


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

Organisation: Animal Liberation NSW
Date Received: 11 March 2022

INQUIRY

INQUIRY INTO THE APPROVED CHARITABLE ORGANISATIONS UNDER POCTAA

AN ANIMAL LIBERATION SUBMISSION
TO PORTFOLIO COMMITTEE NO. 4



We don't have a duty to **speak** for the animals;
we have an obligation to be **heard** for the animals.- Matt Ball

DOCUMENT DETAILS

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ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

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Acknowledgement of country

We acknowledge the Traditional Owners of country throughout Australia.

We acknowledge that this document was prepared on land stolen from and never ceded by the Gadigal People.

We pay our respects to their Elders, past, present and emerging

28 February 2022

Portfolio Committee No. 4
Parliament of New South Wales
Via email: portfoliocommittee4@parliamnet.nsw.gov.au

ATT: Portfolio Committee No. 4 Members

We present this submission on behalf of Animal Liberation.

Animal Liberation welcomes the opportunity to lodge a submission in response to the Portfolio Committee No 4 - Customer Service And Natural Resources, 2021 Inquiry Into the Approved Charitable Organisations under the Prevention Of Cruelty To Animals Act 1979.

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary or assessment in response to the Inquiry's Terms of Reference. Rather, our submission is intended to provide a general examination and responses to select areas of key concern.

As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical attention and response.

Animal Liberation's submission provides informed responses to the Inquiry's Terms of Reference (TOR), together with general commentary and evidenced case examples to identify what we consider to be flaws and omissions in the Inquiry's current TOR. We have also taken the opportunity to include corresponding recommendations which we believe will better serve the intent and outcomes of future annual Inquiries.

Kind regards,

Lisa J Ryan
Regional campaign manager

&

Alex Vince
Campaign director

SECTION ONE

PREAMBLE

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PREAMBLE

1.1 INTRODUCTION

We note this Inquiry has been initiated as a result of the Recommendations from the June 2020 Report by the NSW Select Committee on Animal Cruelty Laws in New South Wales, and specifically, Recommendation No 12:

“That the Legislative Council Portfolio Committee responsible for Primary Industries (or other Portfolio Committee that has primary responsibility for animal welfare) be required to conduct a one day public hearing each year involving the approved charitable organisations, with the hearing to be conducted after the lodgement of the approved charitable organisations’ annual reports in NSW Parliament. One of the core requirements of the hearing will be to examine the approved charitable organisations’ compliance and enforcement responsibilities under the Prevention of Cruelty to Animals Act 1979. Further, that approved charitable organisations be invited to attend the relevant Portfolio Committee in conjunction with representatives from the Department of primary Industries.”

We are pleased that in addition to seeking feedback from the charitable organisations and the NSW Department of Primary Industries, the public and other organisations have been invited to contribute to this Inquiry either through direct submission or a questionnaire, albeit it, questionnaire responses are limited to 300 words.

Animal Liberation notes that currently the NSW Government is undertaking a number of separate reviews and inquiries related to animal welfare and wellbeing. Animal Liberation is pleased to note the increased attention by government towards matters involving the welfare and wellbeing of animals; matters which have been consistently neglected for decades in NSW. We are however concerned that this current government focus on animal welfare appears to be haphazard and disjointed, or is being driven by political motivations.

Animal Liberation notes that significant to this Inquiry, is the Standing Committee on State Development’s Inquiry into Animal Welfare Policy in NSW, including review of the draft Animal Welfare Bill 2022, intended to replace the Prevention of Cruelty to Animals Act 1979, under which the respective Approved Charitable Organisations obtain their powers, along with the NSW Police.

We wish to express our concern about the apparent lack of communication between government MP’s, committees and departments with this disjointed and piecemeal approach. This approach has not only placed enormous pressure on the public and organisations like Animal Liberation where submissions to Inquiries or Reviews fall due on the same date, it has the potential to blur and obscure the findings and recommendations emanating from other current animal welfare inquiries and reviews.

The compilation of our submission has been undertaken following a thorough review of the most recent 2020/2021 annual reports of the approved charitable organisations, specifically the Royal Society for the Prevention of Cruelty to

Animals RSPCA ('RSPCA NSW') and the Animal Welfare League NSW ('AWL NSW'). Our submission has also been compiled based on information published by RSPCA Australia, related Inquiries, and our own direct experiences and observations.

Animal Liberation also wishes to acknowledge the efforts of the RSPCA NSW Chief Inspector over the recent period of time which has helped us forge a stronger and more effective relationship based on transparency, cooperation, mutual respect and an improved understanding of the public role Animal Liberation undertakes as Australia's longest serving animal rights organisation. Animal Liberation is also a charity, founded on a platform established to permanently improve the lives of all animals through education, action, and outreach.

In regards to our experience with AWL NSW, we have been disappointed with the organisation's failure to respond to emailed communications and phone calls in spite of their assurances.

In compiling our submission responses to the Inquiry's TOR, we have also considered the stated public role undertaken by RSPCA NSW and AWL NSW including their purpose, mission and services provided as outlined below.

1.2 RSPCA NSW

The following sections are taken from the RSPCA's website (RSPCA NSW 2022).

1.2.1 | ABOUT RSPCA NSW

The Royal Society for the Prevention of Cruelty to Animals New South Wales ('RSPCA NSW') is a not-for-profit organisation in Australia that cares for, treats, protects and rehomes animals across the state. As a charity, we strive to maintain an open-door policy, so no abandoned, neglected, injured or surrendered animal is turned away or forgotten. With an ultimate goal of improving animal welfare education and keeping people and animals together, RSPCA NSW acknowledges the crucial role of humans in keeping our animals safe.

We run six shelters and three veterinary hospitals dedicated to treating, rehabilitating and rehoming animals. In addition to this, there are over 20 volunteer branches that run fundraising events and assist with local microchipping and desexing drives in lower income communities. Along with cats and dogs, RSPCA NSW helps a wide range of other animals, from horses to rabbits, guinea pigs, birds, goats and sheep.

We not only serve animals in need, but also owners who require guidance and support. Our programs tackle animal education and assistance in relation to domestic violence, aged care, homelessness, mental health, and more.

