

Submission
No 48

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

Organisation: Animal Defenders Office Inc.

Date Received: 20 January 2026



Animal Defenders Office

Using the law to protect animals

The Animal Defenders Office is accredited by Community Legal Centres Australia Inc.

Director
Portfolio Committee No. 4
Parliament House
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Sydney NSW 2000

By email: portfoliocommittee4@parliament.nsw.gov.au

Dear Sir/Madam

Thank you for the opportunity to contribute to the 2025 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979 (**Inquiry**).¹

About the Animal Defenders Office

The Animal Defenders Office (**ADO**) is a not-for-profit community legal centre that specialises in animal law. The ADO provides pro bono animal law services to the community. The ADO is a member of Community Legal Centres NSW Inc., the peak body representing community legal centres in NSW.

Further information about the ADO can be found at www.ado.org.au.

Submissions

The ADO acknowledges the hard work and dedication by volunteers and employees of the approved charitable organisations (**ACOs**), and their commitment to helping animals. Like many in the community, the ADO is grateful for the work they do in protecting animals.

The ADO's submissions on the Inquiry's terms of reference are set out below.

TOR 1(a). Matters contained in the annual reports of the approved charitable organisations, including their financial statements

For these submissions the ADO reviewed the annual reports and inspectorate reports of the Royal Society for the Prevention of Cruelty to Animals (**RSPCA**) NSW and the Animal Welfare League (**AWL**) NSW (**ACO reports**).²

Animal types or species

The ADO is concerned that the ACO reports do not include data regarding animals. The ADO submits that information about animals, including animal types and species, animal numbers, and their fate,

¹ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3137#tab-termsofreference>.

² RSPCA NSW FY2025 Annual Report (**RSPCA AR**) and Inspectorate Annual Report (**RSPCA IR**). AWL Annual Report 2024-2025 (**AWL AR**) and AWL NSW Inspectorate Annual Report 2024-2025 (**AWL IR**). The AWL IR does not have page numbers so these submissions will refer to the first page as 'p 1' and so on.

is essential to allow a proper evaluation of how well our animal welfare laws are working and, just as importantly, for which animals and animal types they are not working.

Complaints

The ACO reports state that the complaints made ‘often involve more than one animal’, but they do not specify the animal types or species complained about.³

Animals seized

The ACO reports give the *numbers* of animals seized,⁴ but do not list the animal types or species.

Enforcement action

The ACO reports give the *numbers* of penalty infringement notices, written notices/directions, and official cautions, but do not list the animal types or species in relation to which they are issued.⁵

Stock welfare panels

The RSPCA AR reports 11 stock welfare panels for ~4,000 animals (p 40).

The ADO is concerned that the ACO reports do not provide meaningful (or any) information⁶ about stock welfare panels. Information about animal species and outcomes would be useful for assessing how well (or not) the panels are working and in what contexts.

Also, where the term ‘livestock’ is used,⁷ more specific terms should be used to refer to the actual species. Otherwise it is akin to using a term such as ‘pets’ to cover all animal species that may be kept as companion animals.

Prosecutions

The ACO reports do not provide the type or species of animals in relation to which prosecutions are commenced. The ADO submits that ACOs should be funded to record and report on this, whether in the prosecutions tables in the inspectorate reports or separately. The reports could provide animal types or species, numbers, and their fate or outcome.

Officers

The RSPCA IR reports that the organisation had 40 officers as at 30 June 2025 and that ‘[o]f those 40 officers, 39 are holders of a prescribed authority under the provisions of Part 2A of the Act’.

The AWL IR reports that ‘[t]wo inspectors are awaiting delegation of authority’ (p 1) and that ‘9 officers are holders of a prescribed authority under the provisions of Part 2A of the Act’ (p 8).

The ADO submits that terminology regarding officers could be standardised and that the references to ‘prescribed authority’ in both IRs could be reviewed in light of the introduction of Part 2A

³ RSPCA IR: 17,946 (p 1). AWL IR: 3,104 (p 1).

⁴ RSPCA IR: 3,650 animals seized or taken possession of (pp 1, 5). AWL IR: 184 animals seized (pp 7, 11).

⁵ RSPCA IR official cautions (11), written notices (1,320), penalty infringement notices (127), (pp 1, 2, 5). AWL IR: official cautions (215), written directions (85), penalty infringement notices (31; this is stated to be from 1/7/2023 to 30/6/2024) (p 5).

