

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE
AND NATURAL RESOURCES**

**2021 INQUIRY INTO THE APPROVED CHARITABLE
ORGANISATIONS UNDER THE PREVENTION OF CRUELTY TO
ANIMALS ACT 1979**

CORRECTED

At Jubilee Room, Parliament House, Sydney, on Monday 28 March 2022

The Committee met at 9:15.

PRESENT

The Hon. Mark Banasiak (Chair)

The Hon. Scott Barrett
Ms Abigail Boyd
The Hon. Emma Hurst (Deputy Chair)
The Hon. Taylor Martin
The Hon. Peter Poulos
The Hon. Peter Primrose
The Hon. Mick Veitch

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Welcome to today's hearing for the inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. This is the first annual inquiry into the operations of the enforcement agencies approved under the Act—namely, the RSPCA and Animal Welfare League. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to Elders past and present of the Eora nation and extend that respect to other Aboriginal and Torres Strait Islander people present. Today we will hear from the two approved charitable organisations, the RSPCA and the Animal Welfare League, government officials and other interested parties.

Before we commence I will make some brief comments about procedures. Today's hearing is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcast guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about comments you may make to the media or to others after you complete your evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. If witnesses are unable to answer a question today and want more time to respond, they can take a question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. To assist with the audibility of the hearing today, I remind both Committee members and witnesses to speak into the microphones. Finally, would everyone please turn their mobile phones to silent for the duration of the hearing.

Ms KRISTY BLAKE, General Manager, Animal Operations and Fundraising, RSPCA NSW, affirmed and examined

Mr STEVEN COLEMAN, Chief Executive Officer, RSPCA NSW, sworn and examined

Mr SCOTT MEYERS, Chief Inspector, RSPCA NSW, affirmed and examined

Mr WILLIAM BEERDEN, General Manager, Regulation and Business Services, RSPCA NSW, affirmed and examined

The CHAIR: I welcome our first witnesses. Would anyone like to make a short opening statement before we go to questions?

STEVEN COLEMAN: Before I start, on behalf of the team, can I just thank the members for coming out to Yagoona on Friday and remind members that those cross corgi-staffy-bull Arab-mastiff pups will be ready for adoption in about six weeks. We will be expecting some calls.

The Hon. MICK VEITCH: We had to hold Emma back.

STEVEN COLEMAN: Central to the very existence of our 150-year history is our animal welfare compliance unit—that is our inspectorate—a function that has been entrusted to the RSPCA NSW for over 90 years and through successive governments. RSPCA NSW operates the largest animal welfare compliance team in Australia, a tried and tested model used both nationally and internationally. This function is supported by seven shelters, three veterinary hospitals, one adoption and retail care centre and a kennelling facility in partnership with Corrective Services out at the John Moroney facility at Windsor, which by default creates 656 kennels for dogs and 571 cat spaces plus catteries and which is further complemented by having a network of adoption facilities through our partnership with Petbarn. We exist in 42 Petbarn outlets right throughout New South Wales.

We also have a foster care program comprising 2,000 foster carers across the State, and that is growing. Directly and indirectly to our inspectorate function, we are an agency that is formally activated through the emergency management teams at DPI to respond to natural disasters. In support of that inspectorate function, we also assist in managing declared evacuation centres and provide supplies to people for their pets and livestock through pop-up relief points—a function that we are actually delivering today.

Further complementing the inspectorate, we have invested in and developed and are delivering a suite of targeted prevention programs through our community teams. These programs span numerous New South Wales Government ministerial portfolios. Our mental health, homelessness, domestic violence, aged care, outreach and Indigenous community programs assist around 1,000 clients and 2,000 animals every year, providing veterinary treatment, boarding and transport to those who need a little help to look after their pets.

We partner with headspace to provide a therapeutic program which helps young people experiencing mental health issues, and our community animal welfare scheme delivers subsidised desexing, microchipping and vaccination programs right across New South Wales. Our education team offers a range of programs for students, professional development for educators and family events on holidays and weekends, engaging up to 8,000 students annually. Our team of more than 500 staff and almost 3,000 volunteers rose to the challenge and continue to deliver our essential services throughout the coronavirus pandemic, and I cannot thank them enough for their tireless devotion. Mr Chair, we look forward to answering any questions.

