Wales, 24 provided substantive responses to this question. Topics that arose included the following.

**Funding**

- ***Adequacy of funding.*** Five respondents stated that animal welfare organisations need more funding. For example, one respondent stated: "Animal related charities provide priceless service to the community and should be provided with necessary government assistance to continue their work".
- ***Use of funding.*** Four respondents raised questions about how approved charitable organisations are spending funds. For example, one respondent "question(ed) the amount of money under-utilised by both organisations"; another indicated that expenditure was Sydney-centric; and another said "Too much is spent on lawyers. I would like to see more spent on assisting de-sexing, vaccination and microchip. Also educating people on animal welfare instead of prosecuting".
- ***Government funding.*** Two respondents questioned why charitable organisations are receiving government funding.

**Oversight, accountability and transparency**

Another theme that arose was oversight, accountability and transparency of approved charitable organisations, with five respondents raising these matters in answer to this question.

- One respondent stressed that the committee needs to have oversight of the approved charitable organisations, in particular their financial activities.
- Three respondents stated that there needed to be more transparency in how certain matters are reported by the approved charitable organisations as follows.
  - One respondent stated financial matters needed to be reported more clearly: "...they are clear as mud. Why is the inspectorate, shelter and vet clinic financials not separated? Where is the income earned from prosecutions? Not just court costs and expenses but the beneficiary of fines".
  - Two others argued for more transparency around reporting of prosecutions. One stated: "I would like to see transparency in the cases that have been prosecuted. There is no list anywhere I can find and GIPA legislation does not apply to non-government departments". The other respondent argued for a breakdown of expenditure on investigations and prosecutions stating it is not possible to determine how much is spent on prosecutions or the success of those prosecutions and any costs returned.

- Another respondent raised concerns about variations in what the RSPCA used to report compared with what it currently reports. This respondent also raised concerns that "...the RSPCA financials do not reflect all the information".

### **Treatment of animals**

Another significant theme that arose in response to the question was disquiet around the treatment of animals with seven respondents raising concerns about aerial shooting of brumbies in national parks. For example, one respondent stated "RSPCA is a government funded and approved animal charitable group...Yet they condoned...as humane the aerial shooting and killing of 270+...brumbies...in Kosciusko National Park...".

Another respondent stated that the RSPCA euthanises a lot of animals for behavioural reasons and that "Any frightened or timid animal will fail".

### **Calls for a different regulator**

A further theme that arose in answer to the question was the need for an independent office of animal protection to be established instead of the approved charities exercising enforcement powers under the Act. Two respondents called for an independent office of animal protection with one stating "We need an independent office of animal welfare, not one that's compromised".

### **Calls for increased animal welfare powers**

Three respondents also called for more powers to ensure animal welfare. One stated that the animal welfare industry needs "more authority to act on behalf of animals" while another called for more CCTV footage and transparency in factory farms.

### ***Q.6 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?***

Of the 35 respondents who were residents of New South Wales, 28 provided substantive responses to this question. Topics that arose included the following.

### **Lack of compliance and enforcement action**

In response to this question, three respondents complained of a lack of compliance and enforcement action by the approved charitable organisations. One complained of a case of hoarding establishment at which there were over 100 dogs and stated that neither the RSPCA or Animal Welfare League assisted: "Neither group offered any help as a welfare organization and when I contacted RSPCA with a formal complaint on this hoarding place I did not even get a reply". Another stated "RSPCA don't show up a lot of the time. They will not go out to rescue animals from the street at all".

The other respondent raised concerns about the efficacy of the RSPCA inspectorate, indicating that rescue groups or the police are often left to assist animals in need:

*There is a prolific cat and kitten crisis of half dead, starving, injured and sick, suffering, neglected, homeless felines as we are all aware on the Sydney streets and it's been rescue*

*groups attempting to go and...rescue them...not inspectors...There has been government millions thrown away at the inspectorate in 2023 and the plan is to increase inspectorate numbers? Why when they are less serviced within the community over the years...We...are told to call the police when we try to get an inspector at 430pm who was finishing work...*

A fourth respondent argued for a proactive approach, citing a particular organisation as a good example: "I support the proactive approaches by the Australian Pet Welfare Foundation...better outcomes are achieved for cats and minimising the intakes to council pounds and euthanasia".

### **Not fulfilling prevention remit under the Act**

Another theme that arose in response to this question was complaints that the RSPCA is not fulfilling its remit under the Act of preventing cruelty to animals with the following cited as examples.

- ***Aerial shooting of brumbies.*** The aerial shooting of brumbies in national parks was again a common topic with nine respondents complaining about this matter. For instance one stated "RSPCA...are not conforming to their own mandates when it comes to actual PREVENTION of cruelty to domestic dogs and horses. They are also happy to slaughter brumbies inhumanely..."
- ***"RSPCA approved" labels.*** Another respondent cited the RSPCA placing "RSPCA approved" labels on chicken packets in supermarkets as evidence it was not fulfilling its remit under the Act. This respondent stated that broiler chicken farming involves high levels of cruelty and that chickens are killed at a fraction of their natural lifespan. The respondent also stated that according to the Australian Dietary Guidelines killing animals for food is unnecessary. The respondent stated "The current 'RSPCA approved' labels are clearly misleading and deceiving the public into thinking that the standard practice in broiler chicken farms...is humane. The RSPCA's statutory remit is to prevent...cruelty to animals, not encourage it".
- ***Euthanising animals.*** A further respondent indicated that the approved charitable organisations euthanised animals too much stating that "Charitable organisations which receive government funding see euthanasia as a normal part of animal enforcement" and argued that evidence-based techniques should be used for community cat control.

