

Submission  
No 22

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

**Organisation:** Animal Care Australia Inc.

**Date Received:** 20 February 2024

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20<sup>th</sup> February 2024

Legislative Council, Portfolio Committee 4

**RE: 2023 Inquiry into the operation of the approved charitable organisations  
under the Prevention of Cruelty to Animals Act 1979**

Animal Care Australia (ACA) would like to thank Portfolio Committee 4 for providing us with the opportunity to provide feedback for this Inquiry, and we look forward to the opportunity to provide testimony at this Inquiry.

Animal Care Australia is a national incorporated association established to lobby for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

At previous Inquiries into the approved charitable organisations held in 2019 and 2022 as well as a multitude of other animal welfare related Inquiries, Animal Care Australia has made recommendations that the government enhance the accountability and transparency of the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA) and the Animal Welfare League (AWL). It is extremely disappointing that those recommendations or even their intent has remained unheeded some five years later.

As you would be aware the Prevention of Cruelty to Animals Act and even draft Animal Welfare Act 2023 have only captured pre-existing modes of accountability without taking the opportunity to place the responsibility of the organisations and authorised officers who are charged with enforcing legislation on behalf of the NSW Government WITH the NSW government where it belongs!

Precedents for this in other States strongly warrants the same action and outcome here in NSW.

Therefore:

- ✓ **Animal Care Australia notes the government fully supported or supported in principle the recommendations from the 2022 Inquiry into the Approved Charitable Organisations.**
- ✓ **Animal Care Australia notes significant funding has been provided to the RSPCA for the sole purpose of enhancing their enforcement capabilities., perhaps in response to Recommendation 1 of that Inquiry, HOWEVER the continued lack of detail provided within the (public) Annual and Financial reports indicates the RSPCA has consciously opted to disregard those recommendations.**
- ✓ **Animal Care Australia highlights the operational model followed by AWL is in complete contrast to that followed by RSPCA NSW.**
- ✓ **Animal Care Australia supports the model used by the AWL and we support the organisation.**
- ✓ **Animal Care Australia questions why the RSPCA does not provide a record of the reasons the animals ‘in their care’ were euthanised, when the AWL states that 92% of the animals they euthanised were for medical reasons and the remainder for behavioural reasons?**
- ✓ **Animal Care Australia STRONGLY recommends this Committee and the NSW Government develop and recommend a standardised criteria of reporting for the purpose of all future Inquiries into the Approved Charitable Organisations.**

- ✓ **It is not sufficient for the Government to wait until the completion of the review of the NSW Animal Welfare Act and its regulations to implement or make changes.**

It is imperative that all future Inquiries require that the charitable organisations must specifically and separately detail all income/expenses and operational activities attributed to their statutory inspectorate functions during the reporting period. Animal Care Australia would welcome the Committee seek that information as part of the supplementary questions process for THIS Inquiry.

Animal Care Australia recommends Portfolio Committee 8 develop a list of items that must be reported to the inquiry each year.

Animal Care Australia welcomes the opportunity to assist developing such a list.

This submission can be publicly listed.

We look forward to the opportunity of providing testimony at this Inquiry.

Kind regards,



Michael Donnelly  
President

**2023 Inquiry into the  
operation of the approved  
charitable organisations  
under the  
Prevention of Cruelty to  
Animals Act 1979**



**Animal Care Australia submission**

**Approved: 20<sup>th</sup> February 2024**  
**“Animal welfare is animal care”**



# CONTENTS

**ACA Background..... 2**

**Supporting statement..... 2**

**Inquiry Terms of Reference..... 2**

**2021/2022 Inquiry Recommendations supported by government ..... 3**

**Responses to the Terms of Reference..... 4**

    Part 1 (a) Annual Reports and Financial Statements. .... 4

    Part 1 (b) - The exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979, ..... 12

    Animal Care Australia’s Animal Welfare Survey. .... 15

    Part 1 (c) any other related matters. .... 23

    Appendix 1: Animal Care Australia Animal Welfare Survey questions. .... 30

    Appendix 2 – Opening statement – 2021 Inquiry into the approved charitable organisations..... 32

## ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

## Supporting statement

Animal Care Australia notes some time has passed since the previous Inquiry into the approved charitable organisations, accordingly there has been no review of the annual and financial reports for the period 1<sup>st</sup> July 2022 to 30<sup>th</sup> June 2022.

Despite this, Animal Care Australia has chosen to only provide review of the most recent annual/financial reports for the period 1<sup>st</sup> July 2022 to 30<sup>th</sup> June 2023, however this submission will highlight our concerns of other issues that span the full length of time since our previous submission <sup>1</sup> and supplementary submission. <sup>2</sup>

For the purpose of this submission the following two acronyms will be used to identify the approved charitable organisations:

RSPCA – Royal Society for the Prevention of Cruelty to Animals, and

AWL – Animal Welfare League (NSW)

## Inquiry Terms of Reference

1. That Portfolio Committee No. 4 – Regional NSW 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
- (c) any other related matters.

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<sup>1</sup> [Animal Care Australia's 2022 submission](#)

<sup>2</sup> [Animal Care Australia's 2022 Supplementary Submission](#)

2. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of the financial year

## **2021/2022 Inquiry Recommendations supported by government**

### **Recommendation 1 – Supported in principle**

That the NSW Government urgently review funding for the two approved charitable organisations, as recently committed to by the Hon Dugald Saunders MP, Minister for Agriculture and Western New South Wales, to give consideration to:

- covering the costs of the compliance and enforcement operations of these organisations without reliance on charitable donations, including conducting regular proactive inspections, sending inspectors to call-outs in pairs and operating a staffed animal cruelty response team 24/7
- establishing a dedicated stream specifically tied to the compliance and enforcement activities of the approved charitable organisations – the inspectorates – as well as the associated services that support those activities.

### **Recommendation 2 - Supported**

That, contingent on the adoption of Recommendation 1, the NSW Government implement more formal arrangements to introduce rigour around its recurrent grants to the approved charitable organisations, including clear reporting and acquittal obligations, performance indicators, expectations around service levels and measurement of outcomes.

### **Recommendation 3 – Noted by Govt – but does not appear to have been acted upon**

That, in consultation with the approved charitable organisations, the NSW Government develop and mandate a standardised reporting format, with prescribed categories of information, for the approved charitable organisations' annual and financial reports.

### **Recommendation 4 – Supported in principle – not yet implemented**

That as a matter of priority, the NSW Government implement Recommendation 11 of the 2020 Select Committee report on animal cruelty laws in New South Wales.

NB: Recommendation 11 states:

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

- table their annual reports in both Houses of the NSW Parliament

- comply with requests under the Government Information (Public Access) Act 2009.

### **Recommendation 5 – Supported in principle – but not yet acted upon**

That the NSW Government fund the procurement of additional mobile veterinary clinics and consider funding the ongoing costs of running the mobile veterinary clinics, for both of the approved charitable organisations in recognition of the vital roles these clinics play in disaster relief efforts and in improving animal welfare outcomes in rural and regional New South Wales.

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**Animal Care Australia notes significant funding was provided to the RSPCA perhaps in response to Recommendation 1, HOWEVER the continued lack of detail provided within their (public) Annual and Financial reports indicates the RSPCA has consciously opted to disregard Recommendations 2 and 3 – regardless of any action/inaction taken by the government.**

**RSPCA’s CEO has previously testified that detailed reports are provided to the Department of Primary Industries, and yet he has not instructed those details be provided in their reports! Why has he ignored his own testimony?**

*“Mr COLEMAN: Ms Boyd, can I add to that, that currently, which has been the practice for some years now, section 34b of the Act requires us to provide a very detailed report of our inspectorate activities to DPI by the third month of the end of the financial year. That report is quite detailed and I would actually have no doubt, answers a lot of the issues that have arisen over the last couple of days through various witnesses. Right now, that is an obligation under the Act which we fulfil, but from our perspective we would have no problems with that being publicly available.”<sup>3</sup>*

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## **Responses to the Terms of Reference**

### **Part I (a) Annual Reports and Financial Statements.**

Animal Care Australia supports the intention to improve transparency and accountability, and yet, two years later, this has not been implemented, and we see the same issues that we did in 2021. Animal Care Australia acknowledges the AWL’s change of CEO and perhaps this is the reason why their reports are not as detailed as recommended; however, we still wish to note the AWL Reports provide a greater breakdown of data than those of the RSPCA.