The CHAIR: Thank you, Mr Coleman. We have resolved to ask some free-flowing questions, and members will pick up on others as we go along.

The Hon. MICK VEITCH: Thank you for Friday; it was very enlightening, with lots of information. We all have a lot of subjects we would like to canvass today, so I will not take them all. I will start with one, and then I am certain the others will look at things like puppy task forces and funding models. If they do not, I will come back to them. Part of Friday's site visit that really intrigued me was the way in which both of the ACOs respond to emergencies when called upon. I want to explore a few things about that. First of all, do you receive separate funding from government, or do you do that from within your donations and other funding streams?

STEVEN COLEMAN: It is the latter, Mr Veitch. We are formally managed through the emergency management team through DPI, and that is fundamentally for our inspectorate. But in addition to that, we also deploy both staff and volunteers to declared evacuation centres. On top of that, we supplement it with pop-up relief points wherever the disasters might be throughout New South Wales, run primarily by volunteers and by some staff. That is separate to an evacuation centre and is specifically to engage with the community and talk to them but also to provide free supplies—be it pet food, livestock fodder or whatever the case might be. That is separate to the activation through DPI, but it is all funded through our own means.

The Hon. MICK VEITCH: After the Dunns Road bushfire, which is in my part of the world, people were turning up to the evacuation centres with their pets—the whole gamut. Someone drove in with a goat on their front seat; they just had all their pets with them as they were fleeing. What is your role at the evacuation centres?

STEVEN COLEMAN: It is basically to manage the animals. We know through experience that the people that have evacuated are already stressed and distressed. We know that. As you have alluded to, there are all sorts of menageries that end up being at these evacuation sites. If we can help the animals on site and help talk to people and separate animal species to make sure that there is no additional conflict, which adds to the weight that a lot of those people are already carrying, having been evacuated—we have seen firsthand how in some way it just calms people in a set of terrible circumstances and at the same time makes sure that their animals are properly looked after.

The Hon. MICK VEITCH: Mr Coleman, it was clear to me on Friday after visiting both you and the Animal Welfare League that you are both developing the tools that will assist you in those sorts of crises—and in different ways so that you are not replicating each other's toolkits, so to speak. What impressed upon me on Friday was, if the Government is calling upon you to do this work in an obviously very critical point in people's lives, why does the Government not assist both organisations in further developing and enhancing those tools that you are preparing or developing, so that you can respond in an adequate measure?

STEVEN COLEMAN: Mr Veitch, that is probably a question for the Government.

The Hon. MICK VEITCH: Here is your chance to put the bid on the table.

STEVEN COLEMAN: At the end of the day, like any organisation—including any charity—with additional funding we are ready to do more. We can be deployed quicker. We have got and rely on a bank of highly skilled experts who are dealing with animals in the field that, on occasions, through disaster management, you would expect require euthanasia—a very, very stressful set of circumstances. Together with, perhaps, into the future, additional training from emergency management agencies to further complement the skills and the training that our inspectors and our staff and our volunteers receive in that space. I do not think there is ever a point at which you could ever say that you could not do with more resources. That is why, in partnership with the Animal Welfare League, we made sure that we did not replicate the same assets, so that we could stretch the resources between our two organisations as far as we possibly can to meet demand, meet the need.

The Hon. MICK VEITCH: Let me ask the question another way. What is missing? If money was not a consideration, what would you want that you currently do not have as a part of that emergency response?

STEVEN COLEMAN: I think you saw our Animal Welfare Response Unit—a modified motorhome. If we had two or three or four of those located in different parts of New South Wales we could respond more efficiently. That would help. Additional inspectors would certainly help in that space. Additional training would help in that space. But what we cannot forget is that with the request for additional resourcing we have still got business-as-usual work to get on with. Currently, when an inspector leaves their area to respond to an emergency management situation there is inevitably a backlog of cruelty complaints that still continue to come in. So they are not being attended to whilst we are responding out in the field to those emergency management issues or those declared disasters.

The Hon. MICK VEITCH: My last question on this relates to your employees' and volunteers' welfare during and post those events. How do you ensure that your employees and volunteers get access to adequate counselling post their involvement in the Lismore floods or the Dunns Road bushfires?

