

**SUPPLEMENTARY QUESTIONS**  
**NSW LEGISLATIVE COUNCIL PORTFOLIO COMMITTEE NO. 4**  
**2025 INQUIRY INTO THE OPERATION OF THE APPROVED CHARITABLE ORGANISATIONS**  
**UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT 1979**

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**DATE** 15 May 2026

**1. *You confirmed donations are subsidising enforcement. What exact dollar amount of donor funds is currently covering statutory law enforcement functions?***

**FY2025/2026** *(Projected)*

- Total inspectorate cost FY2025/26: \$18.637 million
- NSW Government funding received: \$9.856 million
- Shortfall funded by RSPCA NSW: \$8.781 million

**FY2024/2025**

- Total inspectorate cost FY2024/25: \$23.129 million
- NSW Government funding received: \$11.376 million
- Shortfall funded by RSPCA NSW: \$11.753 million

**FY2023/2024**

- Total inspectorate cost FY2023/24: \$22.319 million
- NSW Government funding received: \$20.5 million
- Shortfall funded by RSPCA NSW: \$1.819 million

**2. *What proportion of your inspectorate budget is unfunded by government appropriations right now?***

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**3. *If donations declined by 20%, which enforcement functions would be cut first?***

RSPCA NSW would not approach this by cutting a single enforcement function in isolation. However, a 20 per cent decline in donations would place real pressure on RSPCA NSW's ability to maintain current levels of inspectorate coverage, response times, proactive inspections and support programs that prevent matters escalating into cruelty complaints.

**4. *Are donors explicitly informed their contributions are being used to fund criminal law enforcement?***

RSPCA NSW publicly reports on the work of its Inspectorate, including investigation and enforcement activity, through its annual reports, inspectorate annual reports, website, fundraising communications and public materials.

Donors are informed that RSPCA NSW undertakes a broad range of animal welfare work, including rescuing animals, veterinary care, sheltering, rehabilitation, rehoming, education, outreach, advocacy and inspectorate activity.

RSPCA NSW does not represent that every donation is used only for one specific activity unless the donation is made to a specific appeal or restricted purpose. General donations support RSPCA NSW's overall charitable purpose, which includes the care and protection of animals, including animals involved in inspectorate matters.

**5. *How do you justify using charitable funds to perform what is fundamentally a state responsibility?***

RSPCA NSW does not consider charitable cross-subsidy to be the preferred or sustainable model for funding statutory law enforcement. RSPCA NSW has performed this role for more than a century because animal welfare enforcement is central to its mission and because, in the absence of RSPCA NSW undertaking this work, there would be a significant gap in animal cruelty enforcement in NSW.

However, POCTAA enforcement is a statutory function. Inspectors exercise powers conferred by Parliament, including those of entry, inspection, seizure, and issuing directions, and RSPCA NSW commences criminal proceedings in accordance with the authority granted to approved charitable organisations under POCTAA. Those functions sit squarely within the State's public law framework.

RSPCA NSW's position, and increasingly that of our major donors and supporters, is that the NSW Government should sustainably fund the full cost of the statutory enforcement function it expects RSPCA NSW to perform. Donor funds should primarily be used to support the range of animal care, veterinary support, rehoming, education, outreach and advocacy efforts that RSPCA NSW undertakes as a charitable organisation, as distinct to its public functions.

**6. You indicated funding is not confirmed until months into the financial year. How many inspector roles are currently contingent on funding not yet secured?**

The practical difficulty is that RSPCA NSW must budget, recruit and train inspectors before they become operational. Recruitment and training can take several months. Where funding is not confirmed until months into the financial year, RSPCA NSW cannot responsibly recruit at the required level without bearing the financial risk itself. For example, from June 2025 to February 2026, our inspectorate numbers dropped from 39 to 34 because we were unable to responsibly recruit for roles that became vacant due to funding uncertainty.

**7. What is the longest period you have operated without a signed funding agreement?**

RSPCA NSW has operated in a financial year without a signed funding agreement from 1 July 2024 to 23 December 2024, and again from 1 July 2025 to 29 January 2026.