That said, the Inspectorate operations for both RSPCA and AWL are not reported separately to the Shelter and Vet Clinic operations. This means that the wages for inspectors, the operational costs,

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<sup>3</sup> [Pg 63 – Transcript of Inquiry into Animal Cruelty Laws in NSW – 13<sup>th</sup> February 2020](#)



2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



animal care costs and legal expenses are not able to be assessed or reviewed in any meaningful way. For example, does the Deferred Income: Grant Funding: **\$28,186,000** include the \$20.5m provided by the Govt in February 2023? (RSPCA Annual Report page 25)

We also note that income “earned” from fines, winning court costs, and charging the owners of seized animals for agistment is not itemised. Is this to avoid any accusation of profiteering from their actions?

Again, Animal Care Australia finds ourselves in a state of deja vu recommending a greater emphasis on outlining and explaining how funds (both government and charitable) are designated and utilised is required in order to appropriately respond to the Terms of Reference for this Inquiry.

The public has the right to know exactly how their tax contributions are being used as well as where their charitable donations are being designated.



Image: Sydney Metro Inspector, Leah

**“For four consecutive years, we have commenced and completed more prosecutions than ever before. More sophisticated prosecutions can take longer to resolve, but we devote ourselves entirely to every case we bring to court.”**

~ Kathryn Jurd, General Counsel

12

RSPCA NSW proudly stated in their Annual Report on page 12 they have completed more prosecutions than ever before.

Animal Care Australia certainly does not dispute their ‘entire devotion’ to prosecuting, however we do question the comparative rate of prosecutions to other data over the claimed 4 years.

An increase of only 9 prosecutions commenced while at the same time having investigated 542 less cruelty cases with more inspectors employed (32 in 2019/2020 and ‘over 40’ in 2022/2023).

Certainly, an over-zealous claim – one that the NSW Government should be considering when determining whether they are getting true value for the memorandum of understanding.

The chart below compares RSPCA to AWL for similar figures.

**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



		RSPCA			AWL	
Year	Cruelty Investigations	Prosecutions Commenced	Animals Involved	Cruelty Investigations	Prosecutions	Animals Involved
2022-2023	13,883	108	517	1678	Not reported	136
2021-2022	13,085	107	801	1534	1	51
2020-2021	13,838	Not reported	Not reported	1205	2	Not reported
2019-2020	14,425	99	Not reported	956	8	275

It is imperative to note that the data collected and figures quoted in these Annual Reports are not exactly the same either – sometimes the number of animals seized are reported, sometimes “the number of animals involved” and animals surrendered to the inspectorate are not reported at all – adding to the difficulty in reviewing their operations and outcomes.

From ongoing information provided to Animal Care Australia we are finding that most owners surrender their animals to the RSPCA inspectorate not because the owners want to, but under duress. The inspectorate threatens the animal owners with ongoing agistment/care fees, expensive court proceedings, or repeated raids of their property if they do not comply. Comparatively, owners that surrender to the AWL do so following a period of assistance from the AWL in order to provide the owners with an opportunity for their circumstances to change. When it is determined the circumstances cannot be changed, the owners then surrender their animals.

It is important to note that difference in ethos. One is more prosecutorial the other is more prevention and assistance.

Regardless of the approach, **where are the case outcomes in the Annual Reports to verify or deny the claims being made?**

It certainly appears that the claim that there are “more prosecutions than ever” is a bit of grandstanding, but we must question why “more prosecutions than ever before” would ever be a statement to be proud of? Surely this indicates a failing in the Prevention of Cruelty measures, that is EDUCATION – being undertaken and the namesake of the Royal Society for the PREVENTION of Cruelty to Animals?

**Surely the successful measure is how many prosecutions are PREVENTED?**

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



Measures of improved welfare outcomes for animals that remain with their owners following education or other support measures (short term urgent care for owners struggling to care for their animals temporarily, due to hospitalisation, domestic violence, or other unavoidable circumstances). While RSPCA have contributed to assist some special interest groups, the reported activities have not increased to counter the small increase in prosecutions.

Instead we see RSPCA pursuing prosecutions for people in these circumstances. We cannot help but feel these are just “Easy targets” to appease government expectations for their additional millions of dollars of funding, while leading to unnecessary poorer welfare outcomes for the animals involved. When other avenues, with higher welfare outcomes, are available to inspectors, why are prosecutions prioritised over animal welfare outcomes?

In contrast, AWL prosecutions has remained fairly steady and consistent over the years, increasing by only 3% in the past 2 years.

**We must highlight again that the operational model followed by AWL is in complete contrast to that followed by RSPCA NSW.**

AWL places priority on assisting owners to take better care of their animals, to improve animal welfare outcomes and long term for any future animals that person owns. This prevents unnecessary prosecutions, ensures owners are not put under unnecessary additional financial burdens, as well as preventing additional stress on animals and their owners.

AWL provides ongoing, personalised education, and short-term financial assistance and veterinary care to help people get back on their feet, and their animals’ care back up to date. This is genuine community care that keeps pets happy and healthy in their homes with their owners who love them. When we help people in need, we help their animals too.

Punishing people for short term or minor failings does not help the owners learn anything, except to hide their animals from view in future, which could allow longer-term suffering to continue. All of which is easily avoided.

This is absolutely contributing to the RSPCA NSW’s decline in their *‘Social Licence to Operate’*.

Another prime example of ‘grandstanding’ by the RSPCA is the choice of language utilised within their Annual Report.

RSPCA states it had 21 081 **CRUELTY CALLS** with 13 083 **CRUELTY INVESTIGATIONS**.

AWL states it had 1678 attendances for **CRUELTY REPORTS, COMPLIANCE VISITS and OTHER ACTIVITIES**.

While to some this may seem like semantics – for Animal Care Australia it reflects the difference ethos of the organisations.

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



Animal Care Australia reminds this Committee (and the public) that the reports are for **POSSIBLE CRUELTY** and investigations are to **ENSURE ANIMAL WELFARE IS BEING MET**. A case is NOT a cruelty case until ALL circumstances have been thoroughly investigated and a court has found there was a case of cruelty to be answered.

It is for this reason that Animal Care Australia no longer supports or recommends calling the RSPCA to report animal welfare issues, as we do not see the animal welfare outcomes improve following RSPCA involvement.

Animal Care Australia supports and recommends calling the AWL to ensure the animals' care is prioritised and the owners are given supportive care to help those animals.



### Additional points of concern:

#### RSPCA Annual Report:

**Prosecutions:** 108 commenced with 48 being ongoing and 59 finalised – HOWEVER 49 were finalised from previous years? Is that 49 of the 48 that were ongoing? Where did the additional case come from? Alternatively, how can it be claimed 108 were ‘commenced’ if they were either ‘ongoing’ or previously ‘commenced’.

These numbers simply do not add up.

#### Cruelty Investigations and Infringement Notices:

Simply out of 13 883 ‘claimed’ cruelty investigations ONLY 111 PINs were issued with 420 offences. Combined, that is barely 0.8% of all the investigations led to a PIN.

Again , barely 0.8% of all investigations resulted in a prosecution being commenced. Noting: ‘Commenced’ or ‘Finalised’ does not equal a conviction.

This is the result of ‘over 40’ inspectors who average completing 1.3 investigations each per day. \$83k + Super + car<sup>4</sup> to carry out 6.5 investigations per week! Is that a responsible and reasonable use of funds – of 20.5 million worth of funding.

<sup>4</sup> [RSPCA NSW Inspector position on SEEK](#)

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



### RSPCA CEO and Presidents Section: Page 4 Annual Report:

560 Staff with 984 volunteers. The Volunteers completed 8856 hours within the one-year period.

That equates to only 9 hours from each volunteer over a 12-month period.

That appears like not a lot of work is allotted to each volunteer OR it could be interpreted that the majority of volunteers did not return following their first day.

984 volunteers completing the hours stated equates to no more than 5 full-time staff at any given time spread over 5 Shelters, 2 Behavioural Centres, 3 Veterinary Hospitals and 1 Education Centre, or does it? This seems extraordinarily unlikely given the Million Paws Walk requires in excess of 200 volunteers for the duration of the Walk.<sup>5</sup>

Why are foster carers not considered volunteers? They clearly spend a great deal of time and commitment to the animals.

### Structures and their Funding:

Animal Care Australia notes \$10.5 million was provided to the RSPCA were for various upgrades, etc, in 2021/22. Only 3 of the projects listed for funding in the Questions on Notice from the 2023/24 Pound Inquiry<sup>6</sup> are acknowledged to be completed – 2 regional cattery upgrades and the Emergency Response Centre in Yagoona with the Broken Hill Vet Clinic

upgrade only breaking ground in August 2023.