STEVEN COLEMAN: Good question, Mr Veitch, because it is critical to our organisation that we provide that counselling service and support 365 days of the year, well outside of disaster management, including disaster management support as well. There are a number of debriefings that we will have, that our chief inspector will have with his team, together with the staff and the volunteers that we also manage. So we do have a service, and have done for many years, where staff, volunteers, and families and friends of staff and volunteers can also reach out to that counselling service. It is a critical piece of infrastructure that we must have, irrespective of disaster management.

The Hon. EMMA HURST: I think it is somewhat related to some of the things that Mr Veitch was asking. I had a call last week from somebody who tried to call the RSPCA on the weekend and they got a recorded message that the cruelty complaint line was closed. I think people get quite shocked that the cruelty complaint line is closed. Is it true that that is only done during office hours?

STEVEN COLEMAN: We operate our contact centre seven days a week and principally between eight and five o'clock. If we had additional resourcing we could run a 24/7 hotline. As part of the triage messaging that

people have access to, it takes people through a process by which they can lodge a complaint, be it through the police, but also they are monitored after hours. We have inspectors that do after-hours shifts. If that complaint cannot be managed with one of the other services—in this case, the NSW Police Force—and it is considered urgent, an inspector will respond.

The Hon. EMMA HURST: How long would that take? If somebody called after 5.00 p.m. and left a message, how long would it take for somebody to hear that and then to respond to it? How busy are those after-hours inspectors?

STEVEN COLEMAN: The message itself is relatively short; we are talking minutes. But, again, it depends on the situation. I guess part of the challenge for our organisation is that we deal with animal welfare every day of the year and it is important to those informants that an animal and their issues are addressed—there is no doubt about that. With 90-odd years of experience, we understand what is urgent and perhaps what can wait until the next day, and we do that.

The Hon. EMMA HURST: Sorry to interrupt, but are you having to sometimes make tough calls in those situations because of that stretched funding? I am assuming it is not always black and white. Something might be urgent to the person who is calling but may not necessarily fall into your category of urgent because you have got one inspector covering New South Wales at 8.00 p.m. at night.

STEVEN COLEMAN: I think it is fair to say that we make those tough calls all day, every day. So to answer your question, yes, there are tough calls. Again, we understand and we appreciate that for the person that might be calling at nine o'clock at night, who may not have the level of experience or understanding about what the RSPCA can and cannot do, it is important to them, and it is important that if it is logged via an email or via a message that, at some point, there is a response. But if you can appreciate, when you are dealing with 15,000-odd alleged cruelty complaints it is near on impossible, because of a lack of resources, that we can respond to every informant and give them an update. It is just impossible.

The Hon. EMMA HURST: Do you think there is a community expectation that these cruelty complaint lines are open 24/7? I understand there is that funding issue, but do you think that there is then a push on the RSPCA that you should be there 24/7?

STEVEN COLEMAN: Yes, I think that is a fair comment.

The Hon. EMMA HURST: How much funding are you receiving? I understand it is just over \$400,000.

STEVEN COLEMAN: In terms of operational expense—

The Hon. EMMA HURST: Sorry, just for the enforcement inspectorate.

STEVEN COLEMAN: —we receive \$424,000 a year and that has been that number for some 14, 15 years.

The Hon. EMMA HURST: Yes, at budget estimates I was told that has not changed for 15 years.

STEVEN COLEMAN: Correct.

The Hon. EMMA HURST: Have you ever requested a review of that funding amount or requested more money specifically for the inspectorate?

STEVEN COLEMAN: Yes, we have.

The Hon. EMMA HURST: Can I get some details about those requests and what has happened with that?

STEVEN COLEMAN: Can I take that on notice, Ms Hurst?

The Hon. EMMA HURST: Absolutely. I am assuming that if you had more money one of the things that you would do is employ more inspectors to cover after-hours to ensure that those cruelty complaints could run 24/7?

STEVEN COLEMAN: That is true. Can I just round out that earlier question? In addition to the \$424,000, we have received a one-off \$400,000 for the puppy task force. But we also received—I think it was—\$500,000 for additional inspectors for a period of time during what was a pretty tough drought for everybody. But that is it.

The Hon. EMMA HURST: But that is it?

STEVEN COLEMAN: In terms of operational expense.

The Hon. EMMA HURST: It is interesting. In New South Wales the Government covers about 6 per cent of the RSPCA's costs. If you look at other States and Territories around Australia, in South Australia the government provides 40 per cent; in Tasmania, 93 per cent; and the ACT is 79 per cent. Hearing those percentages compared to 6 per cent in New South Wales, we are the lowest; the Government provides the least to enforcement here. How does that make you feel, just hearing those differences?

