

**Submission  
No 28**

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

**Organisation:** NSW Farmers

**Date Received:** 31 October 2025

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NSW Farmers submission to  
2025 Inquiry into the operation of the  
approved charitable organisations under  
the Prevention of Cruelty to Animals Act  
1979

October 2025

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Portfolio Committee No. 4 - Regional NSW  
c/- Hon Mark Banasiak MLC  
Chair  
Via: NSW Parliament Submission Portal

Dear Mr Banasiak,

I write on behalf of NSW Farmers to provide a submission to Portfolio Committee No. 4's inquiry into the enforcement of the Prevention of Cruelty to Animals Act 1979 (POCTAA).

NSW Farmers is Australia's largest state farming organisation, representing producers across all livestock commodities. We advocate on a broad range of issues affecting agriculture, including animal welfare, biosecurity, trade, workforce, and rural affairs.

Our members are committed to best-practice animal husbandry and recognise that robust enforcement of POCTAA is essential to maintaining public trust in the animal welfare system. Equally, it is critical that enforcement is carried out by agencies that are impartial, transparent, and accountable.

NSW Farmers holds serious concerns about the current enforcement model under POCTAA, which delegates powers to charitable organisations that also serve as advocacy bodies. This dual role presents an inherent conflict of interest, particularly when these organisations advocate for access to Government funding as well as policy settings that they are subsequently responsible for enforcing.

We recommend that enforcement responsibilities under POCTAA, especially in commercial livestock contexts, be transferred to a government authority that has no conflict of interest. The NSW Department of Primary Industries and Regional Development (DPIRD) would appear the most appropriate as they hold the technical expertise, neutrality, and stakeholder engagement capacity necessary for fair and effective enforcement. DPIRD would need to be appropriately resourced to manage this responsibility.

In line with this, we further recommend that the special constable status granted to the RSPCA NSW and Animal Welfare League NSW should be revoked for enforcement activities involving commercial livestock operations.

We appreciate the opportunity to contribute to this important review and provide further detail in the attached appendix. Please do not hesitate to contact me should you require additional information.

Yours sincerely,

**Xavier Martin**  
President  
NSW Farmers

## Appendix 1: Enforcement of POCTAA – Issues and Recommendations

### Overview

NSW Farmers welcomes the opportunity to contribute to the review of charities as enforcement agencies under POCTAA. We advocate for a modern, transparent, and impartial enforcement framework that supports both animal welfare and the agricultural sector.

This submission addresses items 1b and 1c of the Terms of Reference, focusing on the structural issues within the current enforcement model and proposing reforms to enhance public and industry confidence.

### Conflict of Interest in Dual Roles

NSW Farmers is concerned that the current enforcement agencies – the NSW RSPCA and Animal Welfare League (AWL) NSW – operate under a dual mandate as both advocacy organisations and enforcement bodies. This structure creates a clear conflict of interest.

These organisations actively advocate to government for policy changes and funding, while simultaneously exercising statutory enforcement powers under POCTAA. This arrangement enables them to:

- Influence policy settings that they later enforce;
- Use enforcement outcomes to support advocacy campaigns and fundraising efforts;
- Operate without sufficient external oversight or separation of powers.

Such a model undermines the integrity of the enforcement process and risks eroding trust among producers and the broader community.

It must also be noted that while enforcement officers from charitable organisations may have received training to undertake their role, it does not appear that officers are required to have qualifications specifically linked to livestock animal husbandry. For example, the RSPCA 2025 Inspectorate Annual Report does not reference livestock or large animal training and experience under ‘qualifications needed.’

Without this specific training and experience, the internal policies and advocacy agendas of charities, will fill the knowledge gap of officers and risk introducing bias into enforcement decisions. NSW Farmers supports that enforcement must be grounded in science and focused on outcomes, not influenced by ideology or fundraising imperatives.

NSW Farmers considers that a government agency should be a responsible enforcement agency as opposed to charities to ensure these conflict of interest issues are removed. An agency such as DPIRD is appropriately positioned to act as this agency given their technical expertise, neutrality, and stakeholder engagement capacity necessary for fair and effective enforcement. However, it is

necessary to provide that NSW Farmers does not support an Independent Office of Animal Welfare<sup>1</sup> being established, and subsequently, this should not be considered as an option for a government agency in POCTAA compliance and enforcement.

**NSW Farmers recommends that:**

- Enforcement powers should reside with an appropriate government agency, such as DPIRD, that are accountable to Parliament and the public, not with organisations that set their own welfare policies and campaign for legislative change.<sup>2</sup>
- The special constable status granted to the RSPCA NSW and AWL NSW should be revoked for enforcement activities involving commercial livestock operations.<sup>3</sup>

## Transparency and Accountability

The lack of transparency in enforcement activities further compounds concerns. While annual reports from the NSW RSPCA and AWL provide financial and operational information, they do not offer sufficient detail on enforcement actions in livestock contexts, nor engagement with industry bodies.

For example, Australian Pork Limited's APIQ quality assurance program covers over 90 per cent of the pork industry and includes rigorous welfare standards. Enforcement agencies should be working collaboratively with such industry bodies to ensure consistent and constructive approaches to animal welfare.

As recipients of public funding, enforcement agencies must be held to high standards of transparency. Clear reporting on enforcement decisions, engagement with industry, and outcomes achieved, is essential to maintaining public confidence and ensuring fairness.

## Distinct Nature of Livestock Welfare

The welfare needs of livestock animals differ fundamentally from those of domestic pets. Each livestock species has unique behavioural traits, physiological requirements, and husbandry practices that must be understood in context.

Livestock welfare is embedded within complex production systems that integrate animal health, biosecurity, environmental sustainability, and economic viability. These systems require a nuanced

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<sup>1</sup> NSW Farmers Policy 4938 – 24EC-Oct - *NSWFA opposes the establishment of the Independent Office of Animal Welfare in NSW...*(cont. <https://www.nswfarmers.org.au/NSWFA/Content/AboutUs/Policy-Statement-Book.aspx>)

<sup>2</sup> NSW Farmers Policy 4321, 19EC-Mar - *That NSW Farmers support that inspection and enforcement powers under NSW animal welfare legislation must be held by government authorities that have no actual or apparent conflict of interest in fulfilling this role.*

<sup>3</sup> NSW Farmers Policy 3514, 14AC: *That the special constable status of the RSPCA and Animal Welfare League be removed in regard to commercial livestock.*

and practical understanding of agricultural operations to ensure that welfare standards are upheld in a way that is both effective and realistic.

NSW Farmers asserts that charitable organisations, whose primary focus and experience lie in domestic animal care and advocacy, do not have the necessary depth of understanding of commercial livestock operations to be best placed to enforce livestock animal welfare. Nor should they be expected to – their organisational purpose and structures are not designed for this role.

This mismatch creates significant disadvantages for livestock producers and risks undermining the integrity of the enforcement process. Effective regulation of livestock welfare must be grounded in agricultural knowledge and delivered by agencies equipped to engage constructively with industry.