Of most importance is the 1.34 million for the Blue Mountains site upgrade, which according to the testimony are in the process of being redirected to other projects and the RSPCA are currently consulting with government about that.

The Mort St facility in Katoomba is a unique case, as the land and structures originally built on it were effectively donated by the local community to allow RSPCA to commence pound operations for the Local Government Area. The fact that in 1981, the value of the property (one would assume this

<sup>5</sup> [Million Paws Walk](#)

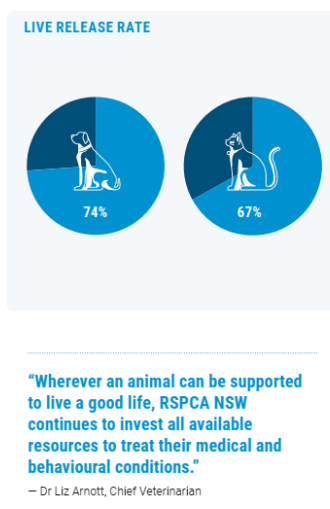
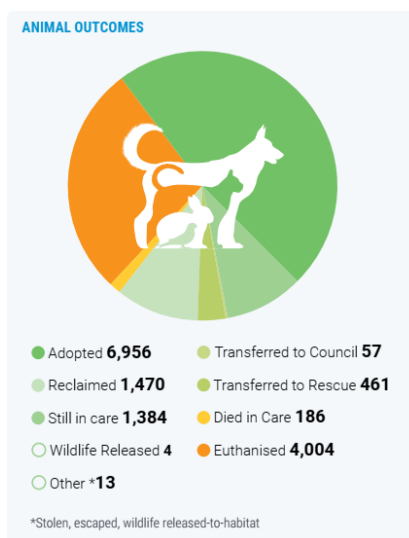
<sup>6</sup> [RSPCA Questions on Notice responses - NSW Pound Inquiry](#)

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



figure is before any structures were built) was \$35k, and now the property is valued at around \$2.8 million (“book value”), is interesting. The RSPCA have indicated that Blue Mountains Council can buy the property for an as yet undecided figure, and then perform the upgrades required for an additional \$4.4 million (as per the DA from the RSPCA ) raises a number of questions. At the very least, the \$1.34m that the State government allocated to the RSPCA for the purpose of establishing a pound/shelter should be redirected to Blue Mountains Council who are now going to be responsible for that same purpose.

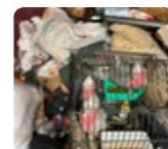
**More needs to be asked as to why that money is not being returned by the RSPCA rather than being re-allocated to other projects most likely already funded?**



### Euthanasia rates:

From the Annual Reports, the euthanasia rate for RSPCA was 27.5%, and AWL rate was 4%.

Why is this so high for the RSPCA when, as shown in the graphic above, they have the facilities and should be better equipped to rehabilitate health and behavioural issues than AWL.



### JULY

Our Inspectorate charged a man and woman with animal cruelty offences relating to failure to provide **veterinary care, nutrition, and appropriate housing** for 50 birds. The birds had been residing in deplorable living conditions, forced to share overcrowded enclosures with 42 other deceased birds.

In fact, the RSPCA’s Chief Veterinary Officer is stating they *“invest in all available resources to treat the medical and behavioural conditions”*

This is contradictory to the page 5 July highlights of the year (pictured to the right).

A quick check of the RSPCA report<sup>7</sup> on that incident states they dealing with a bird hoarding case.

### The RSPCA euthanised all but one out of fifty birds.

They state: *“All surviving birds were medically assessed by veterinarians and 49 out of the 50 birds were euthanised as they all had the zoonotic disease psittacosis.”* This is a readily and routinely treated disease. The inexpensive treatment is via antibiotics in

<sup>7</sup> [RSPCA Report on animal cruelty case](#)



their water (changed daily) for approximately 30-45 days pending severity of the effects of the disease on the bird.

Animal Care Australia has reviewed the photos of the live affected birds and notes the absence of the visible signs of severe psittacosis.<sup>8</sup> That being, ruffled appearance, eye, or nose discharge. The birds show no sign of ruffling, the eyes do not appear to be displaying a discharge and furthermore there is little sign of the feather damage that would be consistent with being held in the cages they were claimed to be found in.

While Animal Care Australia does not doubt the conditions of the dwelling were horrible, our concern is the treatment of the animals once in their care.

- **Why were these birds killed when they had a treatable condition?**
- **Why were those convicted charged a total of approximately \$20K in vet care and shelter costs when the birds were killed soon after they were seized?**

To quote Inspector Tyson who investigated and testified in the Courts: *“and how this dreadful situation was completely preventable.”*

- ✓ Preventable – yes.
- ✓ Treatable – yes!
- Did an additional 50 birds need to die – No!

Additionally, **why doesn't the RSPCA provide a record of the reasons the animals 'in their care' were euthanised?**

The **AWL states that 92% of the animals they euthanised were for medical reasons and the remainder for behavioural reasons.**

#### **Pet Food Donations:**

RSPCA claims they received \$999,480 worth of pet food (41,925kg) of food from Royal Canin for their shelter animals, and Elanco supplied \$308,544 worth of flea/tick/worming products.

It is worth noting that the donation equates to \$23.84 per kg which is an outrageous price for pet food. Our research is finding it difficult to separate this donation from the rest of donations in order to verify the amount actually donated. Our research also found Royal Canin dog food to average in price between \$10-17 kg retail. That seems to be a substantial mark-up.

The Annual Reports are marketing tools being used to justify charitable donations. The Financial Statements lack actual detail.

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<sup>8</sup> [Psittacosis symptoms in birds](#)

**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



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**Animal Care Australia STRONGLY recommends this Committee and the NSW Government develop and recommend a standardised criteria of reporting for the purpose of all future Inquiries into the Approved Charitable Organisations.**

**it is not sufficient for the Government to wait until the completion of the review of the NSW Animal Welfare Act and it's regulations to implement or make changes.**

**Alternatively, Animal Care Australia recommends future Terms of Reference for the Inquiry are expanded to include that set criteria and the charitable organisations are summonsed to appear under the Parliamentary Evidence Act 1901 Section 27.1 with the criteria being stipulated as part of the evidence to be provided by the witness under Section 27.4 <sup>9</sup>**

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**Part I (b) - The exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979,**

Firstly, without access to the Operations and Procedures Manuals pertaining to how each of the organisations' Inspectorates function within their role to carry out their duties, Animal Care Australia is limited in its ability to provide a balanced and complete assessment.

We are only able to provide an assessment from the perspective of our interactions, those interactions and experiences of our individual members and member organisations and the responses to our own online Animal Welfare Survey. (See page 15 for more information)

Animal Care Australia continues to support the approach taken by the AWL Inspectorate.

We continue to applaud the manner in which the AWL goes above and beyond to assist the community to achieve its goal of higher animal welfare outcomes. The AWL continues to support owners and pets being able to stay together wherever it is practical.

This is reflected in AWL's rate of seized animals from their inspections. The **AWL seized only 8% of the animals it inspected.** (Note those statistics are taken from the figures provided for 'visits')

Their approach of **EDUCATION before PROSECUTION** will continue to go a long way in improving animal welfare in NSW.

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**Animal Care Australia fully supports the ethos of the Animal Welfare League including the Inspectorate**

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<sup>9</sup> [The Parliamentary Evidence Act 1901 – Part One – Section 27](#)



On the other hand, the **RSPCA seized 14% of the animals following on from their inspections.**

No matter what set of statistics/data we study it is abundantly clear the RSPCA has the opposite approach, which cannot be supported by Animal Care Australia, and **should no longer be supported by the NSW Government in any manner.**

A case in point is the tragic and horrific story of RSPCA's treatment of Lego, an ancient Great Dane that lived well beyond her breed's life expectancy until being seized by RSPCA NSW, in the Inspector's pursuit of the Dane's owner, purely to clock up "successful prosecutions" and tick off a "win".

Animal Care Australia has followed this case from the beginning. In fact, it was the basis of our opening statement at the 2021 Inquiry into approved charitable organisations. That statement can be found as Appendix 2 of this submission.

This Dane WAS under veterinary supervision, albeit not been seen by the vet for a period of time.

This Dane had already been assessed by NSW Police just 24 hours earlier with no case of 'cruelty' to be pursued.

This Dane was seized during the covid pandemic under the guise it had not been taken to the vet in the previous week – despite the covid restrictions limiting vet access to urgent cases only, despite clear treatment (a purple-coloured ointment) being continued by the owner.