STEVEN COLEMAN: I think we need to balance that out with—you are right, we are the least funded from an operational expense perspective. What we have been fortunate enough to do is achieve funding for capital works that we have constructed around the State over the last 10 or so years. So I think it is fair—again, factually, we have received additional government funding, which has principally been around capital works.

The Hon. EMMA HURST: You have one legal counsel and a junior lawyer. Is that right?

STEVEN COLEMAN: Correct.

The Hon. EMMA HURST: Do they handle all the legal matters within the RSPCA from prosecutions to regulatory compliance, bequests—everything?

STEVEN COLEMAN: Mostly. We also engage other lawyers when needed, depending on workloads, capacities, priorities and time frames. So we do have access to others.

The Hon. EMMA HURST: I imagine it must be an incredible workload, particularly for Ms Jurd, who gave evidence at another inquiry recently. Actually, can I ask you to take on notice how many hours a week Ms Jurd would do, on average, just to give us an understanding of her workload?

STEVEN COLEMAN: Yes, we can do that.

The Hon. EMMA HURST: Thank you, I would appreciate that. I wonder in some of your more complex legal cases—and I am not going to ask you questions about those cases but the case recently with Brighton and I know there have been repeated ones with Hollingsworth, for example—how much would one of those cases where you are continually going through the court process cost the RSPCA?

STEVEN COLEMAN: Again, it varies. Those two particular examples, one would be well over a million dollars at this point, the Hollingsworth one. That relates to many, many tens of horses. The Brighton matter that you referred to has been through a variety of different court processes now, and in fact is still on foot as we speak. But that sort of matter in particular, whilst there is not necessarily costs of keeping animals, it is important in our view to pursue that matter because it does set a very, what we would consider, dangerous precedent if that matter is overturned at some point. So they are lengthy matters, but we take that in our stride, given all of the work that we do.

The Hon. EMMA HURST: So how much roughly was the Brighton case?

STEVEN COLEMAN: I have to take that on notice.

The Hon. EMMA HURST: Okay, if we could get that on notice. But essentially one of these cases could swallow up the entire \$424,000—

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: —in one court case.

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: I will just ask one more question about safety because one thing that I find really interesting is that I know that a lot of call-outs for inspectors, they may have to attend alone, and, again, it is because of a funding issue. The Department of Primary Industries and the police have a policy never to send one person on their own. When we went to the summit visit, you talked us through some of the safety measures that you are putting in place to try to ensure the safety of those inspectors, but I assume you would want to have two inspectors, and obviously that would mean a doubling of your inspectorate.

Is that another sort of funding priority that if you had the money, you would like to see the introduction of a policy to have two inspectors? I ask because I know with the link between domestic violence and animal abuse, even though you have got communications with the police, I have heard from a lot of people in this space that often it is actually the animals that will get attention before the human issue, that that usually comes to the authorities first. Is that something that is on your sort of radar, that you would like to be able to ensure that there is a minimum of two inspectors attending call-outs?

STEVEN COLEMAN: Ms Hurst, the issue of safety is on our minds 24/7, whatever the circumstances that any of our staff find themselves in, which is why we have invested in additional safety measures and training

and we have an MOU with the NSW Police Force. That provides to some degree some access as to intel, and it is a phone call away to the police to determine whether or not we should be going there at all, let alone on our own, or we go in partnership with the police. It is obviously ideal if you were in a position to have two staff attend some of these complaints. I am not going to suggest that every complaint necessarily requires two people.

The Hon. EMMA HURST: But I guess my point is that you will not know because, quite often, even if you have spoken with the police, the police will not have any record of anyone. But one thing that came up in my domestic violence roundtable is that vets and the RSPCA are often called out to domestic violence situations before the police are aware that there is a domestic violence situation. Somehow the animal issue gets reported earlier, usually because neighbours will see an animal in distress and call. So I guess my point is that you do not know until you are actually in a situation most of the time whether you need two people there or not. I am just wondering how much of a priority it is for the RSPCA to have the funding to have two inspectors?

STEVEN COLEMAN: We will never say no to additional resourcing.

The Hon. EMMA HURST: Do you provide self-defence training to inspectors?

