

**Submission
No 57**

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

Name: Ms Mary Macken

Date Received: 24 March 2026

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The Secretary
Committee for Inquiry into
Australian Charitable
Organisations and POCTA

Dear Sirs and Mesdames

OPAQUE RELATIONSHIP BETWEEN RSPCA AND WILDLIFE ORGANISATIONS

I am concerned that the RSPCA is involved in prosecutions or investigations against wildlife carers.

1. POCTA Act

Section 3 does not permit prosecutions for negligence. Instead, offenders can be prosecuted for cruelty, failure to provide food or water or failure to provide vet assistance. The POCTA Act ("POCTA") is aimed at cruelty and should seldom be applied to wildlife carers. Instead, the appropriate response should be mentoring and training for the wildlife carer so that the carer can remedy the allegedly deficient practice.

2. Opaqueness of Investigation powers

Both POCTA and Biodiversity Conservation Act ("BCA") say that breaches of POCTA are criminal. The breaches carry prison terms. Given the seriousness of the penalties, the relationship between the RSPCA and wildlife organisations should be transparent. The public should be made aware that there are delegations, if any, to wildlife organisations under POCTA or BCA.

It is not clear whether any wildlife organisation has any ability to do an investigation of its own once it is determined that a grievance or complaint may be a breach of POCTA or the BCA. Instead, the matter ought be handed over to other relevant agencies or the RSPCA.

Yours faithfully

Mary Macken