Our Inspectorate is the largest animal enforcement unit in the state, with over 30 inspectors dedicated to investigating instances of alleged animal cruelty and a call centre equipped to handle reports.

Animals deserve our protection and respect – they make our lives full and remind us what it means to live humanely.

1.2.2 | WHAT IS RSPCA NSW'S MISSION?

Our mission is to prevent cruelty to animals by actively promoting their care and protection.

1.2.3 | IS RSPCA NSW A GOVERNMENT ORGANISATION?

RSPCA NSW is a non-government organisation. As a charity, we receive less than two per cent in regular funding from the NSW Government and zero per cent from the Federal Government.

1.3 ANIMAL WELFARE LEAGUE NSW ('AWL NSW')

The following sections are taken from the AWL's website (AWL NSW 2022).

1.3.1 | INSPECTORATE TEAM

Animal Welfare League NSW Inspectors enforce animal welfare legislation such as the Prevention of Cruelty to Animals Act, regulations and codes of practice. This includes, but is not limited to:

- a) Investigating cruelty complaints these include complaints in relation to abandoned animals, failing to provide adequate food, water and shelter ;
- b) Conducting Codes of Practice Inspections such as pet shops, sales yards, dog and cat breeding facilities;
- c) Assisting State Government providing disaster relief such as drought bushfires and flood assistance;
- d) Providing education on legislation, codes of practice and animal welfare

1.3.2 | VETERINARY SERVICES

A veterinary team providing expert care to animals through our Veterinary Clinic and Mobile Vet Truck. This is done by:

- a) Desexing of animals to help ease the burden of unwanted litters;
- b) Subsidised microchipping and vaccinations to ensure animals are easily identifiable and vaccinated against fatal diseases;

- c) Providing relief and aid in consultation with local state government bodies during emergencies and natural disasters;
- d) Subsidised microchipping and vaccinations to ensure animals are easily identifiable and vaccinated against fatal diseases;
- e) Educating people on the best standards of care for all animals;
- f) Shelter

A dedicated shelter in Western Sydney, New South Wales with a team of highly trained professionals providing care to animals, including but not limited to:

- a) Rehabilitating animals who have not had the best start to life ensuring they are ready for their chance at a better life;
- b) Adopting animals out to their forever homes;
- c) Accepting surrenders into our care;
- d) Reducing the euthanasia rates of healthy and treatable animals;

1.3.3 | FOSTER CARE

Understanding that not all animals are able to thrive in the shelter, the foster care network is able to place vulnerable animals into temporary homes to help them reach their full potential until they can find a forever home.

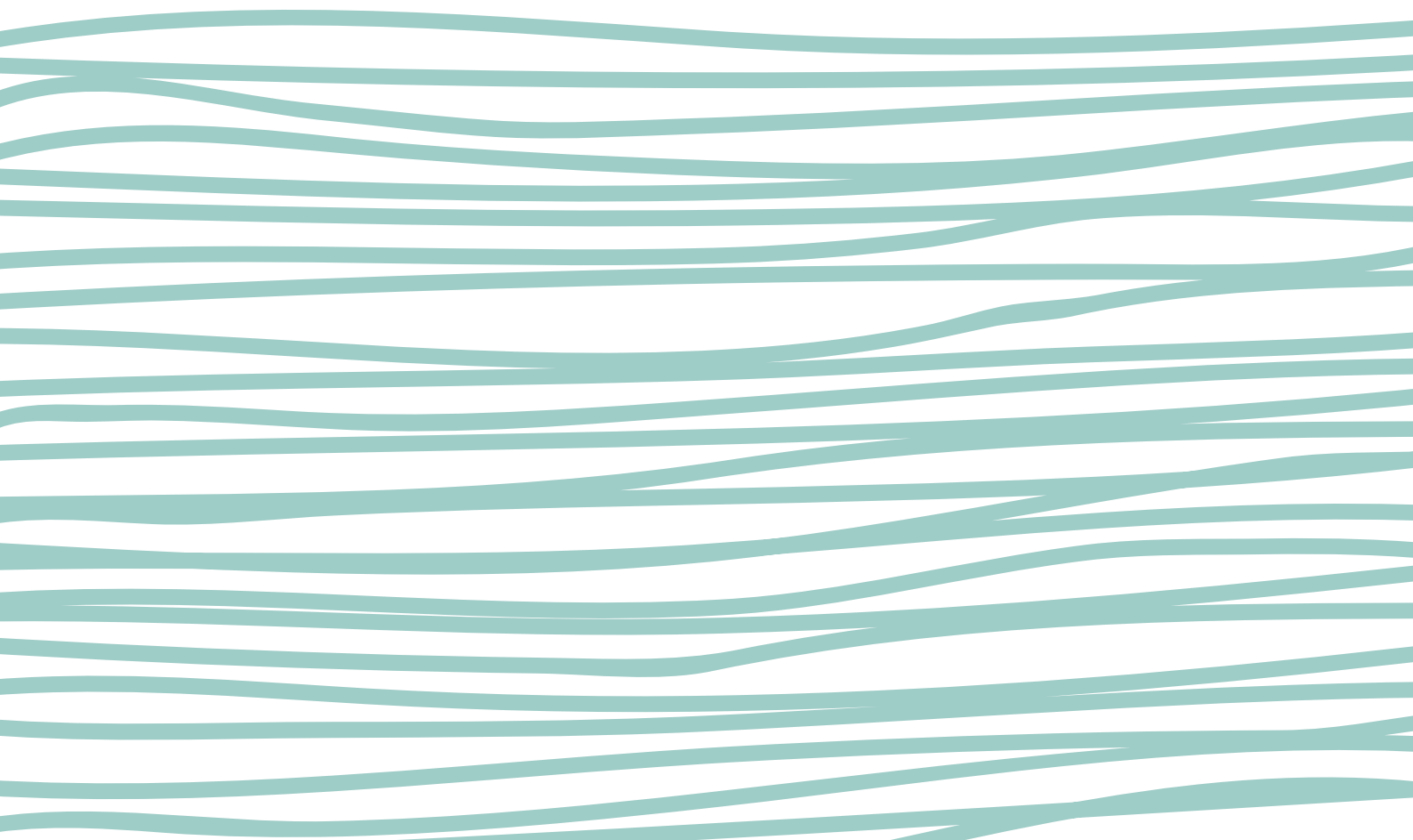
1.3.4 | COMMUNITY BRANCHES

Animal Welfare League NSW has over 20 branches across New South Wales run by hardworking and dedicated volunteers. These branches assist with:

- a) Rehoming animals;
- b) Subsidised desexing vouchers;
- c) Community Welfare Education;
- d) Placing animals in foster homes to ensure they can thrive before being adopted out to their forever homes .