⁶ The RSPCA AR gives the number (p 40) and broad geographical location/conditions (p 38). The AWL reports do not refer to stock welfare panels.

⁷ RSPCA AR p 38. AWL IR p 4.

Division 1AA in the *Prevention of Cruelty to Animals Act 1979* (NSW) (**the Act**) in 2024 (and the transitional provisions in Schedule 2 to the Act). It is not clear whether ‘prescribed authority’ should refer to a written instrument of appointment as referred to in s 24AA(2) of the Act.

Inspections

ACO reports use the term ‘routine inspections’ yet it is not clear whether the term is used consistently and to refer to the same type of inspection. The ADO submits that ACOs should adopt a standard definition of the term ‘routine inspection’.

The AWL AR reports the ACO carried out 447 routine inspections (p 11), while RSPCA NSW reports it carried out between 53-54.⁸

In the RSPCA IR, some of the terminology used in the Complaints Table is unclear. For example, where the complaint code includes a reference to ‘inspection’ (eg ‘Pet Shop Inspection’, ‘Kennel Inspection’), it is not clear whether this refers to a complaint that led to an inspection of the facility, or a complaint that arose during an inspection, or simply an inspection (rather than a complaint). It is hoped that the information provided in the response to (2)(c) about changes to the capability of ‘RSPCA NSW’s AnimalOS database’ will lead to numbers of routine or proactive and unannounced inspections being reported (p 4).

The AWL’s Table of facilities at which a routine inspection was conducted is useful, although the ‘Premises Inspection’ category could be clarified as to the type of premises inspected (p 3).

The ADO submits that proactive and unannounced inspections of animal trade facilities are critical to effective enforcement of NSW’s animal welfare laws, and that ACOs should report on such inspections (or ‘visits’). The ADO notes that RSPCA NSW’s policy that the ‘capacity to conduct “routine” inspections is dependent on available resources, with the investigation of animal cruelty complaints taking priority’ will be revised in light of its commitment to proactive prevention in its new ‘spectrum of prevention’ approach.⁹

Investigations

The ADO submits that it is important to gauge how many complaints of animal cruelty are actually investigated by ACOs. Information in ACO reports about what an ‘investigation’ consists of would be useful.

Prosecutions

The detail provided in ACO reports about prosecutions is welcome, although the ADO submits that there are information gaps in the reports. The following comments focus on the information about prosecutions in the RSPCA IR, as the RSPCA seems to have a far bigger caseload (156 prosecutions commenced [RSPCA], compared to 7 ongoing matters [AWL]).

- Where a sentence given by the Local Court is appealed, it would be useful to provide details of the Local Court sentence (eg #7, 23-1820).
- Given how rarely a defendant is sentenced to imprisonment, it would be useful to emphasise in the table where a term of imprisonment was ordered, including its length, and/or report on terms of imprisonment separately.

⁸ The RSPCA IR reports 49 under the old way of recording the statistics, plus 4 under the new database (p4). The RSPCA AR reports 54 ‘proactive or routine inspections’ (p40).

⁹ RSPCA AR pp 12-13.

- A separate section on fines could be provided even by way of an overview (eg 3 highest fines). This would give an indication of the amount of fines being ordered against offenders.
- An indication of why charges are withdrawn would be useful (eg #167 25-2043, #181 25-2057).

TOR 1(b). The exercise by the ACOs of their compliance and enforcement functions under POCTAA

The ADO's submissions on this term of reference focuses on three topics regarding the exercise of compliance and enforcement functions under the Act:

1. Vulnerable animal carers
2. Rodeos
3. General concerns

1. Enforcement decisions re vulnerable animal carers – wildlife rescuers

In the current reporting period the long-running prosecution of a wildlife carer by an ACO was concluded in the Local Court.¹⁰ The wildlife carer was convicted and sentenced on one count of aggravated cruelty in relation to a kangaroo the carer had been rehabilitating. The sentence included a recorded conviction, a 6-month community correction order, an animal ownership ban for 5 years, and substantial costs to cover the ACO's legal costs.¹¹