During these periods, RSPCA NSW continued to perform statutory enforcement functions and cashflow the inspectorate from its own resources while awaiting confirmation and payment of government funding. In FY24/25, \$11 million of the Society's Financial Assets were liquidated to fund the organisation's operations, and in the first half of FY25/26, \$7 million of Financial Assets were drawn down to fund operations, including enforcement of POCTAA.

The funding deed for FY24/25 specified that RSPCA NSW could invoice for 50% of the grant funds on 31 December 2024, 25% of the funds by 31 January 2025 and the final 25% of the funds by 30 April 2025, with 30-day terms on invoice payment.

The FY25/26 funding deed has exacerbated cash flow issues by allowing invoicing only in arrears, after services are delivered and progress reports are submitted to the Department's satisfaction. In practice, this has meant that the instalment for Q1 and Q2 (services for July 25 – December 25) was only received on 26 February 2026. Q3's invoice was raised on 17 April 2026 and, as of 13 May 2026, is yet to be paid. Instalment 4 for services delivered from April to June 2026 will be invoiced in late July 2026, with payment due in August 2026.

The current funding arrangements put significant pressure on RSPCA NSW's Finance team who have needed to place a lot of focus on planning cashflows to ensure there is enough liquidity to meet fortnightly payroll and other operational cashflow commitments.

**8. How many investigations have been delayed or not commenced due to funding uncertainty?**

RSPCA NSW does not record a category of investigation as "delayed due to funding uncertainty" in a way that allows a precise figure to be extracted without manual review. However, funding uncertainty affects operational capacity. It can reduce the number of inspectors available, delay recruitment, limit proactive inspections, increase workloads, and affect response times, particularly for lower priority matters.

**9. What is your current vacancy rate within the inspectorate?**

As of 13 May 2026, RSPCA NSW's inspectorate has 1 position vacant and available. This is based on 39 filled inspectorate roles against an approved establishment of 40 roles.

**10. How many trained inspectors have left in the past 12 months citing funding instability?**

In the past 24 months, 2 trained inspectors have left RSPCA NSW solely due to funding instability, job insecurity or related uncertainty as a reason for leaving. RSPCA NSW notes that staff departures can involve multiple factors, including workload, role demands, personal circumstances, career progression and uncertainty about funding. Funding instability has nevertheless had a material impact on morale, and broader retention and workforce planning.

**11. What is your current inspector to case ratio, and how does that compare to your internal benchmark?**

RSPCA NSW's current inspector-to-active-case ratio is approximately 1 inspector to 450 active cases. RSPCA NSW's internal benchmark is approximately 1 inspector to 300 active cases. In FY2025, RSPCA NSW received 17,946 cruelty complaints and 16,713 proceeded to investigation by RSPCA NSW. That equates to approximately 464 investigated complaints per inspector annually, based on 36 inspectors. Inspections can require more than one attendance and may involve education, formal direction, and enforcement action if required.

**12. How many cruelty complaints are received annually versus how many are actually investigated?**

In FY2025, RSPCA NSW received 17,946 cruelty complaints. Of those, 16,713 proceeded to investigation by RSPCA NSW. The balance comprised 992 matters finalised as intelligence only, 170 matters referred to other agencies, and 71 matters directed to NSW Police.

**13. What percentage of complaints are triaged out due to lack of resources?**

All complaints received by RSPCA NSW are triaged based on the urgency of the matter and in accordance with the resources available.

**14. How long, on average, does it take to respond to a priority cruelty complaint?**

RSPCA NSW's average response time for priority (urgent) cruelty complaints is 24 to 36 hours. Response times vary depending on the urgency of the animal welfare risk, location, availability of inspectors, whether police assistance is required, safety risks, and whether specialist veterinary or other support is needed. RSPCA NSW prioritises matters involving immediate animal welfare risk, serious injury, deliberate cruelty, animals without food or water, animals exposed to danger, and matters requiring urgent statutory intervention.

**15. How many regions currently have no permanent inspector presence?**

As of 13 May 2026, two regions have no permanent inspector presence. RSPCA NSW provides statewide coverage, but NSW's geographic spread means some areas are serviced by inspectors travelling from neighbouring regions. Funding uncertainty and vacancy rates affect the ability to maintain permanent inspector presence in all required locations.