SECTION TWO

INTRODUCTION



SECTION TWO

INTRODUCTION

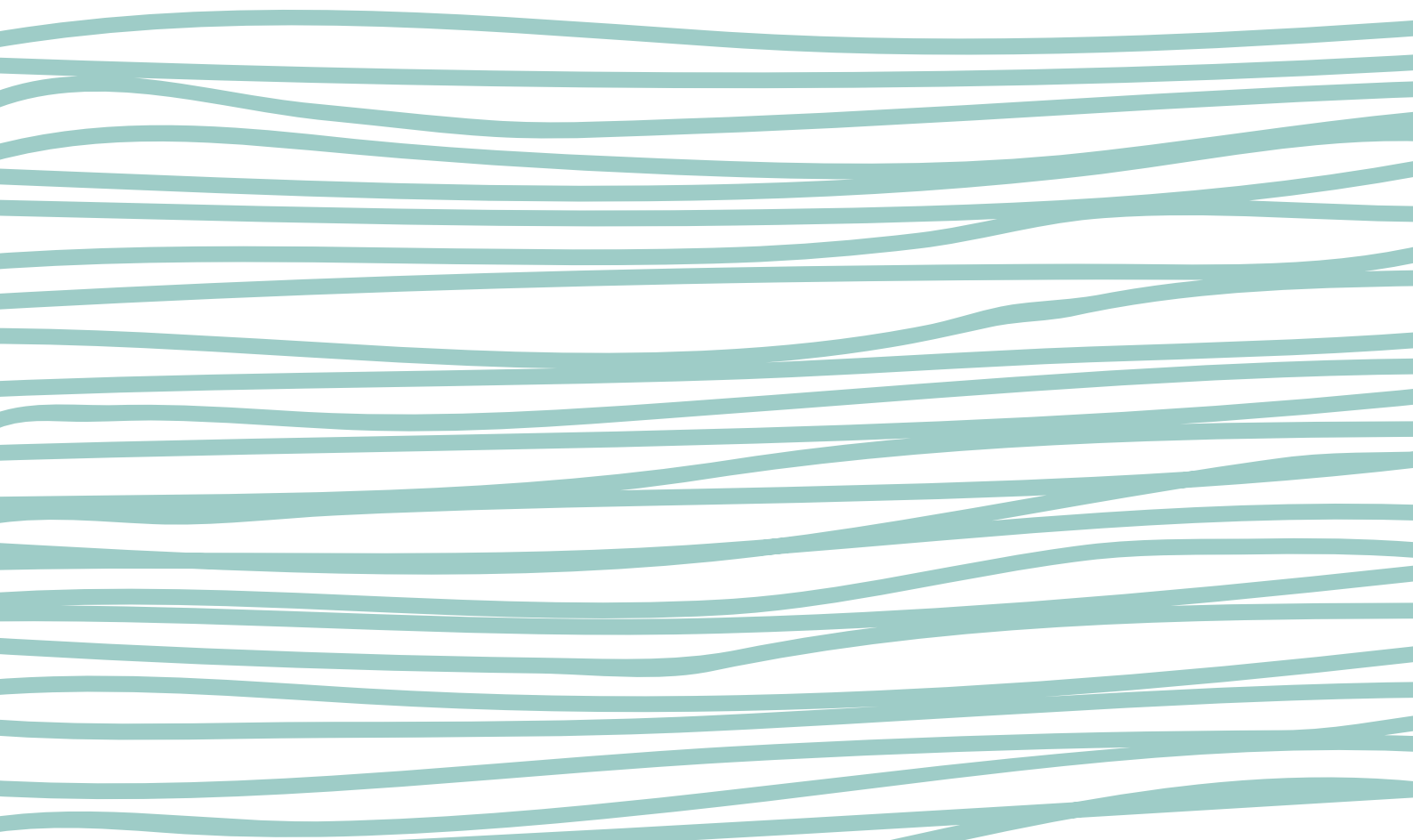
Animal Liberation contends that significant work by organisations such as Animal Liberation together with members of the public and whistle-blowers which has included documented and published matters involving strong public interest regarding the welfare and wellbeing of animals, has forced the authorised charitable organisations to review their own performance and respond accordingly.

We further contend that public exposure about any shortcomings or failures of RSPCA NSW and/or AWL NSW, as viewed in the public arena has, and will continue to impact these organisations financially through diminished public and sponsor support, including decreased public donations and/or sponsorship support.

We concur that the respective charitable organisations undertake and fulfil a critical and essential public service similar to the services provided by public hospitals, fire and rescue services or orphanages. The nature of our support for the types of service provisions by RSPCA NSW and AWL NSW has however changed and continues to evolve based primarily on the performance and outcomes achieved by these same charitable organisations, and whether they are or aren't meeting the needs of animals and public expectations equal to the powers and support, including financial support they receive from government and the public.

SECTION THREE

RESPONSES TO TERMS OF REFERENCE



SECTION THREE

RESPONSES TO TERMS OF REFERENCE

In order to assist the committee with informed advice and commentary, Animal Liberation has included a number of Case Examples in our submission to highlight key areas of concern. It is our genuine desire that our informed feedback will be objectively considered and incorporated into future expanded TOR for the annual Inquiries into the Approved Charitable Organisations under the Prevention Of Cruelty To Animals Act 1979.

3.1 TERMS OF REFERENCE

- 1) *That Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture annually inquire into and report on the operation of the charitable organisations approved under s 34B of the Prevention of Cruelty to Animals Act 1979, and in particular:*
 - a) *the matters contained in the annual reports of the approved charitable organisations, including their financial statements,*
 - b) *the exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979, and*
 - c) *any other related matter.*

3.2 CASE EXAMPLES

The following examples are provided to help illustrate how information either published by or omitted by government, government departments and/or organisations like RSPCA NSW and AWL NSW, can and often does, at worst, mislead the public, and at best, confuse the public. The need for current, accurate and fully transparent information and particularly as it relates to public money expenditure and the actual performance of the organisations and their officers, is critical.