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: Thank you.

Ms ABIGAIL BOYD: Chair, if it is all right, I wanted to follow up on some of those funding questions.

The CHAIR: Yes, and whatever you do not cover, I will pick up on. I have got a few finance questions too.

Ms ABIGAIL BOYD: Thank you. Can we just go back to the mental health supports for staff? As we know, it has been a really trying few years. I understand you have said that that is something you are concerned about, that it is a priority and that you have had that in place for some time. But what oversight do you have over how effective that support is at the moment and what impact has it had on staffing levels?

STEVEN COLEMAN: Again, an interesting question in that it is of paramount importance that we make sure we keep some of that detail confidential, obviously, between staff, volunteers and the actual service provider. We do receive some information, some data, on a monthly basis; but, in fact, right now we are in the process of reviewing whether or not we should continue with this current service provider. I guess it is that clarity that will either provide us with confidence or not that the service provider is actually meeting both the demand but the needs of the individuals. So it is something that we can never not turn our minds to in terms of its effectiveness and the overall impacts and results for those individuals.

Ms ABIGAIL BOYD: Have you noticed any significant change in the levels of sick leave being taken, or anything of that nature?

STEVEN COLEMAN: No, we have not.

Ms ABIGAIL BOYD: Turning back to funding then, if we are not having the 24/7 response service at the moment, how much additional funding would be required so that could be the case?

STEVEN COLEMAN: You could double it.

Ms ABIGAIL BOYD: Okay. And in terms of employing I guess what you would view as being a more sufficient legal team, how many additional lawyers would that be and how much do you think would be required in funding?

STEVEN COLEMAN: I am sorry to be evasive, but again it depends.

Ms ABIGAIL BOYD: Yes.

STEVEN COLEMAN: It depends on what we are discovering out in the field as to whether additional inspectors, you would expect from a logical perspective, would increase in prosecution rates. You would just expect that, just based on the numbers. So I guess it depends on that workload as it ebbs and flows. But also I should have mentioned before, we can also fall back to the NSW Police Force and their prosecutors at least to do some of the mentions that we do. So, again, it would depend on the workload. But if right now with two FTEs plus a brief checker and some of the work that is undertaken by some of our team leaders—the deputy chief inspector and chief inspector—if the inspectorate was to double, you would expect double the requirement to back that and support that with legal counsel.

Ms ABIGAIL BOYD: Can you give us an estimate of how much that might cost to have a couple of additional lawyers—just a ballpark?

STEVEN COLEMAN: Three to four hundred thousand.

Ms ABIGAIL BOYD: Thank you. One final question from me in relation to funding. It was proposed last year that there would be some sort of a bridge between GWIC and the Companion Animals Register where we would be able to track any of the greyhounds that are coming off GWIC's register and are being rehomed outside of the industry. At the moment there is a hole where we are not really sure what happens to those animals once they are transferred out of the industry. It was suggested as being a fix because the RSPCA would then be able to keep a track on those animals. But given that they are pretty high risk animals and not of the same, I guess, safety profile as some of the other breeds, do you think that that is feasible, given your current level of funding, that you would be able to adequately investigate issues in relation to those greyhounds?

STEVEN COLEMAN: If I can narrow your question, are you asking are we able to track the data in terms of the incoming greyhounds into our organisation?

Ms ABIGAIL BOYD: I guess I am asking are you able to proactively check on those greyhounds to ensure that they are actually still alive and well?

STEVEN COLEMAN: No, not with the current level of resource that we have.

Ms ABIGAIL BOYD: How much additional funding do you think you would require for that?

STEVEN COLEMAN: If we are talking thousands of greyhounds that need some sort of proactive inspection, I think it is fair to say you could almost double our inspectorate to properly deal with that and I am not sure whether that would then cut across the work that GWIC does or is expected to do, but you could almost double it.

Ms ABIGAIL BOYD: Thank you.

The CHAIR: Thank you. I might just round off with some questions about finance. I note from your annual report this year you received just over \$34 million in donations. Is that an average year? Is that fairly consistent?

STEVEN COLEMAN: Chair, it would be relatively consistent, although, like everybody, we have had impacts around COVID which has impacted some of those revenue streams.

The CHAIR: What is your total income? I imagine donations is a significant proportion. Do you have your total income available?