**16. What legal advice have you received that prevents retention of dependent offspring?**

RSPCA NSW cannot answer this question directly because it declines to waive privilege in relation to internal legal advice. Please refer to the response provided above to Question on Notice #1.

**17. What proportion of your prosecutions involve deliberate cruelty versus neglect or capacity issues?**

This data is not available and cannot reliably be obtained. This reflects that offences under POCTAA and its regulations are strict liability offences, and many are designed to deliberately capture both acts and omissions, e.g., sections 5(1) and 6(1) of POCTAA.

**18. What internal criteria determine whether a matter proceeds to prosecution?**

RSPCA NSW applies the Prosecution Guidelines published by the NSW Office of the Director of Public Prosecutions. Prosecution is not the default response. RSPCA NSW uses a range of additional tools, including education, advice, written directions, cautions and penalty notices, to enforce POCTAA. Where appropriate, RSPCA NSW commences criminal proceedings.

**19. How do you ensure enforcement is not disproportionately targeting vulnerable individuals?**

RSPCA NSW inspectors regularly encounter people experiencing financial disadvantage, mental health issues, disability, family violence, housing insecurity, substance abuse, social isolation and other forms of hardship. RSPCA NSW seeks to respond compassionately while fulfilling its statutory obligations. Where it is appropriate and possible to adequately improve animal welfare through support, education, referral, voluntary surrender, access to veterinary care or other practical assistance, those options are used. Enforcement action is directed to animal welfare risk and statutory obligations, not the personal circumstances of the owner.

**20. How many matters are resolved through education rather than prosecution?**

This question assumes a false dichotomy between education and prosecution. RSPCA NSW does not record a single metric for matters “resolved through education” because advice and education are provided in many forms and at many stages throughout the response to an animal cruelty complaint, often in combination with other measures and enforcement options.

**21. What is your prosecution success rate over the past three years?**

The following statistics deal with prosecution outcomes on a ‘per case’ basis rather than a ‘per charge’ basis. The following assumptions apply:

1. ‘Successful’ outcomes are the sum of all:
  - a. Pleas of guilty,
  - b. Findings of guilt after hearing,
  - c. Convictions in absence of accused.
2. ‘Unsuccessful’ outcomes are either:
  - a. Charges dismissed after hearing (i.e. acquittal) – **Table 1**, or
  - b. Charges dismissed after hearing plus proceedings withdrawn by RSPCA NSW – **Table 2**.
3. Outcomes involving the discharge of an accused person pursuant to the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* are excluded from the data.

Table 1:

<b>FY</b>	<b>Success rate (%)</b>
2022-2023	98.67
2023-2024	100.00
2024-2025	100.00
<b>3-year success rate</b>	<b>99.66</b>

Table 2 (includes proceedings withdrawn by RSPCA NSW as ‘unsuccessful’):

<b>FY</b>	<b>Success rate (%)</b>
2022-2023	92.31
2023-2024	95.35
2024-2025	96.52
<b>3-year success rate</b>	<b>94.75</b>

**22. Why are detailed acquittal reports on government funding not publicly released?**

RSPCA NSW provides acquittal reports to the NSW Government in accordance with the relevant funding agreement.

**23. Can you provide a full cost breakdown separating enforcement, sheltering, and veterinary expenses?**

**FY2025/2026** *(Projected)*

- Total inspectorate cost FY2025/26: \$18.637 million
- NSW Government funding received: \$9.856 million

- Shortfall funded by RSPCA NSW: \$8.781 million
- Inspectorate cost breakdown:
  - Field Operations: \$9,445,000
  - Animal care, sheltering and boarding: \$4,539,000
  - Veterinary costs: \$767,000
  - Legal and prosecution costs: \$1,162,000
  - Contact Centre: \$1,254,000
  - Internal support and overheads: \$1,471,000