### **Oversight**

Three respondents to question 6 called for greater oversight of approved charitable organisations under the Act. One of these respondents, a retired police officer, raised concerns that the powers of the RSPCA and the Animal Welfare League are equal to those of the NSW Police Force but without the oversight. The respondent stated:

*What oversight is there for the prosecutions or enforcement activities?...NSW [Police Force] investigations and complaints against officers are overlooked within the organisation and externally...There are no such clear avenues to seek redress with RSPCA and its officers as it is a charity, not a government body.*

Another respondent raised concerns about upper management and board members of the RSPCA and Animal Welfare League having a say in what cases are investigated and what cases are prosecuted in court, with no oversight. The respondent stated:

*In both organisations the CEO and Board members...influenced what prosecutions were made and also what investigations were moved forward or alternatively, not investigated at all...there is no recourse for staff to be able to question or report this and feel confident that appropriate action would be taken...*

The third respondent raised concerns about the effect that a lack of oversight of approved charitable organisations can have on people who are the subject of enforcement action, with no redress if powers are abused:

*They are completely abusive of their powers. They know they are outside of the law, with no oversight and untouchable. They drive people to PTSD and suicide – just on the whim of a barely qualified inspector. People are SCARED – they seize your animals and you cannot afford to fight them. People are pleading guilty because they cannot afford to do anything else, and at the threat of losing all of their animals.*

### **Calls for a different regulator**

As with answers to question 5, in answer to question 6 some respondents called for a different regulator to exercise enforcement and compliance powers under the Act, instead of the approved charities.

One respondent argued that Government should be in charge of the criminal law enforcement of animal cruelty offences, not charitable organisations, and this respondent raised particular concerns about conflict of interest. The respondent stated:

*...criminal law enforcement should be investigated and prosecuted by governments who have access to large amounts of resources, similar to other forms [of] criminal law enforcement. Charities fundraising to achieve criminal culpability surely limits the number of cases that can be brought to justice per year. I have concerns regarding RSPCA and AWL prosecuting organisations and the potential for conflict of interests.*

On the conflict of interest, this respondent further stated that they felt they could not report a complaint against a wildlife rehabilitation organisation to the RSPCA because the RSPCA has an ongoing relationship with this organisation.

In a similar vein, another respondent argued that a dedicated police unit should be formed to handle animal cruelty matters "as the RSPCA clearly is not doing what they should be under the Act".

Four further respondents to this question called for an independent office of animal welfare with one indicating the current regulatory regime relies too heavily on self-regulation "We MUST HAVE INDEPENDENT OFFICE FOR ANIMAL WELFARE...The industry cannot be trusted with governing themselves as economics are favoured by business operations over the welfare of animals used within those industries". Another, in calling for an independent

office of animal welfare stressed that the regulator for animal welfare must not have any ties to animal agriculture.

### **Calls for increased animal welfare powers and requirements**

As with answers to question 5, in answer to question 6 three respondents called for increased powers – and requirements – to ensure animal welfare. In particular, one respondent called for increased CCTV footage and transparency in factory farms and requirements for more space for farmed animals to move around and nurture their young.

#### ***Q.7 Do you have any other comments?***

Of the 35 respondents who were residents of New South Wales, 28 provided substantive responses to this question. There was overlap with topics covered in answer to questions 5 and 6 including:

- One respondent raised funding concerns, stating that more funding is needed for emergency care and rehabilitation of animals.
- 11 respondents raised the treatment of animals. Nine of those complained about the aerial shooting of brumbies in national parks while one raised euthanasia stating that animals should only be killed to relieve suffering or for the meat trade.
- Three respondents raised the matter of oversight of the approved charitable organisations with one stating that there were not appropriate systems or oversight to ensure the organisations are "fulfilling their mission and living up to the expectations of the general public". Another called for an independent audit of the RSPCA's financial status "and inability to respond with compassion and in a timely manner...".
- Five respondents called for a different regulator, specifically an independent office of animal welfare with concerns raised that the approved charities should not be performing an enforcement and compliance role because of the potential for conflicts of interest and concerns that the approved charities do not have enough funding or powers to assist animals.
- Another respondent raised lack of compliance and enforcement action indicating that the RSPCA inspectorate was ineffective: "The Inspectorate was a force years ago but now it's a grey shadow of its former time...more money is granted but less animals being saved from cruelty situations".

Various other comments were made by respondents to this question including:

- One respondent called for an overhaul of the Act stating "We urgently need more funding more accountability, more authority including police allocation and harsher justice system penalties for animal abuse".
- Another respondent stated that improvements had not resulted from the committee's last inquiry into the *Prevention of Cruelty to Animals Act 1979*.
- A further respondent asked whether RSPCA inspectors will be striking.
- Another respondent raised concerns about there being too close a relationship between WIRES and the RSPCA and that WIRES conducted animal cruelty investigations without observing procedural fairness "and intimidates and threatens with referral to RSPCA with no oversight...". This respondent further stated that "The growing linkage of two Charities with public donations being used to prosecute members or volunteers within these organisations...is very concerning to me".

- A further respondent made a favourable comment about the Animal Welfare League supporting trucks sent to regional areas to do vet work and seeking volunteers to scan microchips so that animals can be returned to their owners instead of going into the pound system.