

**Submission  
No 18**

**INQUIRY INTO 2025 INQUIRY INTO THE OPERATION OF  
THE APPROVED CHARITABLE ORGANISATIONS UNDER  
THE PREVENTION OF CRUELTY TO ANIMALS ACT 1979**

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The Hon Mark Banasiak,

My name is Lara Fanning. I am a graduate of the University of New England, NSW, Australia, where I completed a Bachelor of Zoology between 2016-2028, followed by an honours degree in animal welfare sciences in 2019. Since graduating, I have worked in numerous animal care, rescue, training, and welfare fields, including the former NSW Department of Planning and Environment in the Animal Research Ethics Unit as a project officer. Currently, I am employed as an animal welfare research assistant with the University of Melbourne.

I wish to respond to the 2025 Inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*. I have observed deficiencies regarding the practices of such organisations and have referenced specific animal welfare cases as evidence of these deficiencies. In particular, I wish to comment on animal welfare organisation investigatory powers, reporting, transparency, compliance, and the social and legislative restrictions that often inhibit these organisations from adequately carrying out their responsibilities. As the Royal Society for the Prevention of Cruelty to Animals (RSPCA) is the main enforcer of animal welfare in Australia, I will be focusing on their activities.

Many years ago, I was involved in a large-scale animal welfare case that was colloquially known as the case of the Penderlea Horses (Beech, 2015; Crown Lands, 2024). In 2013, I reported approximately 40 severely neglected horses in Candelo, NSW, to the RSPCA. Through my personal involvement in this case, I came to understand that the horse owner in question, Janice Denny or Janice Northey, had been reported to the RSPCA numerous times over the past 20 years and, at the time of my report, owned an estimated 160-200 horses, a figure that was confirmed in an RSPCA-issued report. Multiple formal cruelty reports regarding Janice Denny were confirmed to be made to the RSPCA in 2009, however anecdotal evidence suggested members of the community were continuously reporting Janice Denny to the RSPCA many years prior.

While the RSPCA acted relatively quickly to charge the owner following my report in 2013, though only following significant public and media pressure, court proceedings related to the matter dragged on for close to a decade. Throughout this period, the RSPCA failed to enforce basic standards of care for the horses under investigation and did not appropriately monitor the health and welfare of the horses. Horses continued to breed and numerous horses died throughout the investigation. This owner, now convicted, still owns and breeds horses in the same community. The RSPCA's failure to monitor the owners' compliance has allowed this.

Before and during their investigation, the RSPCA displayed numerous shortcomings that resulted in long-term poor animal welfare outcomes and lengthy, complicated court proceedings, including:

- Disregard of animal cruelty complaints, or failure to thoroughly investigate numerous cruelty complaints made in regards to Janice Denny over at least a decade.
- Assignment of officers that were not adequately trained to assess health or condition of horses, nor handle horses.
- Reluctance to seize horses due to the large number of animals involved in the case, despite many horses being at risk of death.
- Failure to respond to public information regarding horses hidden on other properties.
- Failure to restrict Janice Denny from breeding and acquiring additional horses during the investigation.
- Failure to conduct appropriate monitoring of the horses during the investigation, after charging Janice Denny, and following Janice Denny's numerous animal cruelty convictions.
- Inadequate resources to care for, rescue, or monitor the large number of horses involved in the investigation.
- Rejection of offered assistance from other animal welfare organisations, despite being ill-equipped to handle the case independently. Additionally, restricting the potentially beneficial activities of other animal welfare organisations because of an active RSPCA investigation.

Over the years, I have observed problems similar to those outlined above throughout other RSPCA investigations, mostly during investigations involving livestock animals such as horses, cattle, sheep, goats, and pigs. A more recent example, which evidences that these issues are ongoing, is the current case of the Mount Eliza horses in Victoria (Flinos, 2025).

From my perspective, there are several key challenges that inhibit the ability of approved charitable organisations, particularly the RSPCA, in carrying out their functions. In regards to the RSPCA, a majority of these challenges appear to be internal, related to resource constraints and workplace culture, however some challenges are related to societal expectations and legislative restrictions.

### Legislative Challenges

Legislative restrictions make it difficult for inspectors of approved charitable organisations to conduct thorough, accurate assessments of animal welfare and owner compliance with instructions or court orders. In particular, the following limitations appear to impact investigation processes:

- Inspectors of approved charitable organisations may enter a property associated with an animal cruelty complaint or concern, but under conditions such as property owner consent, search warrant acquisition, or evidence on reasonable grounds that cruelty is or is at risk of occurring.

- If an animal is seized by an inspector, legal proceedings must be commenced within 60 days.
- Proving ownership or person responsible for care of involved animals.
- Proving cruelty towards involved animals.

### RSPCA Resource Constraints

- The RSPCA does not have adequate resources, including personnel, budget, time, and experience, to dedicate to cases involving large numbers of animals, particularly livestock animals. These resource constraints impact investigation uptake (whether a formal investigation is launched in response to a complaint/s), active investigation process, and follow up monitoring.
- Additionally, the RSPCA is often hesitant to work with other reputable animal welfare organisations that might enable them to acquire necessary resources.