Similarly, while most financial statements are at the best of times difficult to understand, we find the RSPCA NSW statements to be particularly difficult to navigate in terms of government funding and grants.

As a general observation, we note that on page 8, item No 23 of RSPCA NSW's 'Response to Supplementary Questions on Notice, Legislative Council Select Committee on Animal Cruelty Laws in NSW, 12 March 2020', it is claimed that RSPCA NSW operates nine shelters, one care centre, and four veterinary hospitals/clinics. This information varies from information published on RSPCA

NSW's website which states "We run six shelters and three veterinary hospitals dedicated to treating, rehabilitating and rehoming animals." We note RSPCA NSW does not include any specific or itemised reference to its shelters or veterinary hospitals, in its annual report.

Further the annual report provides no information relating to liaison, cooperation or joint investigations with self-regulated industries which have involvement with specific animal welfare and wellbeing matters which include significant public interest such as the Greyhound Welfare & Integrity Commission and Racing NSW. This also includes self-governing NSW Local Government Councils.

Given many such matters are already on the public record, include strong public interest and the low level of public confidence in these respective self-regulated industries and self-governing councils', Animal Liberation believes that related information should be included in annual reports.

3.2.1 | EXAMPLE NO. 1

In trying to identify and comprehend government funding and allocated grants and where these grants originated from, has proved difficult. We are not suggesting the RSPCA NSW annual report 2020/2021 has intentionally omitted key information; however, it has been our experience that key and transparent information is often difficult to locate.

We note RSPCA NSW made a profit of \$15 million profit for the 2021 year and \$11.5 million profit in 2020.

Page 10 of the RSPCA NSW financial statement 2020/2021 includes Government grants (under Cash flows from operating activities) as 17,507 (2021) and 6,478 (2020), whereas on page 18 (under Other revenue) it lists Government grants as 8,385 (2021) and 7,100 (2020).

Further, advice provided from RSPCA NSW when referring to the construction of the Blue Mountains Wildlife Rehabilitation Facility, states: "The Directors are pleased to report that RSPCA Australia has agreed to contribute \$1.50m from the national bushfire appeal towards the Blue Mountains Wildlife Rehabilitation Facility Construction. The project will be commenced in the FY21/22 financial year at an estimated cost of \$4.14m, with further funding from the NSW Office of Local Government of \$1.34m and the balance to be paid by the RSPCA NSW."

We note specially responses for questions take on notice (Pg 8 onwards, BUDGET ESTIMATES 2020-202, Answers to questions taken on notice on 11 March 2021, Portfolio Committee No. 7 - Planning and Environment, Question from Ms Abigail Boyd, page 33 of the transcript), from the former Minister for Local Government (Mrs Shelly Hancock) confirm:

The NSW Government provided RSPCA with \$22.5 million. It was also confirmed that the Minister for Local Government announced \$10.5 million for RSPCA shelters at Yagoona and throughout regional NSW for capital works. A breakdown of the facilities and works that received funding through a recent funding round was also provided.

From these responses, Animal Liberation was able to conclude that some of this public money did not go towards animals including:

- a) \$685,00 consisting of project coordination and management/engineering and consulting, state wide travel and motor vehicles, and IT project support;
- b) \$100,000 for a DPI puppy taskforce building;
- c) \$20,000 for compliance works for the Tweed region when we understand RSPCA NSW provide no public or community services in the Tweed region apart from an Op Shop believed to be for RSPCA NSW fundraising purposes.

Fig. 1: Social media post by the Office of Local Government ('OLG')



Animal Liberation contends it is in the public's strong interest and very important to establish why RSPCA NSW is receiving funding from the NSW Office of Local Government (NSW OLG), given RSPCA NSW's reporting line is to the Minister for Agriculture, and the Minister for Local Government is responsible for NSW council pounds rather than RSPCA shelters or its other functions. This is of significant concern to Animal Liberation given the extent of non-compliance against

legislation and animal suffering in many NSW council pounds, noting council pounds are publicly paid facilities and local government councils are answerable to their local communities.

Animal Liberation would also like to see a published update as to the progress of the publicly funded Puppy Farm Taskforce initiated in October 2020, and any further funding provided subsequent to the initial funding and the exact amount of all such funding.

3.2.2 | EXAMPLE NO. 2

We note the recent passing of the 'Convenience killing' bill in the NSW legislative Assembly. While we support the broad intent of this bill, for some unexplained reason, this new law is highly selective and only encompasses NSW council pounds. It is not clear whether council pounds under the contract management of RSPCA NSW for example are included, nor has any explanation been given to explain why RSPCA NSW, AWL NSW and other shelters are also not required to comply with this law. If the intention is to improve outcomes for impounded animals, why does this new law only apply a selective approach to which impounded animals receive increased protections based on location, organisation and animal species?

We note with considerable concern that the primary incident which initiated this legislative change via the public exposure of the shooting of impounded dogs and puppies at the Bourke Council pound has not included the outlawing of shooting impounded animals as a method of 'euthanasia'. Further while as far as we know no NSW impounding facilities currently euthanise impounded animal via gassing or other methods such as 1080 poison, these practices certainly did occur historically, and as far as we know, have not been outlawed either.

Animal Liberation strongly contends that RSPCA NSW and AWL NSW as the state's authorised animal welfare agencies should be included in the new legislation and similarly be held publicly accountable. It is critical that government applies consistency with the application of laws intended to protect animals and their wellbeing without a selective approach or exemptions.

We provide further related information about this subject under Example No 4.

3.2.3 | EXAMPLE NO. 3

In spite of public claims about services provided, RSPCA NSW has increasingly been withdrawing services, It is Animal Liberation's strong view that this withdrawal has and will continue to have a direct impact on animal welfare, wellbeing and the public.

In recent years RSPCA NSW tried to sell its Blue Mountains shelter, which had been paid for by the local community. A strong public backlash thwarted these plans however RSPCA NSW then proposed turning this shelter into a wildlife rehabilitation facility.