STEVEN COLEMAN: If you could bear with me, Chair, I will find that number that was published in our annual report. It is fair to say that historically our revenue streams have roughly been a third through fee for service, a third through general donations and a third through legacies or bequests. The one revenue stream that is, as you would expect, pretty volatile is bequests. All we can do is take a three- or a five- or a seven-year average. Some years that budget is met. It sounds awful but that is the cold, hard truth of how we operate, which is why—\$66 million, Chair, with that last financial year. That includes a proportion of JobKeeper funding as well.

The CHAIR: What would be the inspectorate as a percentage of it? How much are you losing in terms of that \$66 million to the inspectorate to do the—

STEVEN COLEMAN: I will give you some raw numbers. It is around about \$7 million directly for our inspectorate per year, but that cannot happen unless we spend the extra six to seven million in support services—that is veterinary support, that is sheltering support, that is agistment costs—all of those services that complement what our inspectorate do. If we did not have that, that would be more difficult. Realistically, it is in the order—

The CHAIR: If you did not have that, you would essentially be taking the animals and putting them down, really.

STEVEN COLEMAN: That would not be our preference, but we would be forced to look at third-party contracts with other service providers that may or may not exist. About \$14 million all up.

The CHAIR: That is good for context. In terms of the emergency service stuff that Mr Veitch was questioning you about, do you have any estimated costs in terms of what you are incurring doing that work? I know it fluctuates from year to year. But we have had a couple of bad years in terms of disasters.

STEVEN COLEMAN: Fair point. We do receive some funding through DPI for some expenses that are incurred, but it is probably, again depending on the severity of the disaster, between \$300,000 and \$500,000.

The CHAIR: Do you receive any funding from RSPCA Australia at all or is it completely separate? Do they give every State a little subscription each year?

STEVEN COLEMAN: The way our federation works is—as a member society, we pay a subscription each year to be part of that federation. The challenge that we have is if someone donates to the RSPCA, they might be specifically thinking New South Wales, but it is headed "RSPCA", so it goes to our national body and then comes back through to that specific member society. So there is money back, but we do not get any direct funding from RSPCA Australia.

The CHAIR: So it is not annual. I just wanted to pick up on one other thing.

The Hon. SCOTT BARRETT: Can I just follow up on that RSPCA Australia stuff? The endorsements of products and that sort of stuff, what is your relationship with that? Or is that purely the federated body?

STEVEN COLEMAN: We have zero relationship with that. The Approved Farming Scheme is owned and managed by RSPCA Australia.

The Hon. SCOTT BARRETT: And their public relations campaigns?

STEVEN COLEMAN: Zero.

The Hon. MICK VEITCH: So you have no input to the RSPCA-approved eggs, for instance.

STEVEN COLEMAN: No, that is not true, we do provide feedback. We have provided feedback around that program. But in the end, RSPCA Australia makes those decisions and determines the extent to which they either campaign for it, market it or deliver that accreditation program.

The Hon. MICK VEITCH: Does that not complicate your compliance obligations under POCTAA?

STEVEN COLEMAN: It does not because we will not investigate those complaints. We cannot.

The Hon. MICK VEITCH: You send them off to AWL instead, if there were any complaints.

STEVEN COLEMAN: Or New South Wales police.

The CHAIR: Just one final thing before I throw back open to anyone else. I note from when we were out with you on Friday, Dr Arnett was emphasising the point that it is sometimes problematic in terms of some of the animals you receive. They have no history or you cannot get a sense of what their history is. My office has received some concerns from owners that have had their animals seized. They were seized while they were already under existing vet treatment. They have made the complaint, I guess, for want of a better word, that RSPCA have refused to engage with that vet. I am sure there might be a rational explanation as to why you might do that. It might compromise, I guess, the investigation. I am not too sure. Can you provide a bit of clarity as to, if an animal was seized and it was under already existing vet treatment, why you would not engage with that vet to get that history?

STEVEN COLEMAN: Chair, I would be keen to get the detail around that because that is not something that would be routine for us. But if there is specific detail so we can provide a rational response to those circumstances, I would be very happy to take that on notice.

The CHAIR: No worries. I will chase more specifics and get them to you. Mr Poulos?

The Hon. PETER POULOS: Thank you, Chair. Good morning. Thank you for the tour on Friday. It was very useful to observe your operations at home.

The Hon. MICK VEITCH: Did you take the cat home?