This Dane was then euthanised because it was refusing to eat – perhaps because it had been highly doped by the RSPCA as suggested by the Danes vet following receipt of the RSPCA reports, or because it was pining for its lifelong owners? Surely that is not a sufficient reason to euthanise an animal?

The family involved lost a much-loved family member and now live with a convicted person. All because he was doing what he was instructed by the family vet but the RSPCA disagreed with that level of treatment.

It is strikingly similar to the recent (and current) issues in the United Kingdom – 'Mr Bates versus the Post Office'.

- UK Prime Minister Rishi Sunak said was **"one of the greatest miscarriages of justice in our nation's history"**
- involved the UK Post office investigating and prosecuting 900 sub-Post Masters over account deficits that were caused by its own Horizon software system.
- These prosecutions **led to financial penalties, loss of livelihood, bankruptcies, jail, and suicides.**
- The UK post office is owned and **funded by the government; however, the Post Office Ltd Board has responsibility for its own operations**
- Over the years of the scandal, **Ministers from all major parties were responsible, at one time or another, for oversight and failed to properly investigate complaints about unfair**

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



- prosecutions** accepting advice from the post office that their software was “Robust”. This has led to millions of pounds in compensation being paid to the victims so far.
- A statutory independent inquiry in June 2021 heard that Post **Office investigators were poorly trained, did not understand their legal responsibilities in regard to disclosure, did not investigate sub postmasters claims and had targets and bonuses for successful prosecutions.**
  - The majority of **prosecutions were prosecuted by the UK Post Office as private prosecutions** and they have been doing so for almost 500 years. There is no UK body that has oversight over private prosecutions. After the scandal broke (2015), the UK post office discontinued private prosecutions. The **UK government has announced a review of laws allowing private prosecution.**
  - In a high court challenge by former sub post masters, the presiding judge Mr Justice Fraser, was **"highly critical of the Post Office"**. When some of the convictions were then referred to **the Court of Appeal**, heard the Post Office's **"unique position" as a private prosecutor** that gave the Criminal Cases Review Commission **"greatest cause for concern"**.
  - Former director of public prosecutions Lord Ken Macdonald KC said a **"body with skin in the game" comes with "obvious risks and dangers" when it acts as a prosecutor.** In his 300-page judgement, Judge Fraser was critical of Post Office witnesses noting one “did not give me frank evidence, and sought to obfuscate matters, and mislead me” and **“A theme contained within some of the internal documents is an extreme sensitivity (seeming to verge, on occasion, to institutional paranoia) concerning any information that may throw doubt on the reputation of Horizon or expose it to further scrutiny.”**

The inquiry will deliver its final report in 2024. A police investigation into the Post Office Ltd is ongoing.

Animal Care Australia would strongly support a Royal Commission hearing into the Royal Society for the Prevention of Cruelty to Animals – involving the entire RSPCA Australia. A nation-wide organisation that is fully protected by legislation and that is not accountable to anyone.

Animal Care Australia raises a particular concern where it has been brought to our attention the RSPCA NSW requires its employees to sign non-disclosure statements (NDA) – nothing unusual there – HOWEVER once signed the employee does not receive a copy of the NDA. Instead, they are provided with a small booklet which reminds them of their responsibility under the NDA.

Notably – from above: **“A theme ... of the internal documents is an extreme sensitivity (seeming to verge, on occasion, to institutional paranoia) concerning any information that may throw doubt on the reputation of Horizon (the RSPCA?) or expose it to further scrutiny.”**

## Animal Care Australia's Animal Welfare Survey.<sup>10</sup>

In August 2022 Animal Care Australia commenced an online survey in order to provide our members and public with a space where they could comment on the ability of the two approved charitable organisations to meet animal welfare needs and societal expectations.

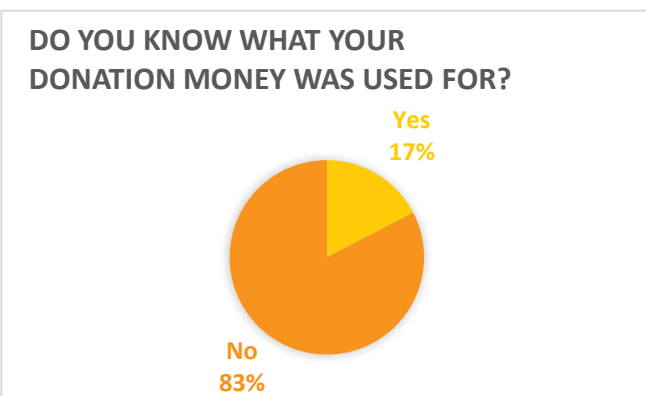
Respondents were provided with the opportunity to remain anonymous OR provide contact details to Animal Care Australia for future follow-up. Not surprisingly, only 2% of the respondents chose to allow us to contact them.

Clearly the fear of retribution sits strong within the respondents.

The survey is open to all Australian residents and there are currently 40 NSW-based respondents of which the results are provided below. Note that all questions are optional, and not everyone answered every question. Some responses fell into more than one category of response. Spelling and grammatical errors have not been corrected; however, identifiable information/detail has been redacted to protect the respondents.

Appendix 1 of this submission provides the questions of the survey.

### Charity/donation-based results:



**Respondents:** 23

#### Extract of responses:

**Respondent :** "yes" : To sponsor a pet dog until it could get rehomed.

**Respondent:** Get generic emails

**Respondent:** Yes: Occasionally, mostly I get the emotional emails about a particular dog that needs my help with extra donations

**Respondent:** Updates? Minimal updates. I

*enquired further into the pet I was sponsoring that was in fact euthanised due to "behavioural issues", without being evaluated by any external training organisation specialising in behavioural cases. I then ceased my sponsorship with the RSPCA, and have a distrust of their marketing of how they use money to help animals and welfare cases.*

**Respondent:** Yes: Occasionally, mostly I get the emotional emails about a particular dog that needs my help with extra donations

**Respondent:** I've learnt it's not for dogs in need or families that are struggling, domestic violence...which they use to steal more money of them because other government organisations won't

<sup>10</sup> [Animal Care Australia Animal Welfare Survey](#)

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



believe them especially if your from a housing community like **claymore** and **mount druit** (NB: western Sydney suburbs have been redacted)

### WHY DID YOU DONATE?

Respondents: 21:



### Extract of responses:

**Respondent:** They are a worthwhile organisation

**Respondent:** I believed the media sent out

**Respondent:** To help the animals

**Respondent:** Rspca is the largest know animal welfare charity with such a huge reach around Australia

**Respondent:** I bought a dog from them in the 90's when they were a good organisation and cared

**Respondent:** Thought it would be put to good use and didn't know much about the RSPCA at the time.

**Respondent:** It was one of 3 animal charities I was donating to at the time so no specific reason.

**Respondent:** Occasionally, mostly I get the emotional emails about a particular dog that needs my help with extra donations

**Respondent:** I thought they were a good organisation and no kill. I was a member as well

**Respondent:** Because I thought the money would go to helping animals in need .

**Respondent:** A very long time ago. Haven't donated for years as they didn't help us with a large horse rescue

**Respondent:** I thought it was a worthy cause

**Respondent:** I believed them after watch there commercials and reading which I have learnt to be a fake organisation.....that destroyed my kids lives after taking our family dog...