After the criminal proceedings were concluded, the ADO received several inquiries about the matter from other carers, who were concerned about the implications of the case on themselves as wildlife carers. All were of the view that the convicted carer was an expert and leader in their field of rehabilitating this type of kangaroo, and would have been acting in the best interests of the animal. None could understand why the ACO had decided to opt for the extreme end of the enforcement spectrum by charging the carer with a criminal offence carrying a significant maximum penalty.¹²

In a similar matter, a wildlife rescuer with decades of experience was investigated by an ACO regarding a native animal whom the elderly rescuer had retrieved in the middle of Cyclone Alfred. The ACO decided to issue the experienced rescuer with two penalty infringement notices based on the condition of the animal in the days after the rescue. The elderly rescuer was extremely distressed by this enforcement action and sought assistance from our office. In our view the enforcement action by the ACO was unduly harsh and not in the public interest. When our office intervened on behalf of the carer, the ACO set aside the enforcement action and withdrew the penalty infringement notices.

The ADO's concerns are about the ACO's decisions to take harsh enforcement action in these cases.

The ADO agrees that when a matter concerns deliberate or reckless cruelty¹³ then serious enforcement action is warranted. Where, however, the person of interest is a dedicated and experienced volunteer wildlife carer or rescuer genuinely attempting to act in the best interests of

¹⁰ RSPCA IR Table of prosecutions, #3 21-1701, p 15.

¹¹ <https://www.rspcansw.org.au/news-and-updates/blue-mountains-woman-convicted-of-aggravated-animal-cruelty-after-failing-to-provide-veterinary-treatment-to-kangaroo-in-her-care/>.

¹² \$110,000 for an individual or imprisonment for 2 years, or both: the Act s 6(1)(b)).

¹³ The ADO is aware that no mental element is required for animal cruelty offences under the Act.

the animal, the ADO submits that harsh enforcement action such as fines or criminal prosecution is inappropriate and not in the public interest.

Taking serious enforcement action against volunteer wildlife carers and rescuers can have consequences for not only the individuals but also the sector as a whole and ultimately for injured and orphaned wildlife. It can cause the individual volunteers unimaginable distress and can have a significant impact on their mental health. Serious enforcement action against well-intentioned individual carers can also discourage other volunteer carers and rescuers from continuing with their roles, deterred by the prospect of being fined or convicted of criminal offences for doing their best to rescue and rehabilitate native wild animals.¹⁴ This is a travesty when the health, wellbeing and lives of injured and orphaned wildlife depend on these hard-working and highly skilled volunteers.

The ADO submits that ACOs should work *with* these vulnerable animal carers, rather than against them. The carers' sole aim is to help wildlife, often while experiencing significant social and economic disadvantage through pursuing their roles. This should make them a priority in the 'spectrum of prevention' advocated by RSPCA NSW in its AR (p 12). ACOs should help individual carers through proactive prevention and, if required, early intervention via the range of supportive enforcement options ACOs have at their disposal such as written directions or official cautions.

Failure to monitor and enforce – rodeos

2. By contrast, the ADO submits that serious enforcement action should be taken against the mistreatment of animals in trade and recreational pursuits. A prime example of where compliance monitoring and enforcement action is desperately required is at rodeos, where animals are manipulated and harmed for entertainment. The ADO notes that only two rodeo inspections seem to have taken place in the current reporting period,¹⁵ when the number of rodeos in NSW could be as high as 88.¹⁶ Given the high likelihood of animals being harmed in these activities, the ADO questions why more animal activities of this type are not subjected to inspections and enforcement action. The serious welfare concerns regarding rodeos are well known.¹⁷ Rodeos are banned in the ACT on animal welfare grounds.¹⁸ Calf-roping has been phased out in Victoria and South Australia.¹⁹ The rodeo Code of Practice in NSW was published in 1988 and recommended calf-roping be phased out within two years,²⁰ yet the event is still legal at the time of writing in December 2025. Without specific exemptions in NSW's animal welfare laws, rodeos would be animal cruelty offences under

¹⁴ Caitlin Fitzsimmons, 'Verdict over injured kangaroo to send "shockwaves" through animal rescue community', *Sydney Morning Herald*, 11 March 2025, <https://www.smh.com.au/environment/conservation/verdict-over-injured-kangaroo-to-send-shockwaves-through-animal-rescue-community-20250307-p5lhsx.html>.