#### **FY2024/2025**

- Total inspectorate cost FY2024/25: \$23.129 million
- NSW Government funding received: \$11.376 million
- Shortfall funded by RSPCA NSW: \$11.753 million
- Inspectorate cost breakdown:
  - Field Operations: \$12,406,000
  - Animal care, sheltering and boarding: \$5,972,000
  - Veterinary costs: \$771,000
  - Legal and prosecution costs: \$779,000
  - Contact Centre: \$1,495,000
  - Internal support and overheads: \$1,704,000

#### **FY2023/2024**

- Total inspectorate cost FY2023/24: \$22.319 million
- NSW Government funding received: \$20.5 million
- Shortfall funded by RSPCA NSW: \$1.819 million
- Inspectorate cost breakdown:
  - Field Operations: \$11,797,000
  - Animal care, sheltering and boarding: \$4,916,000
  - Veterinary costs: \$694,000
  - Legal and prosecution costs: \$790,000
  - Contact Centre: \$1,623,000
  - Internal support and overheads: \$1,989,000

#### **24. What independent audit processes apply specifically to your enforcement funding?**

RSPCA NSW is subject to external financial audit as part of its annual financial reporting obligations, which are disclosed in our annual financial reports available on our website and the ACNC website. Government funding is acquitted via a quarterly report addressed to the NSW Department of Primary Industries and Regional Development in accordance with the funding deed. That process requires RSPCA NSW to report on expenditure and performance against the agreed funding conditions and key performance indicators. The annual financial acquittal is subject to an independent audit per the grant deed.

**25. How do you ensure separation between charitable activities and statutory enforcement in reporting?**

RSPCA NSW separates statutory enforcement reporting through its Inspectorate Annual Report, which is submitted under POCTAA and reports on complaints, investigations, seizures, cautions, notices, penalty notices, prosecutions, officers, training and complaints about inspectorate activity. RSPCA NSW also maintains internal cost centres and financial reporting processes to allocate expenditure across the inspectorate and any related sheltering, veterinary, legal, and other internal functions. When an animal is seized, the enforcement action cannot be separated from the cost of caring for that animal. This includes many animals held for the entire court proceedings in accordance with the requirements of POCTAA.

**26. How many referrals from WIRES or other wildlife rescue organisations has RSPCA received in the last 6 years and, of those referrals, how many received a visit from an Inspector? Were any dismissed without a visit?**

In accordance with established principles of public interest immunity, RSPCA NSW does not disclose information that would directly or indirectly reveal the identity of confidential informants. For this reason, RSPCA NSW cannot confirm or deny that any particular wildlife rescue organisation has submitted a cruelty report to the Inspectorate. To provide even aggregate statistics, RSPCA NSW would need to manually review all complaints received over the last six years to identify any informants who are wildlife or other animal rescue organisations, determine whether the reports were submitted confidentially, and decide whether aggregate figures can be released without compromising informant confidentiality. RSPCA NSW does not have the capacity to perform that task.

**27. What was the RSPCA response time after the initial referral?**

Please see above answer to supplementary question #26.

**28. How many times in the last 3 years have you used section 24I to enter property without a warrant?**

These statistics are not readily available and would require a detailed manual examination of all inspectorate activity records compiled over the last three years, as well as clarification of what is meant by 'property'.

**29. How many times in the last 3 years have you used section 24J to enter a premise without a warrant?**

These statistics are not readily available and would require a detailed manual examination of all inspectorate activity records compiled over the last three years, as well as clarification of what is meant by 'premise'.

**30. Can the inspectorate after being refused entry by landholder enter or do they need to call Deputy inspector to attend?**

This question is ambiguous but, in any event, an inspector's power to enter land under POCTAA depends on a range of circumstances particular to each matter, including whether the land is a dwelling, whether the land is used for a relevant commercial purpose, whether a search warrant has been obtained, whether other occupants are present and what their attitudes are, the information available to the inspector at the relevant time, and the applicable provisions of POCTAA. The RSPCA NSW Deputy Chief Inspector has no different or special powers from other appointed inspectors under POCTAA.

**31. What are the parameters that guide the inspectorate's utilisation of these sections?**

Please see the above answer to supplementary question #30.