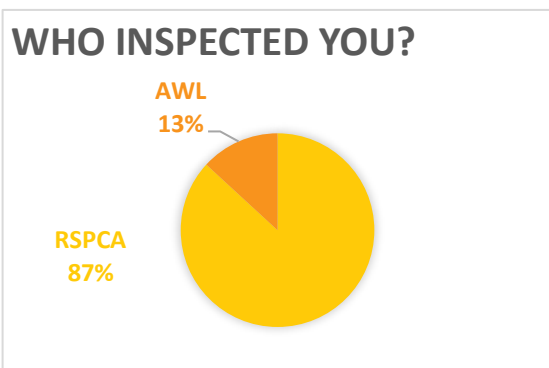
**Respondent:** After finding out how corrupt the rspca is I will never donate to them! They are meant to be there for all creatures great and small yet they have endorsed the aerial culling of wild horses in the most inhumane way. They know the standard operating procedures were changed to allow aerial shooting during foaling season when they know how cruel this is. They did not take video evidence of



*the shooting trial deliberately so as not to have evidence to procedure NPWS but they take 'video evidence' of personnel properties containing brumbies to try and prosecute these individuals! It's despicable!*

**Respondent:** *I have made single donations to Animal Welfare League. I have previously adopted from RSPCA, but following on from what I have seen from the RSPCA regarding Brumbies, I will never adopt, donate or purchase any product that will in any way provide funding, including, but not limited to RSPCA approved supermarket items. I suggest that Steve Coleman needs to be removed immediately!*

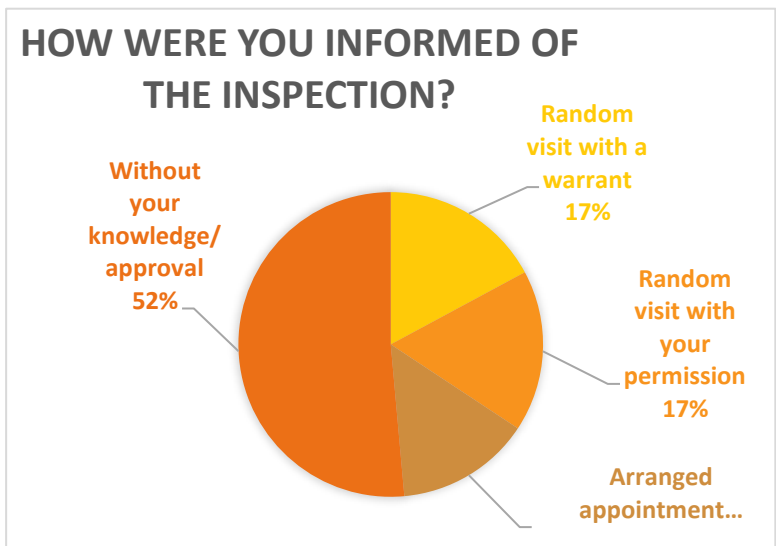
**Compliance results**



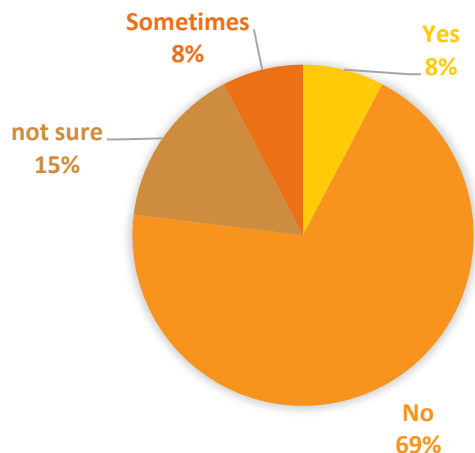
WHO Respondents: 38

HOW Respondents: 35

### HOW WERE YOU INFORMED OF THE INSPECTION?



### DO YOU FEEL YOUR ANIMALS WELFARE WAS A PRIORITY?



Respondents: 26

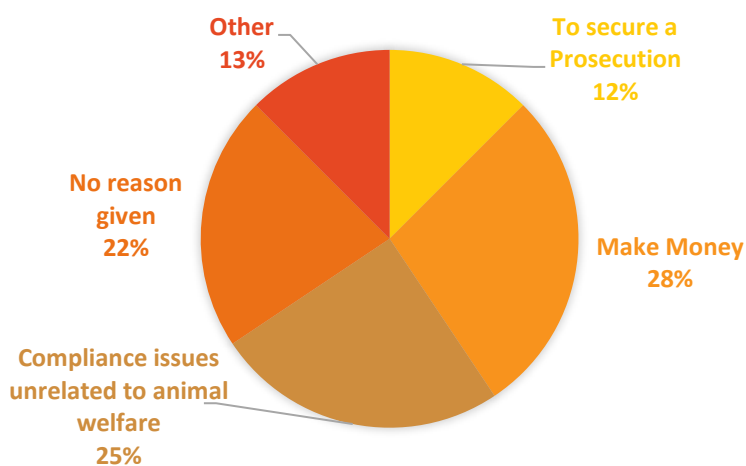
**ACA Note:**

ALL Yes responses implied that the inspector was responding to a false allegation. They indicated the RSPCA left without taking any action.

**Example of responses:**

*I'm sure they felt there was an issue but refused to share the actual content of the false report due to privacy reasons.*

### IF NOT ANIMAL WELFARE, WHAT DID YOU BELIEVE THE PRIORITY WAS?



Respondents: 32

#### Extract of responses:

**Respondent:** Yes and no. The original visit was extremely intimidating and there was an immediate assumption of guilt displayed by attending Officer (who later apologised after seeing the animals and premise).

**Respondent:** They wanted me to sign a surrender form that was then put to sleep by a vet

**Respondent:** no they clearly had the code as their priority - it was not a welfare check but an audit to tick boxes with records etc

**Respondent:** Never they mentally and physically abused me and my kids and my dog where ever she is ...they only care about the money they are stealing of the people..... I have evidence for everything

**Respondent:** they are solely looking for something, anything, to charge you with so they can make as much money as possible. even when they prove themselves completely wrong, they still make you pay all costs to get your pet back. in other circles its call kidnapping and ransom. but with rspca its legal

**Respondent:** no, animals were not seized for welfare, they were seized as evidence but no evidence was relied on in court proceedings. living conditions provided while in care of RSPCA were not suitable. a number of animals were euthanized without issues actually being diagnosed/ or because RSPCA didn't have correct facilities to house the animals they had seized.

**Respondent:** NO. The inspector had targeted the owner of the property and was continuously trying to find something to enforce on him. They continuously visited the property and constantly harassed the owner

**Respondent:** No, they wanted to take the animals and already had paperwork detailing costs to get them back plus daily costs. That was the only information they had or could provide. It was obvious from the initial contact they just wanted the money they would get

**Respondent:** Not always. RSPCA have done a number of inspections during covid and ridiculous requirements- 1.8m fencing for toy dogs..... use of crates not allowed yet RSPCA promote it on their



**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



*website. They seem more of a business than a charity. To do inspections that are not a result of a welfare complaint is a conflict of interest. An independent entity should be doing the inspections.*

**Respondent:** *No they just wanted money for a fine I received I am physically disabled*

**Respondent:** *Absolutely not. I have had friends who have worked for them in the past and they talk of the horror stories that they have witnessed. They are all about the money, and couldn't care less about the animals at all. I once reported a starving horse with no shelter out in a paddock, nothing was done about it*

**Respondent:** *No, their priority was to please an organisation that had a social media platform*

**Respondent:** *No they just wanted to prosecute me I never got to tell my side of what had happened I had a major medical episode*

**Respondent:** *No. They are a business and will do the most cost effective thing, not necessarily the right thing by the animal.*

**Respondent:** *Exercising ones authority is not in any way putting animal welfare as a priority. Nor is financial, nor is personal judgement of others. All the organisations given power by the government to implement laws about welfare should be exercising the same priority. The internet has now opened an entire network of animals for profit - not a priority for the organisations - apparently don't have the resources to pursue these people - yet the smaller welfares deal with the aftermath of people buying pets & not being educated on looking after them - they then abandon them..... the larger organisations won't take them in.....*

**Respondent:** *I called the rspca officer to talk to him. It was very obvious he was their to appease the activists. I had 10 dogs and 1 cat. There were no issues, was a waste of the mans time. Activists had to pass starving cattle, and caged and chained dogs in my neighbours yards on the way. Also stray dogs all over town. Obviously their welfare was not the priority for either group.*

**Respondent:** *No I do not they were more interested in seeing paperwork and the animal of concern with false accusations*

**Did your animals' welfare improve as a result of the inspection?**

Respondents: 30

**ACA Note:** *The only YES, was as a result of NOT following the Inspectors advice, and earning them a non-compliance directive: The YES response was because the welfare did improve – but not by following the Inspectors directions.*

**Extract of responses:**

**Respondent:** *You're joking, aren't you??*

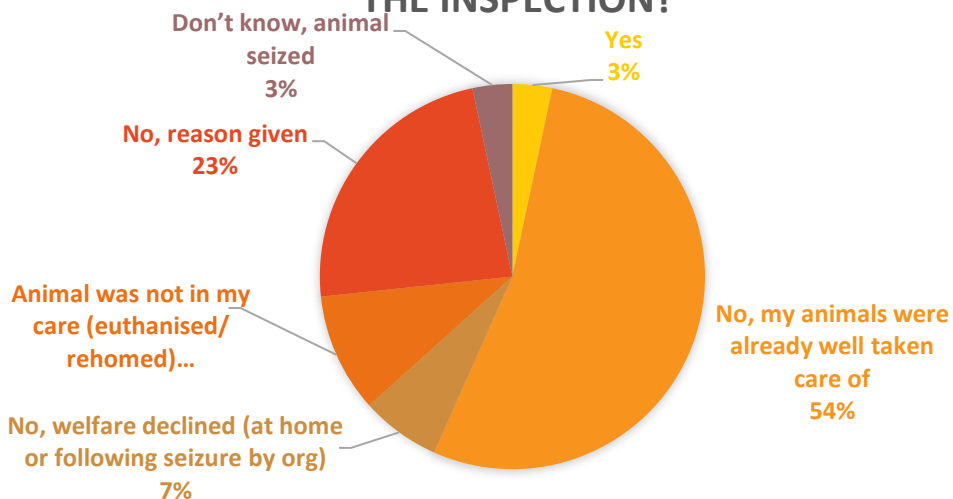


**Respondent:** *No, the rspca wanted to shoot an elderly mare who had a 4 week old foal at foot. Independent veterinary advice was sought which determined it was more cruel to euthanise the mare but rspca doesn't listen to independent veterinary advice.*