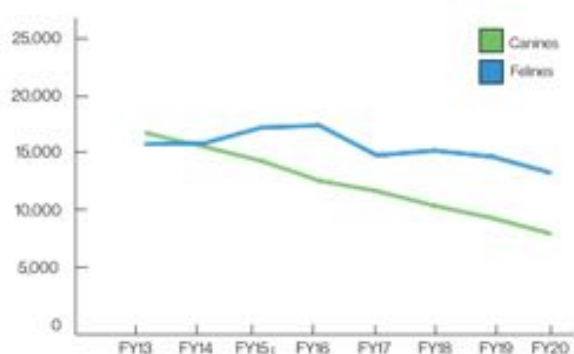
We note during the 2018/2019 period RSPCA NSW released just 13 wildlife animals, and had just 2 in care at 30 June, compared to 308 killed and 179 sent to wildlife rescues.

RSPCA NSW advised council that "they intend to phase out the provision of all impound services at all its shelters across the state" (Lewis and Curtin 2020).

3.2.4 | EXAMPLE NO. 4

We note details from the RSPCA NSW Annual report for 2019/2020 confirmed a continued reduction in animal intakes as per its own table included below (RSPCA NSW 2020). This period also included large fundraising achievements including reference to receiving over \$48 million in donations for the year. RSPCA's bushfire fundraising appeal appears to have been extremely successful, despite caring for next to no wildlife, and very few livestock and horses as the second table included below confirms.

Fig. 2 and 3: Incoming animals and outcomes (RSPCA NSW 2020)



Animal Outcomes

	Cats	Dogs	Other*	Livestock	Wildlife	Horses	Total
Rehomed	8,015	3,351	1,195	328	0	24	12,913
Reclaimed	578	2,663	85	11	0	0	3,337
Still in care	802	589	136	41	7	78	1,653
Transferred†	331	399	16	28	187	3	964
Strays transferred to council facilities	13	266	0	5	0	0	284
Died in care	174	34	145	13	20	1	387
Other	19	8	4	0	6	0	38
Euthanised‡	4,627	1,488	655	167	284	13	7,234

Reasons for Euthanasia

	Behavioural	Fractious	Infectious	Legal§	Medical	Organisational¶	Total
Cats	838	1,437	604	1	919	828	4,627
Dogs	1,146	0	37	48	255	2	1,488

* Refers to pocket pets (rodents, guinea pigs, ferrets, rabbits), birds and non native animals

† Includes animals transferred to rescue groups and other RSPCA states

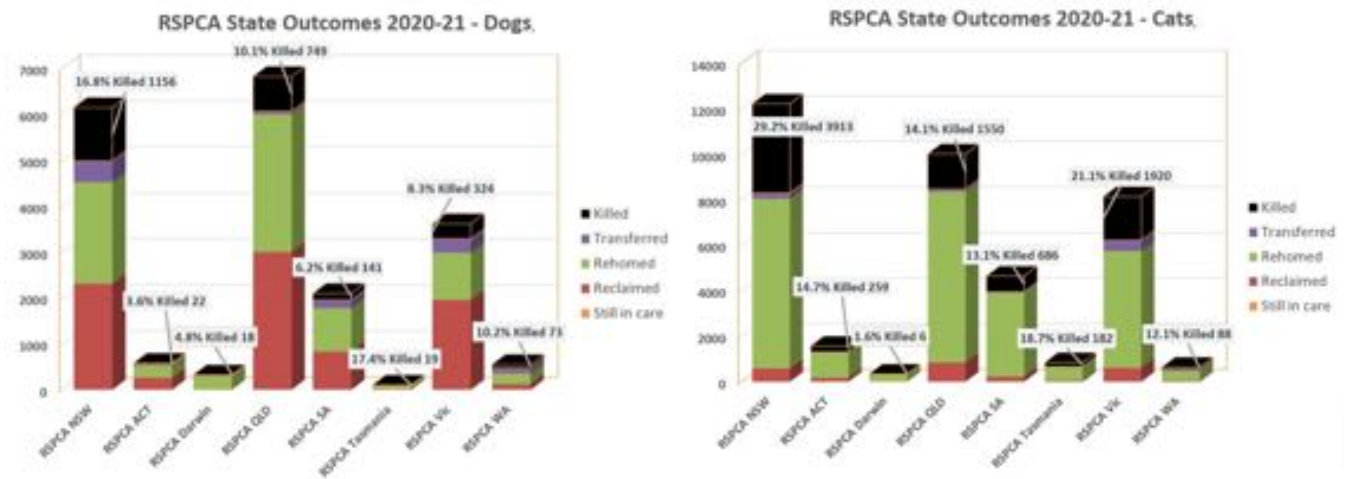
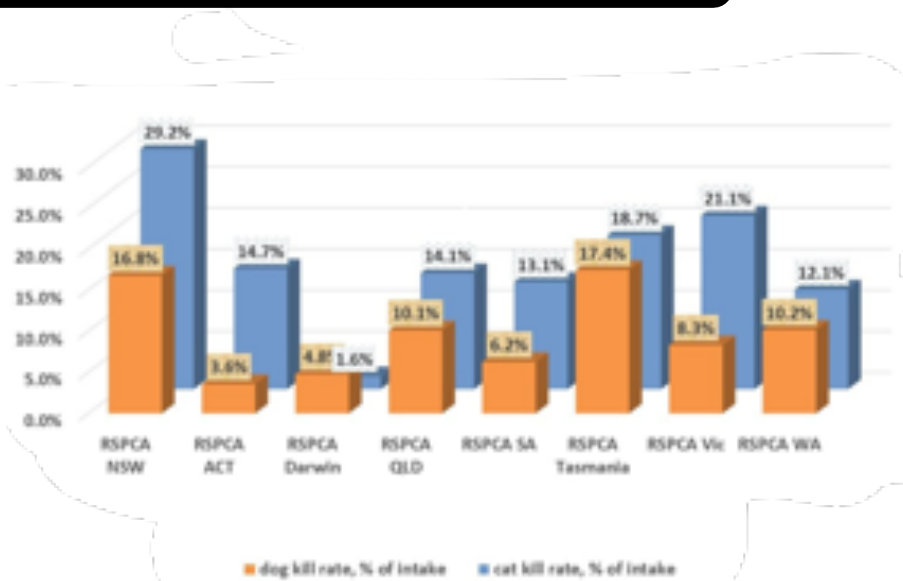
‡ Includes strays, escaped and released to-habitat animals

§ Includes animals from RSPCA operated council facilities

¶ Refers to animals deemed dangerous or menacing by local council or otherwise ordered by the council

§ Refers to unweaned or animals too young to survive without their mother. Or where resources (foster carers or physical capacity) is restricted

We note RSPCA Australia now publishes shelter intake, outgoing and kill statistics for all RSPCA State and Territory branches. We have reviewed this data and thank the organisation Justice4Max for their graphic compilation of this data in the following images.