### RSPCA Workplace Culture

- The RSPCA places much importance on developing and maintaining positive relationships with animal owners to foster improved understanding of animal welfare. This mentality inhibits inspectors' willingness to conduct thorough, accurate assessments on-site, seize animals, or to press cruelty charges.
  - Fostering understanding and education may be appropriate in minor animal welfare cases, but it is not appropriate for repeat animal cruelty offenders, long-term animal cruelty offenders, or animal cruelty offenders who own a large number of animals that the owner is clearly unable to care for.
- The RSPCA and the courts place little weight on prior cruelty reports or previous charges and/or convictions related to the same animal cruelty offenders, enabling continual and escalating cruelty practices that often result in offenders committing acts of cruelty for extensive periods of time.
- The RSPCA often rejects community involvement and discredits community knowledge in large-scale cases, which often occur in rural or remote areas in which the local community has a wealth of relevant information.
- Active RSPCA investigations prevent and inhibit other approved charitable organisations, which may have more success in securing positive animal welfare outcomes, from taking action.
- RSPCA claims that proving ownership or person responsible for care of involved animals is difficult.
- RSPCA claims that proving cruelty is difficult.

I propose the following considerations and/or actions to address the aforementioned shortcomings and failures.

### Jurisdiction

- The RSPCA should not be solely responsible for cases involving large numbers of livestock animals. In such cases, collaboration with government organisations (Department of Agriculture) or other approved charitable organisations should be mandatory.
- The RSPCA should collaborate with approved charitable organisations and additional animal welfare groups wherever possible, to ensure the best animal welfare outcomes. If the RSPCA does not have resources to care for, rescue, or handle animals under their investigation, particularly animals requiring seizure, reaching out to other parties should be mandatory.

### Legislation

- A formal animal cruelty complaint or, at the very least, multiple cruelty complaints should constitute reasonable grounds that immediately allow the inspector of an approved charitable organisation to legally enter and search a property associated with an animal cruelty complaint or concern.
- Seizure of an animal by an approved charitable organisation should not require legal proceedings to be initiated at any time. Legal proceedings should, of course, be initiated where applicable, but these proceedings, or lack thereof, should never impede animal welfare outcomes.
  - Forcing legal proceedings within 60 days of animal seizure prevents at-risk animals from being seized due to potentially long and complicated legal matters, which are common in animal cruelty investigations.
- Inspectors of approved charitable organisations should not be required to notify people suspected of animal cruelty of any site inspections or visits prior to the inspection or visit. Notification should occur on the day of inspection, prior to the inspection beginning, to prevent people suspected of animal cruelty from falsifying actual care conditions.
- During any animal cruelty investigation, people suspected of animal cruelty should be legally prohibited from breeding or acquiring any animals.
- Covert monitoring of suspected animal cruelty using video surveillance or similar methods by approved charitable organisations should be permitted with appropriate

permissions and approvals (law enforcement and courts), particularly in cases involving ownership disputes or challenges related to proving cruelty.

- Uncertainties about animal ownership should not, in any way, hinder an approved charitable organisation's ability to investigate cruelty cases or seize animals. Any person perceived by the inspector of an approved charitable organisation as owning the animal or being largely responsible for the animal (i.e., leasing the animals, caring for animal while owner is away) should be investigated accordingly, even if a new investigation must be launched.

### RSPCA Workplace Culture

- Proving both ownership/responsibility of care and proving cruelty are not insurmountable challenges. In most cases, several days of consistently monitoring involved animals and people would be adequate to prove cruelty and ownership and would, largely, reduce the resources RSPCA spends on prolonged investigations with infrequent visits to the involved site.
  - For example, the RSPCA is likely to have more success in proving cruelty and ownership with less resources by conducting daily visits to a site over a week, rather than conducting monthly visits to a site over a year, particularly if inspections are unannounced or monitoring is covert.

### Enforcement, Monitoring and Compliance

- In resolved cases that have resulted in the conviction of a person suspected of cruelty to animals, particularly cases involving numerous animals or extreme abuse or neglect, approved charitable organisations should be required to conduct annual compliance checks to ensure the convicted person does not own any animals or more animals than they are legally allowed. Alternatively, approved charitable organisations should collaborate with local law enforcement to achieve this outcome.
- If a person suspected of animal cruelty is reported multiple times by different complainants over the course of a year, and these complaints are verified to be an accurate reflection of ongoing animal cruelty, approved charitable organisations should be expected to take swift and immediate action, such as seizure of all animals, in response.
- In cases involving extreme animal abuse or neglect, or a large number of animals, approved charitable organisations should consult with local police, council, or reputable local animal rescue groups to monitor the animals during and after investigations.

### Other Recommendations

- The development of a database documenting basic details (owner name, property address, animal species, number of animals) of all animal cruelty reports from all approved charitable organisations to ensure ongoing collaboration, transparency, monitoring, and efficiency.
- There should be no exemptions for farmers committing acts of cruelty related to neglect, starvation, dehydration, overbreeding, or overstocking. Routine husbandry practices (such as tail-docking or castrating) may serve a purpose and necessitate acts of short-term pain and stress for long-term animal welfare outcomes, however neglect and mismanagement resulting in poor welfare does not constitute such practices. Abuse and neglect is prevalent in backyard breeding and farming scenarios (Andrade & Anneberg, 2014; Glanville et al., 2019) and is often ignored by approved charitable organisations, which is unacceptable and in breach of the Act.

I understand that approved charitable organisations work within the framework of legislation, which can make monitoring and enforcement difficult, however the constant failure of approved charitable organisations, particularly the RSPCA, to adequately address large-scale animal cruelty evidences the need to modify current legislation.

Thank you for your consideration of this submission.

Lara Fanning

## References

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