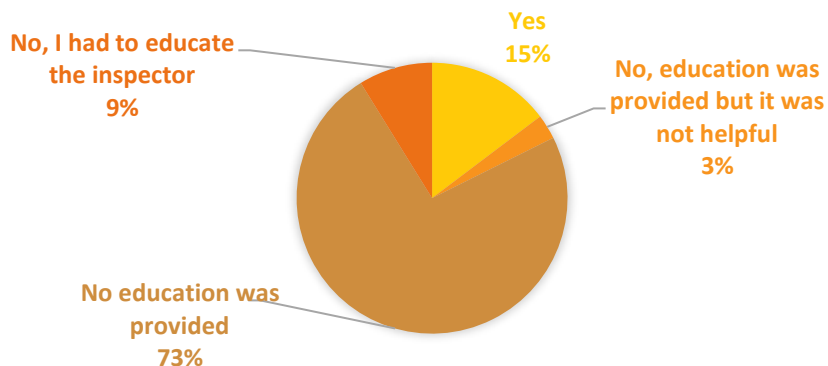
**Respondent:** *On another occasion the rspca advised of a worming treatment that wasn't effective and on seeking independent veterinary advice a different treatment was implemented. The RSPCA's position was that their program should have been followed regardless and that other vet advice is not taken into account, thereby resulting in a noncompliance order from rspca. The vet's treatment worked with success.*

**Respondent:** *RSPCA's advice on how much to feed each animal is also in conflict with vet advice, with the risk of over feeding animals resulting in colic and death.*

### DID YOUR ANIMALS' WELFARE IMPROVE AS A RESULT OF THE INSPECTION?



### DID YOU RECEIVE ANY EDUCATION THAT HELPED?







**Did you receive any education that helped?**

Respondents: 34

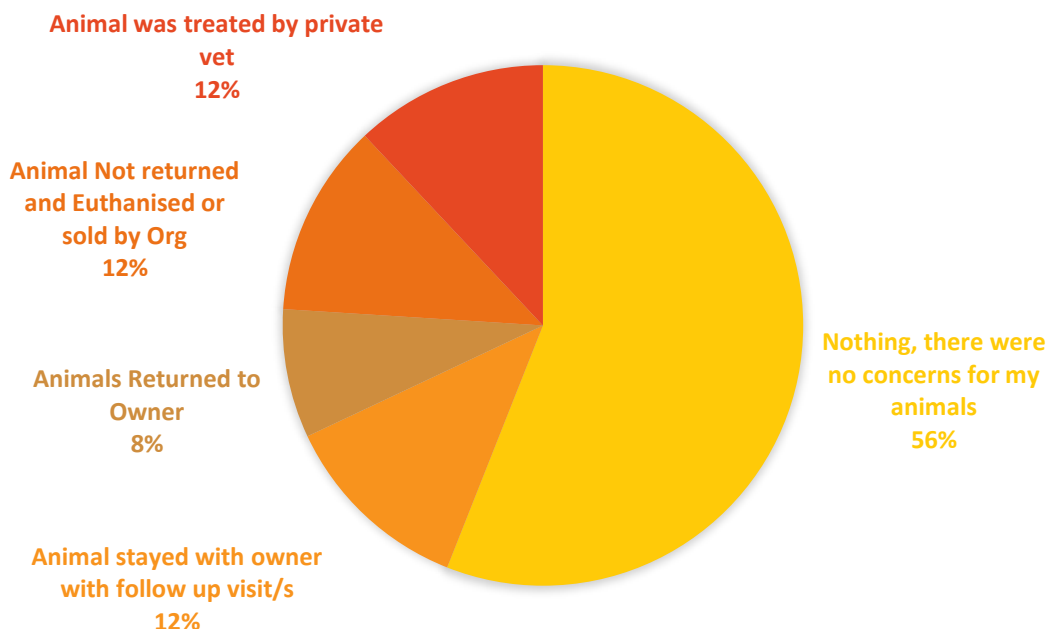
**Extract of responses:**

**Respondent:** YES, They educated me on the fact that they have the autonomous power to do what they see fit - interpretation of the laws to suit themselves. AND all the different welfares have different interpretations of the laws.....

**Respondent:** YES They mentioned some readings but I think they were sour as they didn't have just cause to remove my dogs

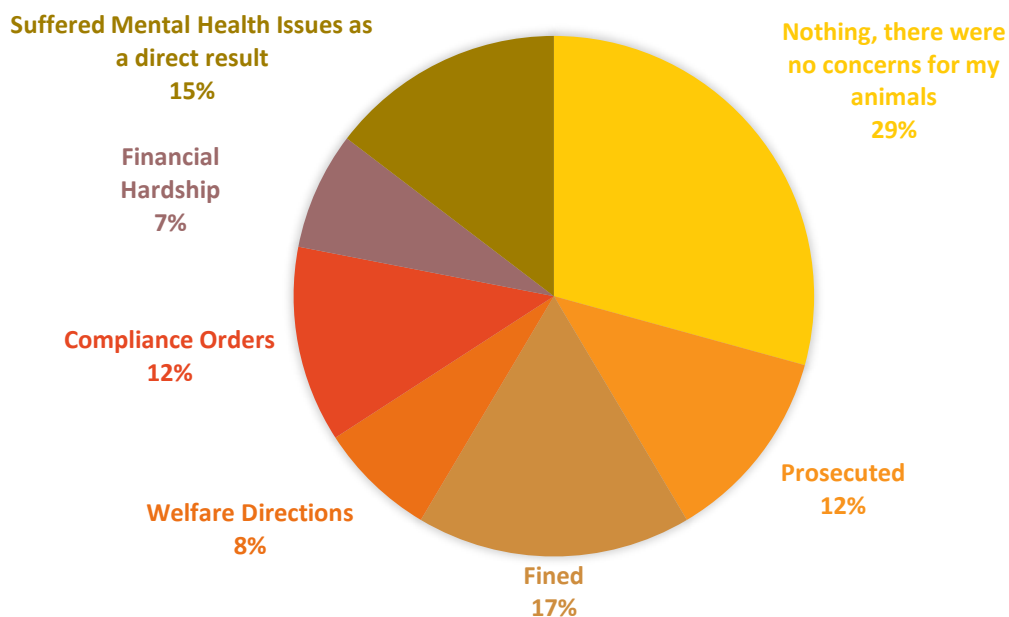
**Respondent:** education???? she changed the goal posts every visit! First she said the runs were too small? had to bring out the tape measure so she could see that in fact they were well over the recommended size? Decided I had to "move the >>> (animal) crate because anyone coming to see the dogs would find it an eyesore" "your a business, you need to make sure everything looks nice" Since when was the placement of an unused >>> crate kept beside a shed anything to do with animal welfare?

**WHAT HAPPENED TO YOUR ANIMALS?**



Respondents: 25

## WHAT HAPPENED TO YOU?



**ACA Note:** There were several respondents with multiple answers, such as received compliance orders and welfare directions, or, were prosecuted/fined and suffered mental health issues as a direct result.