Fig. 4 and 5: RSPCA State Outcomes 2020-21: Dogs and cats**Fig. 6: RSPCA Kill Rates 2020/21: Dogs and cats**

Animal Liberation believes that in addition to the publishing of these statistics, RSPCA NSW should be providing their own data analysis given the ongoing reduction in shelter intakes vs the high kill rates.

We would also like to see inclusion of outcomes of all animals seized from puppy factories – how many are adopted, how many are killed and how many are returned to the puppy factories.

3.2.5 | EXAMPLE NO. 5

We note amongst the Recommendations from the June 2020 Report by the NSW Select Committee on Animal Cruelty Laws in New South Wales, and specifically, Recommendation No 11 stated:

That the NSW Government amend the Prevention of Cruelty to Animals Act 1979 to require the approved charitable organisations to:

- a) *table their annual reports in both Houses of the NSW Parliament;*
- b) *comply with requests under the Government Information (Public Access) Act 2009.*

Animal Liberation is familiar with the questions put to RSPCA NSW and discussions involving RSPCA NSW about the Government Information (Public Access) Act 2009 (GIPA), and the responses submitted by RSPCA NSW on page 19 in their 'Response to Supplementary Questions on Notice, Legislative Council Select Committee on Animal Cruelty Laws in NSW, 12 March 2020'.

It has been our recent experience that information sought from RSPCA NSW under GIPA is both problematic and costly.

3.2.6 | EXAMPLE NO. 6

RSPCA NSW promotes its management of a number of community programs for vulnerable homeless people, domestic violence victims, and their animals, and its rural dogs program. We would like to see inclusion in the annual report and financial statement of the progress of these programs, their success and any financial implications including whether or not charges are applied to vulnerable people to board their animals, and any funding or grants given to RSPCA to support these programs.

3.2.7 | EXAMPLE NO. 7

Under Section 34B(3), and Clause 34 of the Regulations RSPCA NSW and AWL NSW are required to annually report a range of detailed information about the RSPCA Inspectorate to the Minister.

A charitable organisation that has been approved in accordance with this section must, within 3 months after 30 June in each year, provide the Minister with a report addressing such matters in relation to the exercise by itself or its officers of functions under this Act as may be prescribed by the regulations.

As prescribed, “a report of an approved charitable organisation under section 34B (3) of the Act must address the following matters in relation to the period covered by the report:

- a) complaints and investigations concerning the treatment of animals;
- b) counsel, advice or cautions given;
- c) notices issued;
- d) proceedings for offences instituted;
- e) officers of the organisation and training provided for them;
- f) complaints about the organisation or its officers.

In particular, such a report must include the following:

- a) a statement of the number of, and a summary of the substance of, complaints relating to animal cruelty or mistreatment received by the organisation;
- b) a statement of the number of visits or investigations made by officers of the organisation as a result of those complaints;
- c) a statement of the number of visits or investigations made by officers of the organisation that were unrelated to those complaints (such as routine inspections of abattoirs, veterinary practices, pet shops or saleyards);
- d) a statement of the number of persons officially cautioned by officers of the organisation;
- e) a statement of the number of notices issued by officers of the organisation under section 24N of the Act;
- f) a statement of the number of penalty notices issued by officers of the organisation;
- g) a statement of the number of proceedings for offences under the Act or the regulations that were instituted by officers of the organisation, together with details of the defendants and the charges;
- h) details of the outcome of such of those proceedings as had been finally determined as at the date of the report;
- i) details of the outcome of such proceedings for offences as were referred to in the immediately previous report but not finally determined as at the date of that report;
- j) a list, current as at the date of the report, of the officers of the organisation, together with any changes made to that list since the immediately previous report;
- k) details of any complaints received by the organisation in relation to its activities (or those of its officers) under the Act, including details as to the resolution of those complaints and of the disciplinary action (if any) taken against any person as a result of those complaints;