¹⁵ RSPCA IR p 4. There were no references to rodeos in the other ACO reports.

¹⁶ *NSW Budget Estimates 2024-2025. Supplementary questions*, Portfolio Committee No. 4 – Regional NSW, Page 9, <https://www.parliament.nsw.gov.au/lcdocs/other/21233/3.%20ASQ%20-%20Hon%20Tara%20Moriarty%20MLC%20-%20Budget%20Estimates%202024-2025%20Additional%20-%20Received%2024%20March%202025.pdf>.

¹⁷ Ironically, the RSPCA is the authority on this issue. According to RSPCA Australia, 'The RSPCA is opposed to rodeos and rodeo schools because of the potential for significant injury, suffering or distress to the animals involved', 15 May 2024, <https://kb.rspca.org.au/categories/sport-entertainment-and-work/rodeos/what-are-the-animal-welfare-issues-with-rodeos>.

¹⁸ *Animal Welfare Act 1992* (ACT) s 18(1).

¹⁹ *Prevention of Cruelty to Animals Regulations 2019* (VIC) reg 82; *Animal Welfare Regulations 2012* (SA) reg 19(1)(a)).

²⁰ Code of Practice for the Welfare of Animals Used in Rodeo Events,

those very laws.²¹ In short, the inherently harmful nature of rodeos is beyond doubt. Yet it appears that only a very small proportion of rodeos (approximately 2%) is inspected by ACO authorised officers. Whether ACOs undertake any other kind of engagement with the industry is unknown, but even if they were to work with rodeo associations and event organisers regarding their animal welfare policies and procedures, this provides little comfort if the events themselves are not inspected to monitor compliance with those policies and procedures.

The ADO submits that the lack of compliance monitoring and enforcement action by ACOs regarding rodeos is a serious problem in NSW's animal welfare regulatory framework and must be rectified. While these inherently harmful recreational events remain legal in NSW, the ADO submits that the NSW Government should require that ACOs inspect a substantial proportion of them each year.

3. General compliance and enforcement concerns

Finally, the ADO shares the concerns of the Minister and the community about recent reported cut-backs by RSPCA NSW to its inspectorate, including the removal of its online cruelty portal.²² In confirming the portal's closure, the ACO provided little information as to why it had done so: 'we made the decision to close our online cruelty portal to ensure our workforce can focus on substantiated cruelty complaints'.²³ The ADO notes that AWL NSW still offers an online cruelty report form.²⁴ The ADO suggests that, in general, there should be more rather than fewer options for members of the public to report animal cruelty. Not everyone is comfortable in talking on the phone, more information can be provided in writing, and of course providing an online complaint can be done at any time (whereas RSPCA NSW's cruelty hotline is only available between 8.30am-5pm²⁵). Frivolous or vexatious complaints could be weeded out through structuring an online form to require some details as mandatory fields (eg names of witnesses, location of alleged offence, etc).

Reduced funding for inspectorates is unacceptable. The inspectorates are a core function of the ACOs ('The principal activity of the Society in the course of the financial year was the prevention of cruelty to animals through the activities of the inspectorate...'²⁶). Ideally inspectorate functions would be carried out by an independent statutory authority fully funded by government, usually referred to as an independent office of animal protection or animal welfare.²⁷ However, in the absence of such an entity, the ADO suggests ACOs could be required (eg through legislation) to spend a specified proportion of its funds on its inspectorate. As a general principle this could stop an ACO from reducing arbitrarily the amount it may spend on its inspectorate.

Thank you for taking these submissions into consideration.

Tara Ward
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22 December 2025

²¹ *Prevention of Cruelty to Animals Regulation 2025* (NSW) reg 44.

²² RSPCA NSW, 'Statement in Response to Daily Telegraph Article', 5/9/25, <https://www.rspcansw.org.au/news-and-updates/rspca-nsw-statement-in-response-to-daily-telegraph-article/>

²³ *ibid*.

²⁴ <https://www.awlnsw.com.au/report-cruelty/>.

²⁵ <https://www.rspcansw.org.au/ending-animal-cruelty/report-animal-cruelty/>.

²⁶ RSPCA NSW Financial Report 2025 p 6.

²⁷ See for example the Prevention of Cruelty to Animals Amendment (Independent Office of Animal Welfare) Bill 2023 (NSW), <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18426>.