### Extract of respondents:

**Respondent:** *I was told to change some things which were already in place according to the code but the instructions given were what the inspector considered best practice e.g. The code said keep the records not how to the records had to be kept etc .Later when I had a meeting with them they stated it was just a suggestion however, it was written up as a requirement to fix my records for a check at a return visit on they compliance forms. This was because I didn't have a chip number beside the name of the sire of a litter , even though I only had one male and his record was available in his own file. If they want us to use a specific format and form they need to have that in the code and provide everyone with the form.*

**Respondent:** *Thankfully independent vet advice ensured a better outcome for the animals and they have been successfully maintained since. Upon asking rspca for a copy of the video footage of the assessment they claim there was a technical glitch and were unable to provide a copy - if that is the case, there should be no decision or compliance orders made. An independent vet should be in attendance and the rspca is not a law enforcement agency so other independent parties should be consulted and advice listened to in assessing cases. People should have an avenue to be able to dispute the assessment and orders by rspca before any take effect or are deemed non compliance.*

**Respondent:** *Still going court, they wanted me to sign the dog over...they refuse to tell me anything about the dog. We don't know if she is alive or dead*

**Respondent:** *There was no response from the inspectors after they visited, the animals are with us and since then they did not leave a good impression with making me feel guilty and upset under false accusations*

**Respondent:** *Nothing happened to any of us, the animals and me included as they couldn't find anything to pin on me as my dogs are in exceptional condition I felt very stressed over the whole ordeal*

**Respondent:** *I have lived in terror ever since learning you have no avenue of appeal of any kind even when the seizing inspector is completely wrong when they "formed the opinion the animals best interests were served by seizure and removal to their Yagoona facility" quote from the letter in reply from the then minister for agriculture Richard Amery at the time. ended up being too afraid to go anywhere in case I came home and who else would be stolen. Its bad enough if you cant defend your self. but soul destroying when you cannot protect your pets.*

**Respondent:** *Until there is an avenue of appeal for people targeted by their predatory inspectors who have pathetic actual knowledge of animals . Ok they "undertake animal care course" but as one of the tafe teachers. ( who happed to be one of the tree men who actually created the course in first first place. Told the Tafe Dean, that he had 3 students they he was going to fail as they paid no attention and in fact were mor interested in disrupting the class. The dean told him. dont worry, they are rspca inspectors. only have to attend, they dont have to pass,*

So don't take our word that something needs to change by way of holding those who enforce our animal welfare laws accountable – take the words of the respondents above.

It should not come without shock that moving forward Animal Care Australia will continue to oppose the use of charitable organisations for law enforcement. So much so, that we will be looking to government to move the inspectorate under the direct supervision of the Chief Animal Welfare Officer in the interim and longer term that the Inspectorate be employed within an Office of Animal Welfare, to ensure that the inspectorate is fully accountable to a Minister, the Parliament, and the people of NSW.

## **Part I (c) any other related matters.**

### **RSPCA withdrawal from pound services in NSW:**

- In the NSW Pound Inquiry, Troy Wilkie stated:<sup>11</sup>

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<sup>11</sup> [Inquiry into Pounds in NSW – 14<sup>th</sup> November 2023 - Transcript](#)

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



*“Many councils have benefitted from RSPCA subsidising their pound operations for decades.”*

It is our understanding that pound services are tendered for, and contracts are extended via mutual consent/agreement. Therefore, RSPCA must have agreed to continue the operations for those decades and agreed to the level of remuneration.

In the RSPCA reply to Questions On Notice for the Pound Inquiry<sup>12</sup>, they go so far as to state that pound services were supplied on a *“fee for service”* basis, confirming that.

Yet throughout the Annual Reports and testimonies provided the RSPCA again grandstands its involvement in assisting animals from pounds, surrenders and shelters?

- How can it be possible for them to be assisting surrenders when they have ceased accepting surrenders?
- What do they need all the shelters for when they have ceased accepting surrenders, refuse to take animals in from the pounds? The simple and most obvious answer: Animals they seize!

\$12m for the shelter to be upgraded along with an additional \$7.5m for the attached veterinary hospital<sup>13</sup> - it would be a very empty government investment if they no longer accepting animals from the pounds, or surrenders, etc. Have to keep it full somehow!

Interesting timing that coincided with the 2022 Rehoming Bill being passed and the RSPCA’s continued position that are now more of an enforcement agency. Assisting sheltered animals is neither prevention nor enforcement – so clearly the animals’ welfare is no longer of concern to them.

### More on the ethos:

Animal Care Australia would like to highlight another contributing factor creating the difference ethos between the two approved charitable organisations.

Requirements to be appointed as an Inspector:

Qualifications required to become an inspector for RSPCA<sup>14</sup>:

- Essential Qualifications:
  - Certificate IV in Government Investigations to meet the ‘Appropriate Investigational Experience’.
  - ‘Broad’ knowledge of animal welfare principles – advertised as: ‘ Demonstrated animal handling skills, including domestic animals, livestock and/or native animal species.
  - Exceptional communication skills
- Other skills:<sup>15</sup>

<sup>12</sup> [Inquiry into Pounds in NSW – RSPCA Supplementary Questions Response](#)

<sup>13</sup> [NSW Parliament acknowledgement of upgrades](#)

<sup>14</sup> [Official Statement of Duties – page 14](#)

<sup>15</sup> [SEEK Job website](#)

## 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



- Current unrestricted NSW drivers' licence
- Previous law enforcement or investigative experience
- Ability to understand and interpret legislative requirements and officer powers under POCTAA.
- Able to perform physical duties including manual handling, up to 20kg.
- Eligibility to hold an NSW Firearms Licence
- High levels of computer literacy

NB: Handling an animal is different to knowing animal welfare principles and yet 'animal welfare' is not included in the SEEK advertisements?

All other training is supplied by RSPCA in-house, not necessarily resulting in a formal qualification in any other field. *(Taken from Answers to Q 3/4 of questions on notice from Pound Inquiry)*

Qualifications required to become an inspector for AWL:

- Essential qualifications:
  - PSP40416 Certificate IV Government Investigation
  - ACM20117 Certificate II Animal Studies (or equivalent experience)
  - NSW Driving License (Unrestricted)
  - NSW Firearms Licence Category A B (or ability to obtain)
  - NSW DPI Prescribed Authority (or ability to obtain)
- Desirable qualifications:
  - AHCPMG304 Use Firearms to Humanely Destroy Livestock
  - NSW Revenue SEINS
  - RFS Bushfire Awareness Certification
  - NSW Emergency Management Program
  - Tranquiliser Firearm Licence

Animal Care Australia notes the RSPCA does not require any actual animal related formal qualifications for their inspectors, while the AWL does. There is a stronger concentration on the individual's ability to help prosecute than on animal welfare.

The ethos is also reflected in the reviews from job seekers on SEEK.com.

We note the differences between the two organisations in the ratings for whether persons would refer their friends for employment: RSPCA<sup>16</sup> 55% versus AWL<sup>17</sup> 64%

Working environment RSPCA: 3.2 /5 versus AWL: 3.6 /5

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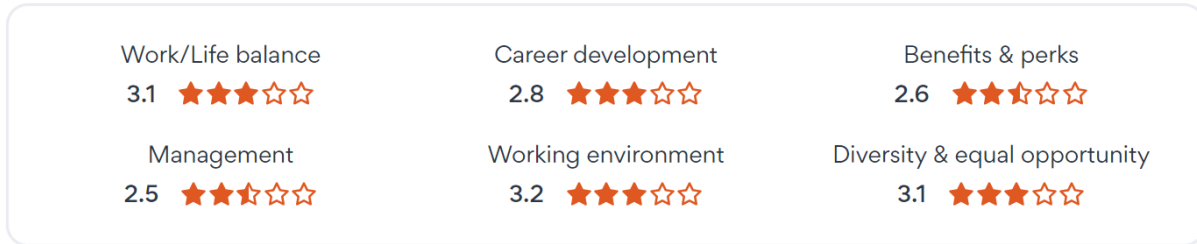
<sup>16</sup> [SEEK Referrals for RSPCA](#)

<sup>17</sup> [SEEK Referrals for AWL](#)

# 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979



## Working at RSPCA New South Wales



Your trust is our main concern so these ratings for RSPCA New South Wales are shared as-is from employees in line with our [community guidelines](#)

## Working at Animal Welfare League NSW



Your trust is our main concern so these ratings for Animal Welfare League NSW are shared as-is from employees in line with our [community guidelines](#)

The Brumby Inquiry raised further issues with RSPCA deeming an average of 7.5 rounds (up to 15) fired into an animal to kill it as “humane”. The RSPCA’s Chief Inspector, a self-proclaimed expert of horses testified there is no such thing as a foaling season with the Kosciusko Brumbies. His CEO then attempted to clarify that his Chief Inspector meant that he had seen foals all year round.

The fact that the RSPCA investigator/observer was in a second helicopter some hundreds of metres away from the actual action begs the question as to how much they could actually witness of the kills in question. To further embarrass themselves the RSPCA tabled video footage that doesn’t allow for a reasonable view of any brumbies let alone what was happening at the time.