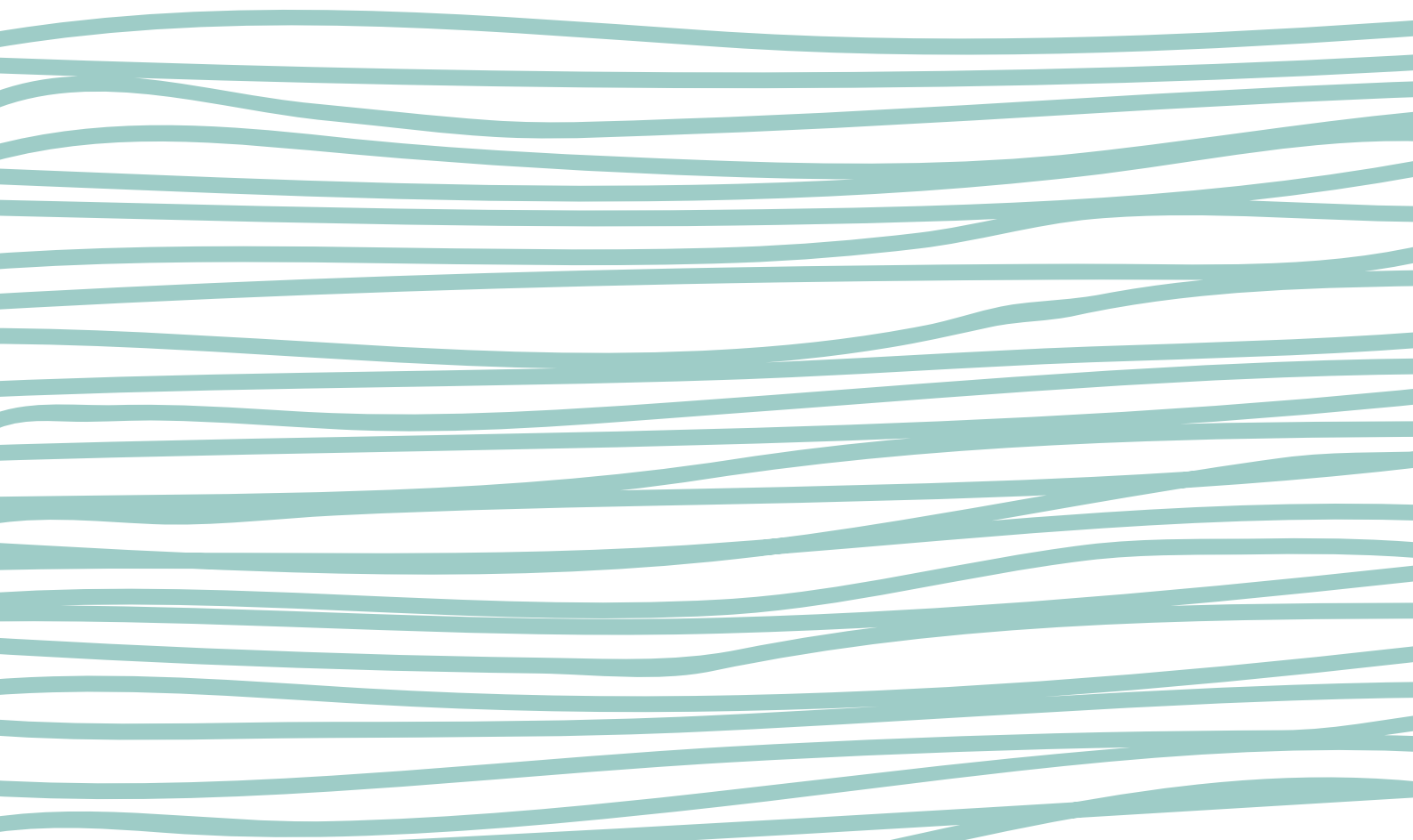
- l) details of the training provided by the organisation for its officers.

Historically, Animal Liberation has sought to obtain copies of these Ministerial reports. A copy of such a report (heavily redacted) from 2015 is attached as Appendix 1. More recently Animal Liberation sought to obtain the most recent Ministerial reports from RSPCA NSW and AWL NSW – this request was refused by both the Minister’s office and NSW DPI.

It is Animal Liberation’s strong view that these reports, less particularly sensitive information, should be publicly available and accessible including in RSPCA NSW and AWL NSW annual reports. Matters relating to 1(f) and 2(k) are in particular matters we believe should, in the public interest, be publicly available. We further strongly contend that such investigations, findings and disciplinary actions relating to complaints about the organisation, its activities and/or officers, should be independently undertaken.

SECTION FOUR

RECOMMENDATIONS



SECTION FOUR

RECOMMENDATIONS

As the *Prevention of Cruelty to Animals Act 1979* is likely to be replaced by the Exposure Draft Animal Welfare Bill 2021, consideration should be given to a new subsequent Inquiry TOR which specifically reviews how the RSPCA NSW and AWL NSW have 'administered' their responsibilities under the Act, fulfilled their requirements and met public expectations.

In the event an Independent Office of Animal Welfare (IOAW) is established, all future such Inquiries should be managed under the auspice of the IOAW rather than any Legislative Council Portfolio Committee responsible for any conflicting role associated with primary industries.

In the event the proposed NSW Sentience Bill becomes law, consideration should be given to a new subsequent Inquiry TOR which specifically reviews how the RSPCA NSW and AWL NSW have responded to sentience corresponding with the number of cruelty complaints investigated and prosecuted.

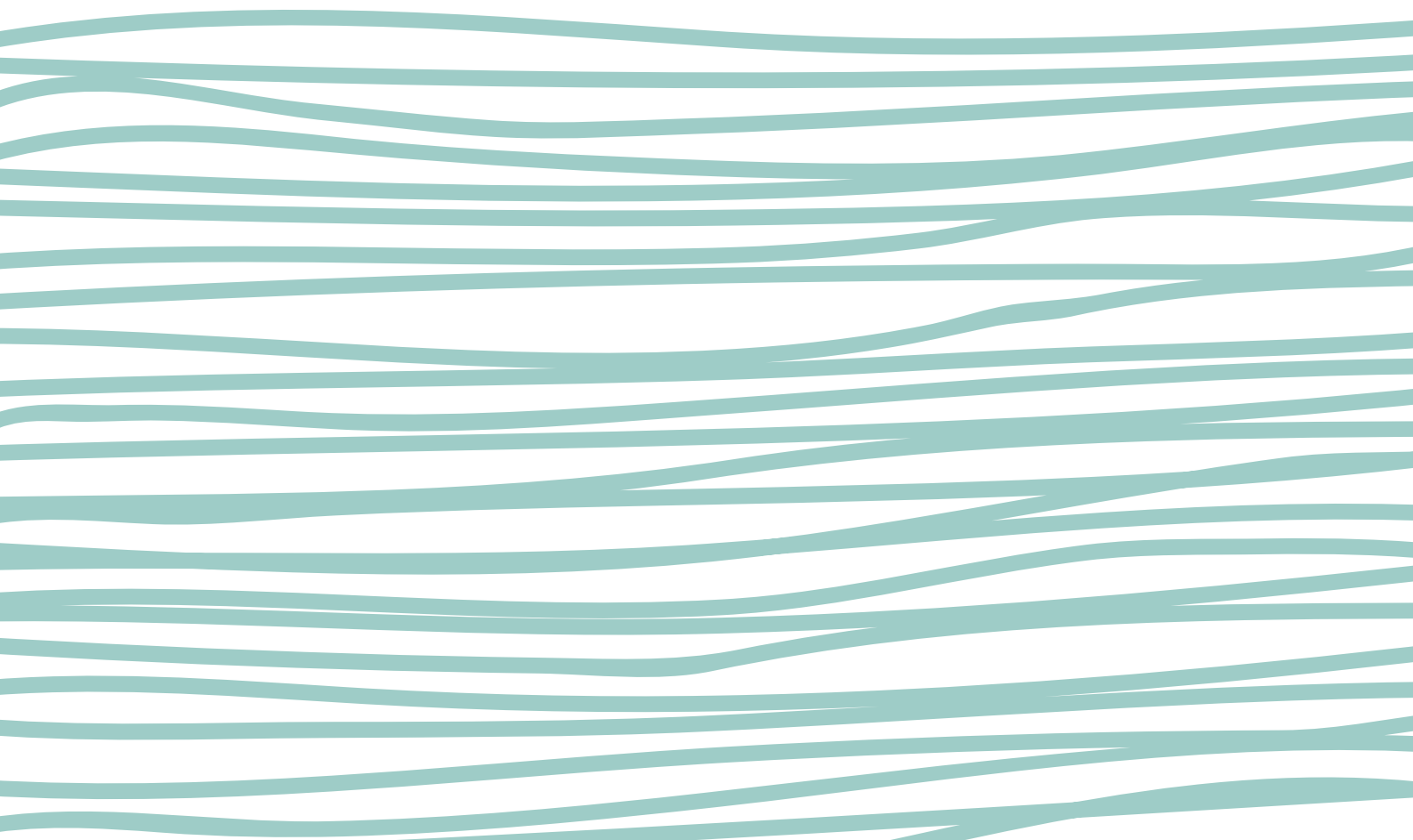
That future annual reports and financial statements should include details relating to:

- a) all RSPCA NSW and AWL NSW liaison, join investigations and cooperation details with self-regulated or self-governing organisations should be included in future RSPCA NSW and AWL NSW annual reports;
- b) accurate and clear information listing all government funding and grants including origins and purpose of the funding;
- c) any further withdrawal of services or facilities;
- d) data analysis depicting any ongoing reduction in shelter intakes versus adoption rates, transfer rates (and where) and high kill rates;
- e) all outcomes of all animals seized from puppy factories – how many are adopted, how many are killed and how many are returned to the puppy factories;
- f) information confirming the number of GIPA applications lodged and the outcomes;
- g) inclusion of details relating to vulnerable people and animal programs including the progress of these programs, their success and any financial implications including whether or not charges are applied to vulnerable people to board their animals, and any funding or grants given to RSPCA to support these programs;
- h) inclusion of the annual Ministerial report information less confidential or particularly sensitive information and in particular matters relating to 1(f) and 2(k) and that all such investigations, findings and disciplinary actions relating to complaints about the organisation, its activities and/or officers, should be independently undertaken;
- i) details pertinent to AGM's held by respective RSPCA NSW and AWL NSW branch operations;

- j) annual reports should include itemised performance and progress against stated goals and commitments included in the RSPCA NSW 2018-2023 and AWL NSW Strategic Plans;
- k) the *Government Information (Public Access) Act 2009* be specifically updated to include RSPCA NSW and AWL NSW (in spite of their non-government status) to prevent any ambiguity and confusion with the requirement for these organisations to comply with GIPA requests.

SECTION FIVE

SUMMARY AND CONCLUSION



SECTION FIVE

SUMMARY AND CONCLUSION

Animal Liberation has noted a gradual improvement in the overall performance of some of the services provided by RSPCA NSW and AWL NSW, primarily due to increased public scrutiny which has increased government scrutiny, and we maintain that this improvement needs to continue across all their activities.

We support ongoing annual public reviews through Inquiry and an expanded TOR to allow improved and stronger scrutiny and accountability of RSPCA NSW and AWL NSW, and we request this committee give objective consideration to our submission comments and recommendations.

References

Legislation

Prevention of Cruelty to Animals Act 1979

Prevention of Cruelty to Animals Regulation 2012

Other sources

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

**AN ANIMAL LIBERATION SUBMISSION
TO PORTFOLIO COMMITTEE NO. 4**



Hon Katrina Hodgkinson MP



Ref: 15Y1866-ph
(in reply please quote)

Ms Lisa Ryan

Dear Ms Ryan

I refer to earlier correspondence regarding complaints against both the RSPCA NSW and the Animal Welfare League NSW.

You may recall I wrote informing you I had made representations on your behalf to the Minister for Primary Industries, the Hon Niall Blair MLC. I now have to hand a response from the Minister, a copy of which I have included for your information.

Please do not hesitate to contact me if you think I may be of further assistance to you in this matter.

Yours sincerely



The Hon Niall Blair MLC

Minister for Primary Industries
Minister for Lands and Water



IM15/23877

The Hon Katrina Hodgkinson MP
Member for Cootamundra
PO Box 600
YASS NSW 2582

Dear Ms ~~Hodgkinson~~ *Katrina*

Thank you for your letter of 28 August 2015 on behalf of Ms Lisa Ryan of Young, concerning complaints against both the RSPCA NSW and the Animal Welfare League NSW. I regret the delay in responding to you.

I note Ms Ryan's request for the number of total complaints investigated in relation to the RSPCA NSW and the Animal Welfare League NSW (AWL NSW). These numbers, displayed below, contain complaints regarding the alleged mistreatment of animals, and complaints against the organisation generally or against an officer or inspector.

RSPCA NSW complaints

Year	Complaints made regarding the alleged mistreatment of animals	Complaints made against the RSPCA or RSPCA officer
2012-2013	14,664	22
2013-2014	14,498	14
2014-2015	15,512	17

AWL NSW complaints

Year	Complaints made regarding the alleged mistreatment of animals	Complaints made against the Animal Welfare League NSW or Animal Welfare League NSW inspector
2012-2013	425	0
2013-2014	510	0
2014-2015	563	1

All complaints made in relation to enforcement activities by RSPCA officers were investigated by the RSPCA NSW Chief Inspector. The reports received from the RSPCA NSW Chief Inspector confirm that legislation and policies were correctly implemented in each case.

There was one complaint made regarding the action of an AVL NSW Inspector which was investigated by the AVL NSW Chief Inspector and a report provided to the complainant.

RSPCA NSW has undertaken a policy review, as referred to in previous correspondence to Ms Ryan. The NSW Government is currently negotiating with both RSPCA NSW and AVL NSW regarding the enforcement policies that apply under the Prevention of Cruelty to Animals Act 1979.

Thank you for your interest in this matter. I trust this information is of assistance to you in responding to Ms Ryan.

Yours sincerely,



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