**32. Can the inspectorate, after being refused entry by a landholder, enter, or do they need to call a Deputy Inspector to attend? If the Inspector has serious concerns for the animals welfare and are refused entry, they can apply for a search warrant to enter a dwelling. The Inspector would also seek assistance from their team leader in relation to the refusal and operational advice.**

Please see the above answer to supplementary question #30.

**33. Is the inspectorate qualified to override a treating vet's decisions, even without a vet present?**

RSPCA NSW inspectors do not "override" the clinical decisions of veterinary practitioners. Inspectors are authorised officers under POCTAA and are responsible for enforcing its provisions. In doing so, they are regularly reliant on independent veterinary evidence, advice and services. Any conflict between an inspector's statutory obligations and the opinion of a veterinary practitioner are considered and resolved on a case-by-case basis.

**34. Are you obligated to hand over body cam footage in its entirety when it is requested by defendants?**

RSPCA NSW makes relevant evidence available to defendants in accordance with its prosecutorial disclosure obligations and any other lawful requirement. Whether complete or unredacted BWC footage is provided to a defendant depends on the circumstances of the particular matter, including, for example, whether some or all of the footage is protected from disclosure due to public interest immunities, the rules or orders of the relevant court, or other laws relating to criminal procedure or evidence.

**35. Are all livestock matters, including horses, referred to the Stock Animal Welfare Panels?**

No. The Stock Welfare Panel process established by Part 2B of POCTAA only applies to a 'stock animal' (as defined by POCTAA) that is 'depastured on rateable land' (within the meaning of the *Local Land Services Act 2013*).

**36. How has the inspectorate costs increased from reportedly \$6 million in 2024 to 2025, to \$20 million in 2025 to 2026? Please detail the cost increases.**

RSPCA NSW does not accept that the full cost of the inspectorate was only \$6 million in FY2025. The costs of the inspectorate are detailed in response to other questions in this document. The cost of inspectorate activity is not limited to inspector salaries. It includes the full cost of enforcing POCTAA, including inspectors, support staff, vehicles, equipment, travel, IT, training, legal and prosecution costs, animal seizure costs, sheltering, veterinary treatment, boarding, rehabilitation, and relevant support functions.

**37. When it comes to euthanasia of animals due to behaviour, is every animal assessed in person by a veterinary behaviourist?**

No. Not every case requires an in-person assessment by a veterinary behaviourist. However, veterinary involvement is present in every euthanasia decision, and cases are escalated to a veterinary behaviourist or specialist panel where the animal's presentation, history, welfare risk, or safety risk indicates this is necessary.

RSPCA NSW's decision-making process for euthanasia due to emotional illness (behaviour) is designed to be ethical, consistent, transparent, and welfare-centred, while also recognising our responsibility to protect staff and community safety.

Decision-making is shared (not unilateral) and is made under veterinary oversight. Depending on the case, veterinary input may be provided by shelter veterinarians, veterinary behaviourists, or behaviour veterinarians, alongside the behaviour team working under veterinary direction.

We use pathway frameworks with defined criteria that consider:

- Medical prognosis
- Behavioural risk to welfare or safety (to the animal, staff, or the community)
- Current and expected quality of life

Decisions are made collaboratively and may involve:

- Veterinary professionals (including veterinary behaviourists, where required)
- Behaviour consultants / behaviour team members
- Animal care teams (including daily carers)
- Case managers

Where needed, cases are escalated to a formal case review panel, which includes senior veterinary and behaviour expertise (e.g., veterinary behaviour specialists, the Chief Veterinarian, and clinical animal behaviourists with postgraduate qualifications and certifications).