When questioned about their involvement the usual response was received: *“Any submission that is provided by RSPCA NSW or Australia, they are theoretical in nature, based on references. Its potentially dangerous to restrict certain activities where processes can be improved”*<sup>18</sup>

Animal Care Australia couldn’t agree more with Mr Coleman’s last sentence:

***“It’s potentially dangerous to restrict certain activities where processes can be improved”.***

The Brumby Cull is just the latest in a long chorus line of calamity from the RSPCA – in fact if animals lives and the lives of those who care for them weren’t at such great risk – we might be laughing. But we are not!

It is time the **PREVENTION of animal cruelty is encouraged through the EDUCATION of animal welfare.**

Clearly with only 1% of all reports being prosecuted the ethos and the motto of the RSPCA of PROSECUTING to prevent cruelty MUST BE IMPROVED!

We have continued to highlight the problems, concerns, lack of real animal welfare knowledge since the previous Inquiry. Here:

**NSW Inquiry into pounds:**

[NSW Inquiry-into-pounds submission](#)

[NSW Inquiry-into-pounds—Supplementary-Submission](#)

**NSW Inquiry into the proposed aerial shooting of brumbies:**

[NSW Inquiry-into-the-proposed-aerial-shooting-of-brumbies-in-Kosciuszko-National-Park submission.](#)

[NSW Inquiry-into-the-proposed-aerial-shooting Supplementary-submission](#)

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<sup>18</sup> [Inquiry into aerial culling – Mr Coleman testifying - Monday 18 December 2023 Legislative Council – Transcript Page 46](#)

**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



**NSW Veterinary Shortage:**

[NSW Inquiry-into-vets-in-NSW](#)

[NSW Vet Supplementary submission](#)

**Inquiry into Animal Welfare Policy in NSW**

[ACA Inquiry-into-Animal-Welfare-Policy-NSW-2022](#)

[ACA Supplementary-Submission Inquiry-into-Animal-Welfare-Policy-in-NSW](#)

**NSW Legislative Council Select Committee on Animal Cruelty Laws in New South Wales**

[ACA-response-Legislative-Council-Select-Committee-on-Animal-Cruelty-Laws-NSW.pdf](#)

**Ethos of prosecutions:**

The most outstanding point for Animal Care Australia is related to the prosecutorial approach by the RSPCA when dealing with the requirement under POCTAA for all animal owners to seek veterinary advice as soon as possible, when their animal is unwell, or injured.

If the RSPCA are so concerned about enforcing that requirement why is that they:

- Ignore the fact the animal is under veterinary advice/treatment, and/or
- Ignore the attempts by the treating vet to liaise with them
- Do not pursue the vet as well as the owner? After all – if the animal was being treated and is in such poor condition it requires to be euthanised and people charged – why isn't the veterinary practitioner an accomplice?

Why do they inform the owner that any involvement of the treating vet is a 'conflict of interest'?

Where is the conflict? Or is the conflict being that the treating vet will prove or show the courts that there is not a case to be answered?

Is that why the animals are immediately euthanised and the treating vet only gets to see a copy of the reports AFTER the animal is dead/cremated; AFTER the release of the Court documents, or AFTER the person decides to challenge the case and their lawyer manages to get the records released?

**That is not justice. That is not best practice and it most certainly is not in the best interest of the animals.**



**2023 Inquiry into the operation of the  
approved charitable organisations under  
the Prevention of Cruelty to Animals  
Act 1979**



Animal Care Australia thanks the Committee for the opportunity to submit to this Inquiry welcomes the opportunity to provide testimony at upcoming hearings.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,

A handwritten signature in black ink that reads 'M Donnelly'. The signature is written in a cursive style with a long, sweeping underline.

Michael Donnelly  
President  
Animal Care Australia

## **Appendix I: Animal Care Australia Animal Welfare Survey questions.**

We would like to hear about your experiences – good or bad – with either the RSPCA or Animal Welfare League (or both). The first section relates to their fundraising, and the remainder is about the inspectorate.

If you would like to provide specific information about your experiences with their shelter or vet clinics, please email us separately at: [aca@animalcareaustralia.org.au](mailto:aca@animalcareaustralia.org.au)

The survey is anonymous unless you provide us with your contact details. Please keep your input factual, be the person who has had the experience (we don't need rumors muddying the data) and provide as much detail as you can.

### **Have you donated to either the RSPCA or Animal Welfare League?**

Yes - RSPCA

Yes - Animal Welfare League

Yes - Both

No

### **Why did you donate?**

**Do you know, or receive updates advising, what your donation is used for? If so, please explain further.**

### **Which organisation has visited you**

RSPCA

Animal Welfare League

Both

### **How was this visit carried out?**

Arranged appointment

Random visit with your permission

Random visit with a warrant

Without your knowledge/approval

### **What State or territory did this occur in?**

**Do you feel the welfare of your animals improved because of the action taken by the organisation involved? Explain with specific examples.**

**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



**Was education provided to you? Discuss the benefits.**

**Do you feel the organisation had your animals' welfare as a priority? Please explain your response.**

**What was the outcome? What happened to the animals? What happened to you?**

**Can ACA contact you for further information?**

Yes

No

**(Optional) Name and contact information**

## Appendix 2 – Opening statement – 2021 Inquiry into the approved charitable organisations

Good morning,

Chair – I ask that this statement and document be tabled.

There you are going about your daily routine in the garden. One of your children is asleep in full view on a sun lounge nearby.

A car arrives. Your gate is opened, you look up to see what is happening and notice two people, in full uniform. They look like the police – all the equipment including what appear to be weapons. There's just one difference the uniform colour is wrong.

Without asking your permission, one officer walks towards your child while the other immediately approaches you. Your request for them to identify themselves is ignored. You are however told they have arrived because someone has reported that you abuse your children.

You are taken aback by this claim and begin to ask for more details. All the while the officer has looked at your child – now no longer sleeping.

You are enraged. How dare these people! You ask if they have a warrant to be on your property. You are again ignored. You repeat – and this time told they don't require one.

The officer declares your child looks ill. Has this child been to a doctor? You respond yes, and they are being treated.

You expect the next question to be seeking the details of that doctor – but it isn't. Instead, the officer starts talking to someone on his phone.

Quickly it is declared that this child must see someone immediately.

Despite knowing your child is not in pain, and is exhibiting all the behaviours etc that you were informed would occur and are normal – you offer to take the child straight away back to their treating doctor.

“No that is not sufficient – this child must be seen by our doctor” That doctor is well over an hours drive, while your doctor is 15mins down the road.

The child is immediately grabbed and forced into a secured section of their vehicle.

Your child's eyes are fixated on you – wondering why you are not stopping them! Your child begins to scream in opposition to being manhandled. There isn't a damn thing you can do.

They leave you with a receipt for your child.

You phone your doctor – who tries to contact them. Nothing!

**2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979**



The next day you are asked a series of questions by one of the officers from the previous day. Your mind is on the health of your child – not on their repetitive and seemingly irrelevant questions. Never the less you respond. They leave – again.

Days go by – each day you call to check on your child – each day you are told nothing.

On the 5th day you are informed their doctor determined your child could not be helped and in their wisdom they terminated the life of your child. Unknown to you, that day, 5 days ago was the last time you would ever see your child!

Now you cannot collect that child's remains – as you are being charged with child abuse and failure to provide adequate medical care.

You now face the loss of your child – and if found guilty – the loss of your job, and more.

Can't happen? Right? The Police cannot do that without a warrant. A doctor cannot make that decision without a court order. You – the person charged must be provided with the opportunity to defend yourself. The child's doctors - not just one doctor – but several, school counsellors, teachers, and other family members would all be consulted before any decision was made on the child's fate.

Now replace that word child with family pet, and it ALL can happen and it does!

Worse still – no warrant. No court intervention. No opportunity to say goodbye. No opportunity to have an independent assessment of your pets health – why not? Because it has been euthanised & cremated – without your knowledge. No opportunity for a fair trial – you can't challenge – there is no way of doing that with the sole evidence your family pet - having been destroyed.

Our state governments allow this to happen every day – they do nothing to stop it. They even pass the buck back to the organisation that took your pets life!

No accountability. No liability. No appeals process and god forbid you do fight it and prove your innocence – no compensation – not even an apology.

Today we shouldn't be sitting here talking about Annual Reports and the effectiveness of the organisations – we should be striving to stop this inhumane behaviour from continuing.

Last week the RSPCA stated they shouldn't be held liable because what they do is in 'good faith'. The contents of the document we table today question their understanding of what 'good faith' is.

Thank you for your time. We welcome your questions.