

Department of Primary Industries and Regional Development



Questions on Notice: Parliamentary Inquiry into Approved Charitable Organisations under the Prevention of Cruelty of to Animals Act

Questions on Notice

Responses for Questions on Notice directed to DPIRD witnesses:

- Ms Rachel Connell, Deputy Secretary Agriculture and Biosecurity, Department of Primary Industries and Regional Development
- Mr Peter Day, Executive Director Strategy & Regulatory Policy, Department of Primary Industries and Regional Development

Questions 1-10 as per notated uncorrected transcript

Date asked: 02/04/2026

Full transcript: [Transcript - PC 4 - POCTA 2025 - 2 April 2026 - UNCORRECTED \(1\).PDF](#)

#	Ref & summary	Question	Response
1	Pg 51. Referring to the \$20m grant OLG administered to RSPCA	RACHEL CONNELL: I understand the RSPCA gave evidence this morning about what that grant was used for. I would note that that grant was provided through the Local Government portfolio and not through the Agriculture portfolio. But my understanding is that it funded a range of activities, including enforcement and compliance. The Hon. SCOTT BARRETT: What about infrastructure? Was it used for infrastructure? RACHEL CONNELL: My understanding—but I don't have the benefit of the deed in front of me— is that there was some used for capital and perhaps	This grant funding was administered by the NSW Office of Local Government. The question is best directed to that agency.

References:

D26/58857

		infrastructure. I will take that on notice to confirm it. I actually think we've received a supplementary question on that as well.	
2	Pg 51 Conflicts of interest on SWP members	The Hon. SCOTT BARRETT: Have you had any conflicts of interest on these panels over the last three years? PETER DAY: For the three-year period, I would have to take that on notice. I'm not aware of it, but I would take that on notice if I could, please.	Between 2023 and 2026, a total of 24 Stock Welfare Panels were appointed. During this three-year period, three (3) conflicts of interest were declared and recorded. In all instances, the conflicts were identified, reported, and appropriately managed. Each declaration related to a perceived conflict of interest, rather than an actual conflict.
3	Pg 51 # complaints to ombudsman	The CHAIR: The recent change that came out of the legislation where complaints could be made to the NSW Ombudsman— how many complaints have we had since that change has been introduced? RACHEL CONNELL: We don't necessarily have visibility of complaints that are made to the Ombudsman. I'll take it on notice, but I expect it may be a question that has to be directed to the Ombudsman.	The ACOs are required to include in their annual reports to the Minister details of the number of complaints made under the Ombudsman Act 1974 and the outcome of these complaints (see cl41(2)(o) of the <i>Prevention of Cruelty to Animals Regulation 2025</i>). These annual reports are tabled in Parliament each year and indicate the following: RSPCA: - 2023/24: nil - 2024/25: 1 AWL NSW: - 2023/24: nil - 2024/25: nil Details regarding the complaint in 2024/25 were provided in evidence at the hearing (see transcript page 52).
4	Pg 51 Comms re 2025 POCTA amendments (Ombudsman)	The CHAIR: How was this new initiative or new reform communicated to the public? Were they told at all, or were they just supposed to understand through osmosis?	Information about the 2025 POCTA amendments was published on the Department's website under the animal welfare section. It was also included in Issue 15 of the Chief Animal Welfare Officer newsletter which was published in December 2024.

		RACHEL CONNELL: There has been, from memory, quite a bit of communication about those reforms that were made to the legislation in 2024, through media and other sources. But I would have to take on notice what particular social media and other channels we use for those specific changes.	
5	Pg 51 Charitable organisation status of RSPCA given its defined as 'trading entity' by Fair Work Commission	The CHAIR: They should. If you could give us some indication as to what are the communication channels that are used, that would be great. I'll go to the ACOs themselves. In terms of the RSPCA being a charitable organisation, the Fair Work Commission recently determined that the RSPCA satisfies the definition of "trading entity" because more than 50 per cent of its income is derived from business activities. Under the POCTAA, does that then alter or change the Government's view as to whether it still is a charitable organisation, given that it has been determined by a commission that it's a trading entity and more of a business rather than a charity? RACHEL CONNELL: I would have to take advice on that. That status of a charity is under the New South Wales charitable legislation that we don't administer. But I'll take it on notice and we can provide information on that to the Committee.	RSPCA NSW is a registered charity with the Australian Charities and Not-for-profits Commission (ACNC). The ACNC website contains information about the requirements that all charities must meet to remain registered. The RSPCA is also subject to the NSW <i>Charitable Fundraising Act 1991</i> which is regulated by NSW Fair Trading.
6	Pg 52 Funding model of ACOs	The Hon. EMMA HURST: I understand it was before your time, so I'm happy for you to take this on notice, but I guess what I'm trying to understand is was there ever any consideration to this quite bizarre situation we've got where there's one piece of State legislation that has only contributed towards upholding it, whereas every other piece of State legislation is funded for enforcement to its fullest degree possible. Given there's just this one criminal piece of legislation that's only contributed towards, was there anything	The funding envelope for the annual POCTAA Enforcement Grant is determined in conjunction with allocations to other priorities across government via the State Budget process. This includes consideration of the operating costs reported by the enforcement agencies. In FY2024/25, the Department introduced the POCTAA enforcement grant process in accordance with the mandatory NSW Grants Administration Guide.

