

**Submission  
No 17**

**INQUIRY INTO 2021 INQUIRY INTO THE APPROVED  
CHARITABLE ORGANISATIONS UNDER THE  
PREVENTION OF CRUELTY TO ANIMALS ACT 1979**

**Organisation:** NSW Farmers Association

**Date Received:** 4 March 2022

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James Jackson  
President

Ref: 2256OC

4 March, 2022

Sent via email: [portfoliocommittee4@parliament.nsw.gov.au](mailto:portfoliocommittee4@parliament.nsw.gov.au)

Dear Portfolio Committee No. 4 – Regional New South Wales, Water And Agriculture,

***RE: 2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979***

NSW Farmers welcomes the opportunity to comment on the Committee's Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979" (The Inquiry).

The NSW Farmers' is Australia's largest state farming organisation (SFO), representing the interests of its farmer members. As diverse as our membership, our advocacy extends to the environment, biosecurity, animal welfare, water, economics, trade, and rural and regional affairs. Our purpose is to build a profitable and sustainable New South Wales farming sector through promoting productivity, risk management, and business continuity in individual farm enterprises.

We support a scientifically based, modern, fit-for-purpose animal welfare legislative framework. This approach minimises the challenges of governance and grounds animal welfare in objective and measurable standards.

Effective enforcement of animal welfare is key to building community trust in the legislative framework and confidence in the outcomes produced. It is essential that enforcement agencies be impartial and avoid any conflicts of interest. Enforcement bodies should not engage in political advocacy, activism or public campaigns. NSW Farmer does not believe that the current non-government enforcement bodies meet this standard. We hold that the special constable status of the RSPCA and Animal Welfare League NSW (AWL) should be removed in regard to commercial livestock. We support enforcement powers under NSW animal welfare legislation being held by government authorities such as the NSW Department of Primary Industries (DPI). They possess the appropriate animal welfare knowledge while having no actual or apparent conflict of interest in fulfilling this role.

Additionally, we support enforcement bodies maintaining a focus on animal welfare outcomes and are concerned by the current 3-year statutory limitation period. Alleged adverse welfare situations should be addressed quickly and effectively. Evidence of animal welfare offenses are time-sensitive and any extension to the statutory limitation period beyond twelve (12) months hinders the chance of conviction in instances of clear violations of animal welfare.

If the RSPCA and AWL are to continue in their role as animal welfare enforcement agencies, NSW Farmers requests that additional oversight and transparency measures are implemented. The DPI should be provided the capacity to exercise more control over these agencies to ensure improved welfare outcomes, minimise bureaucratic confusion, and ensure that these organisations officers' primary interests' remains animal welfare. While both the RSPCA and AWL are recipients of government funding and play a key role in enforcing animal welfare, neither organisation is subject to the same standards of transparency and accountability regarding their enforcement activities as government agencies enforcing laws of equal severity. This founds our concerns regarding transparency of funding, operations, or policy of these

**NSW Farmers' Association**

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Highway St Leonards NSW 2065  
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 [www.nswfarmers.org.au](http://www.nswfarmers.org.au)

institutions. At a minimum, increasing the capacity and oversight by DPI of RSPCA and the AWL would increase transparency of activities and promote consistent enforcement of animal welfare regulation in NSW, producing better welfare outcomes.

NSW Farmers supports the DPI as the administrative department responsible for Prevention of Cruelty to Animals Act 1986 (POCTA) and animal welfare policy more broadly. While not currently empowered to enforce animal welfare laws, DPI has the necessary technical knowledge and established relationships to deliver on animal welfare and ensure that positive health and care outcomes are achieved. Biosecurity and disease legislation have an obvious nexus to welfare outcomes in production animal industries and it is important that DPI has oversight of both. Both the DPI and Local Land Service (LLS) must be adequately resourced to ensure their capacity to fulfill their role efficiently and comprehensively as the administrators of animal welfare in NSW. We are opposed to establishing an independent animal welfare office or any entity similar in name or purpose.

NSW Farmers appreciates your consideration in our position and hope to engage with you further to pursue higher welfare outcomes for all animals that represent scientifically based, industry best practices.

Yours sincerely,

James Jackson  
**President**