

**Submission  
No 11**

**INQUIRY INTO 2023 INQUIRY INTO THE OPERATION  
OF THE APPROVED CHARITABLE ORGANISATIONS  
UNDER THE PREVENTION OF CRUELTY TO ANIMALS  
ACT 1979**

**Organisation:** Cat Protection Society of NSW

**Date Received:** 20 February 2024

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**NSW Legislative Council Portfolio Committee No. 4 – Regional NSW  
2023 Inquiry into the operation of the approved charitable organisations under  
the *Prevention of Cruelty to Animals Act 1979***

**Submission from the Cat Protection Society of NSW**

We begin by noting that, apart from the welcome additional NSW Government funding to the relevant animal welfare charities, little appears to have changed since the Committee’s report of June 2022.

In that report, Committee Chair, the Hon Mark Banasiak MLC noted in his foreword that the approved charitable organisations (RSPCA NSW and Animal Welfare League [AWL] NSW) are “entrusted with upholding a piece of criminal legislation” and that “the manner in which they discharge their compliance and enforcement functions is clearly a matter of public interest, and it is not unreasonable for the community to expect much greater visibility into their law enforcement operations and expenditure of public monies ... the public-facing annual and financial reports are the only glimpse the general public has into their operations ... these public-facing reports are entirely inadequate for this purpose and do not measure up.” (p. vii, Report 52 – June 2022)

We agree with the Chair’s comments. We reiterate some key points of our previous submission, for example, AWL NSW and RSPCA NSW are charitable organisations not fully funded by government for their compliance activities and reporting; that inspectorate services are expensive because they are labour-intensive, require highly trained staff as well as expert support such as legal and veterinary, plus travel; and significantly, that law enforcement should not be dependent on charitable donations.

Simply because this law relates to animal welfare does not make it “lesser” and indeed, even if one might have held such a view in the past, the demonstrated links between poor human welfare and poor animal welfare, and between violence to animals and violence to people, show that animal welfare law matters as much to people as to animals.

We are deeply disappointed that there has been little action to improve animal welfare law despite years of review, numerous inquiries and incalculable hours of effort and evidence provided by animal protection charities and welfare advocates to inform and assist positive changes to the regulatory framework.

There is no doubt that shortcomings in POCTAA limit the capacity of the approved organisations to investigate or prosecute cases of animal cruelty and neglect. The legal framework does not meet community expectations and is deficient in protecting animal health, safety, and wellbeing.

Notwithstanding, given the work and findings of the Committee, we are surprised and concerned to see little or no improvement in reporting by the approved charitable organisations. Not only would more comprehensive reporting address the concerns raised by the Committee, but it would also provide an opportunity for the approved organisations to draw attention to the gaps in the legislation, for example, by highlighting cases they were unable to pursue due to the limitations of the law.

Instead, we can deduce little from the public-facing reports of the approved charitable organisations.

The Committee's June 2022 report includes tables at pages 8 and 11 showing key indicators for each organisation in the period 2020-21. Looking at the published 2022-23 annual reports for RSPCA NSW and AWL NSW, we attempted to compare the results over those two periods.

<b>RSPCA NSW</b>	<b>2020-21</b>	<b>2022-23</b>
Inspectors	38	"over" 40
Complaints received	15,114	21,081 ("cruelty calls")
Investigated	13,838	13,883
Penalty infringement notices issued	109	111
Prosecutions commenced	104	108
<b>AWL NSW</b>	<b>2020-21</b>	<b>2022-23</b>
"attendances to investigate complaints"	1,205	1,678 attendances to "cruelty reports, compliance visits or other activities"
Complaints received	976	"a number"

While the RSPCA report provided more data on outcomes, without elaboration it is not possible to gain an understanding of the nature of the issues, without definitions it is not possible to gain an understanding of operations. For example, what constitutes an “investigation”? Is it a desk review? Is it a site visit? Is it reviewing a matter to simply determine whether or not it falls within the purview of POCTAA? Is it a phone call?

On what basis does a “cruelty call” lead to an investigation? According to their report, RSPCA NSW investigates some two-thirds of cruelty calls. It is relevant to understand why one-third are not investigated. And again, for those that are, what is an “investigation”?

Their report says there are an “average of 53.3 jobs per day” and that they have “over 40” inspectors. This roughly tallies with the (generous) assumption that there are some 69,920 hours available each year (38 hours per week x 46 weeks [allows for holidays/leave] x 40 inspectors) and there are 13,883 investigations, this means about 5 hours per investigation. Obviously, some investigations will involve more than one inspector and include significant travel time and preparation, so other “investigations” must surely be exceptionally brief. Because the report identifies the number of inspectors (one assumes full-time inspectors) we can calculate that “13,883 investigations” does not mean some 13,000 site visits but we can’t calculate what it does mean.

The AWL NSW does not refer to investigations but rather “attendances” by which one assumes actual site visits by the Inspectorate for the purposes described as “cruelty reports, compliance visits or other activities”. Their report also notes that “proactive animal trade inspections enforcing the Prevention of Cruelty to Animal Regulations, along with industry education, continue to form an integral part of the Inspectorate function”.

Neither organisation offers any real insight into the nature of complaints received (outside the scope of POCTAA; inside the scope but impossible to investigate for other reasons, eg resource issues; within the scope and referred for investigation; animal species; type of breach) nor do they offer insight into the nature and outcome of investigations. Do they collect this data? One assumes they must do so, to determine priorities and allocate jobs. One assumes they must have some kind of frameworks in place to govern their response. What are they?

From the reports the public would have no way of knowing whether the approved organisations dealt with 12,000 investigations about chickens, 1,000 about dogs and 1,000 about cows, or whether these investigations were about deliberate acts of cruelty or cases of neglect ... we have very little information at all. Based on feedback from people approaching us who have been turned away from the approved organisations, we imagine few investigations have been in relation to cats. Or, perhaps, many have been in relation to cats, and many have not. Who knows?

We do not know whether there have been improvements in animal welfare or increases in violent acts of cruelty to animals, nor do we know how many complaints cannot be pursued because the threshold for investigation is not met due to inadequate animal welfare legislation. We do not know whether there are any trends in relation to particular animal species or human demographics.

Animal health and welfare are also human health and welfare concerns. The absence of vital information on animal health and welfare limits the capacity and development of human health and safety policies and practices. If data in relation to the operations of POCTAA are not being collected, they should be, and they should be reported and publicly available to enable an informed, evidence-based response to the issues that arise – including limitations (whether resource or legal) to enforcement. This should be explicitly funded by government as a public good. Other crime statistics are reported and analysed in detail; when it comes to animal welfare statistics, there is next to nothing.

For the health and safety of animals and people, we urgently need improvements to animal welfare law and reliable, sufficient government funding to ensure compliance with animal welfare law is adequately policed and that data is collected, analysed, and publicly reported.

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