		<p>within that particular review that looked at that model specifically and whether there would be recommendations to the Minister or the Government in regards to whether it should be a contribution or whether it should be funded?</p> <p>RACHEL CONNELL: I'm happy to take that on notice. It is, obviously, a unique model, but it's not a model that is unique to New South Wales. The RSPCA in particular, as you are aware, has been around for—I think the New South Wales branch started in the 1920s. I think the important thing to note is we talk about in modern regulatory practice the regulatory triangle, and education is always a really strong component of improving outcomes in whatever space you're regulating. It's not just about enforcement and compliance. One of the strengths of the ACOs is the work that they do broadly across the community on a range of fronts, including strong education campaigns. I think that comes through in the annual reports, which are already the subject of this inquiry, and the work they do in schools, with the general public and with Indigenous communities.</p>	<p>The purpose of the grants are to support ACOs carry out Prevention of Cruelty to Animals Act 1979 enforcement and compliance activities for the current 2025-2026 financial year. As part of that range of activities, the funding deeds specify the number of inspectors that each ACO must employ and a target number of investigations that each ACO must conduct.</p> <p>The deeds signed by the ACOs state that:</p> <ul style="list-style-type: none"> • funding is provided by the Government to support their resourcing of their powers and functions under the <i>Prevention of Cruelty to Animals Act 1979</i>, and • the objective of the grant is to promote animal welfare and prevent animal cruelty by contributing towards the costs of the activities the ACOs undertake including investigative activities, prosecutorial activities, compliance monitoring and auditing activities, and education and advisory activities. <p>The deeds make clear that funding is provided within a co-contribution model. This approach recognises the ACOs' ability to draw on other revenue sources for the full program of activities supported through the grant funding.</p>
7 + 8	Pg 54-55 OAW – when was Depts last advice sought by Government on options for OAW, what consultation has occurred	<p>RACHEL CONNELL: Yes, but as you'd appreciate, it's standard practice for departments to be involved in providing advice on options for legislative reform. But, ultimately, it's a matter for the Government to determine whether it introduces legislation. I will just return to my previous answer.</p> <p>Ms ABIGAIL BOYD: When was the last time your advice was sought in relation to this?</p> <p>RACHEL CONNELL: I'd have to take that on notice.</p> <p>Ms ABIGAIL BOYD: Was it this year?</p>	<p>The Department has provided advice on this this year.</p> <p>Stakeholders have raised the office of animal welfare in consultation on amendments to the <i>Prevention of Cruelty to Animals Act 1979</i> that the Government announced on 18 January 2026.</p>

		<p>RACHEL CONNELL: Yes, I can recall we've provided some information as recently as this year.</p> <p>Ms ABIGAIL BOYD: Yes, maybe take it on notice. But you're certainly not aware of any public or stakeholder consultations?</p> <p>RACHEL CONNELL: Not at this stage, but I'll take it on notice so we can provide clear information back to the Committee. I know we've done some targeted engagement last year, but I'll check. I'll take it on notice.</p>	
9	<p>Pg 56</p> <p>Number of options presented to Govt on OAW</p>	<p>The CHAIR: I'm going to test Mr Donnelly's resolve and just press slightly on the office of animal welfare. You talked about presenting options to government. Are you able to tell us how many options you have presented to government? Just a number. I don't need the details of what those options are.</p> <p>RACHEL CONNELL: I'd have to take that on notice. I think it's probably about four. That's common in policy development.</p>	<p>It is standard practice for government to consider a range of options when undertaking policy development on key initiatives.</p>
10	<p>Pg 56-57</p> <p>Prosecutions – how many went to court vs plead guilty, notion that offenders take a guilty plea as don't have funds to pay for court?</p>	<p>PETER DAY: The number of PINs or fines issued versus prosecutions—if you look at the RSPCA in the last financial year, they had 156 prosecutions commenced, which was an increase from 96 the year before.</p> <p>The CHAIR: How many of them went to court rather than just taking a guilty plea? Do you have that level of data?</p> <p>PETER DAY: No, I'd have to take that one on notice.</p>	<p>Based on data in the s34b reports, the percentage of prosecutions finalised in the reporting period that were resolved on the basis of a plea of guilty (RSPCA NSW and AWL NSW combined) is as follows:</p> <ol style="list-style-type: none"> 1. FY2022-23: 64% 2. FY2023-24: 56% 3. FY2024-25: 68% <p>Further information on enforcement action taken and court elected matters from PINs is best directed to the ACOs.</p>