In a shelter context, it is important to understand that “behavioural euthanasia” may be considered when:

- The animal is experiencing unavoidable suffering and an ongoing poor quality of life, and euthanasia is needed to relieve that suffering
- Behavioural symptoms are linked to a grave medical prognosis or a non-responsive illness
- The animal poses an unacceptable or unmanageable safety risk to the public, staff, or the animal itself

Where an animal’s welfare is deteriorating or risk is escalating, delaying decisions is not always humane and may prolong suffering. Every euthanasia decision is supported by a clear written rationale and documentation, which may include:

- Professional judgement tools, including behaviour evaluations, welfare assessments, and welfare monitoring tools, completed by animal care staff (including qualified behaviour and rehabilitation trainers) and veterinary staff (including veterinary behaviourists where involved)
- Regular case reviews that incorporate daily care summaries from staff, veterinary/medical notes, and ongoing monitoring information
- Risk assessments relating to animal welfare and public/staff safety
- Consideration of alternative options, and documentation of why they are not viable

Evidence led at the Inquiry suggesting that “behaviour problems” are simply training problems completely fails to engage with a contemporary understanding of behaviour as a reflection of the animal’s emotional state. In the RSPCA context, particularly, the animals are not infrequently impacted by complex interactions of traumatic events, chronic deprivation of needs and medical considerations (such as the presence of pain). Asserting that these issues can be “trained” away, particularly through the use of aversive training methods, is irresponsible and antiquated.

***38. At the hearing, you were asked questions regarding puppies born in RSPCA’s care from a seized mother dog being returned to their legal owner once they are weaned. Once these puppies are returned to their legal owner, can you, and do you, proactively check on their welfare, or is this not possible unless you receive a further specific complaint regarding their welfare? What restrictions currently exist that may limit your ability to monitor the puppies’ ongoing welfare?***

RSPCA NSW inspectors generally have no lawful basis to conduct proactive ‘checks’ or ‘monitoring’ in these circumstances. That is because their powers to enter land to examine animals, for example, requires reasonable suspicion of an offence against POCTAA or its regulations, or the existence of one of the factors in section 24I(b)-(d) of POCTAA. In the absence of a cruelty complaint, those criteria are unlikely to be met. If the puppies in this example were

kept on land used for certain commercial purposes, inspectors may be permitted to perform 'proactive' inspections in accordance with section 24G of POCTAA.

**39. At the hearing, Professional Dog Trainers Australia were critical of RSPCA's behavioural training approach, particularly RSPCA's reliance on positive reinforcement training. Can you please explain why RSPCA chooses to use positive reinforcement training, and outline any concerns you have around the use of negative reinforcement or aversive training?**

Please see below a response to this question that replicates our 2024 ACO Inquiry response. The duplication of this information may prompt the Committee to consider whether it is useful to seek the same advice from the same witnesses annually.

RSPCA NSW is aware that the PDTA states a focus on results, not ideology. This is not a position RSPCA can adopt, whereby we would consider that any approach is justified to change animal behaviour. Our position is not unique amongst medical or psychological professions, whereby there is a responsibility to first do no harm and to adopt evidence-based approaches.

RSPCA is opposed to dog training methods and behaviour modification that involve aversive techniques, including physical force and fear. Our experts are very aware of the ability of aversive experiences (punishment) to suppress behaviours, but we are committed to adopting approaches that don't change behaviour by suppressing it (making animals afraid to express it) but by changing the animal's feelings and motivations because this is the best way to improve welfare. Many of the behaviours we seek to change in the animals are symptoms of emotional distress or dysregulation which means approaching the task as a "training" exercise is inappropriate.

Our experts are also aware of the science demonstrating that punishment can be used at lower magnitudes and in ways (with predictability and control) that are likely to reduce the risk of causing significant harm. However, the research also demonstrates that the response to punishment by an individual animal is influenced by their genetics and previous experience, including the extent to which they have experienced punishment or aversive treatment previously and also whether the punishment is being used to extinguish an inherent or learned behaviour. These are variables that are not completely known about each animal that requires rehabilitation. Therefore, it is an unacceptable risk to employ techniques that could do harm.

Furthermore, the risk to the handler/owner is increased when suppressing unwanted behaviour using punishment. The sequelae of increasing pressure, force, fear or anxiety on a dog is that it may respond with repulsion behaviours such as biting, which is a reasonable response when threat is perceived. Evidence in the published literature shows that confrontational training methods increase aggressive responses in dogs.

RSPCA NSW strongly believes that an animal must have a life worth living and will, therefore, elect euthanasia where necessary, over a proposal to subject them to a life where their behaviour is controlled using force, pain or fear.