The Hon. PETER POULOS: I have three children. They have three different views on what I can bring home.

STEVEN COLEMAN: We have got one of each species for each child.

The Hon. PETER POULOS: Firstly, in relation to your capital projects, could you just give us an outline of some of the ones that have been recently completed, projects that are underway, and perhaps outline how these capital projects have been funded?

STEVEN COLEMAN: I might start and then hand to my colleague, Mr Beerden, about specifics. We were fortunate enough to recently secure an additional \$10½ million through the Office of Local Government. They are projects that have been identified regionally, as well as our Sydney office at Yagoona. We are very keen to be opening the newer section of our Yagoona facility on 27 April with the Premier. That has been an enormous undertaking by our organisation for two reasons. One is our facility at Yagoona was very tired. There is no doubt about that. That is why we sought additional funding to resurrect a facility that will see us through the next 40 to 50 years. But what we made sure is that we were still operational to the public throughout that build. That has been an almighty task, to make sure that we can continue to deliver our services while that build was happening.

You were fortunate enough to get the opportunity to see what we built, at least at Yagoona. But some of the other sites include our Rutherford site, our Coffs Harbour site, our Broken Hill facility. There is a number of regional projects.

WILLIAM BEERDEN: Thank you. The capital funding covers a range of building. You saw some of that on Friday, as Mr Coleman said, with the education centre. That has also funded some of the kennels and catteries that you had a look at as well. At each site we have got an allocation of capital funding. That is to cover a range of things from equipment or general refurbishes. For example, we are looking at doing a refurbishment at our Broken Hill clinic. We have got some other clinic upgrades happening at Rutherford. We are also putting in additional infrastructure to support the inspectorate as well, whether that is around fencing, sheds, rescue equipment et cetera.

The Hon. PETER POULOS: In relation to your operational budget you might be able to provide some detail now but, if not, you are more than welcome to take it on notice. Is it possible just to outline and give a breakdown of your operational budget, what it includes and predominantly how the money is spent?

STEVEN COLEMAN: Yes, Mr Poulos. It is in our year-end review. It roughly works out at that 75 cents in the dollar directly goes towards the animals. Fourteen per cent scoops up the cost to run the inspectorate, amongst other activities. That includes our back office, HR, finance, IT. Then what we also do is—we are very transparent about reinvesting 11 cents out of that dollar back into fundraising activities so that we continue to maintain our operations.

The Hon. PETER POULOS: In relation to events that are often unforeseen and that you cannot prepare for, could you outline the role of the RSPCA NSW in responding to some of the challenges during the lamentable natural disasters and how you have been able to assist?

STEVEN COLEMAN: Yes. Whether it is flood or whether it is fire, there are three principal activities. One is through the inspectorate, which I mentioned earlier is an activation on the part of the Department of Primary Industries. That function principally is around deployment into the field to make assessments of livestock or companion animals. In some of those circumstances, we are leant on to help euthanise. That is together with some staff and volunteer efforts to manage evacuation centres, which I see as a critical component of any natural disaster. It would not take too long for some of those evacuation sites, given the menageries that they become, to become very unwieldy. The third piece of that functionality is what we refer to as pop-ups. Today we are out at Windsor, and that will be a pop-up piece of infrastructure where we can talk to the community and provide them with different supplies. If there is veterinary treatment required for any animals, we can talk to those clients or the public about that. They are the three principal activities we deal with in disaster management.

Could we do more? Absolutely. Do we want to do more? Absolutely. But particularly around the after-action reviews, we have generally got some feedback for DPI about how we can improve on our component. But we also accept and respect—and the bushfire disaster last time around really highlighted—that there is a lot of work to be done in this space around coordination. Our inspectors were experiencing people that had good intentions but were ill trained, did not have sufficient skills and were really putting themselves at risk when trying to help some of these animals. We look forward to a review after the floods as well. I understand the Government has engaged people to look at that, and we look forward to providing our advice as well.

The Hon. PETER POULOS: On Friday, amongst many things, a program was mentioned that piqued my interest called Keeping Cats Safe at Home. What is the strategy behind that? What is the RSPCA NSW seeking to achieve as a result?

STEVEN COLEMAN: It is a four-year program, and we are one year into that four years. It is a partnership based on funding from the New South Wales Government which is \$2.5 million through an environment trust. That is about partnering with 10 councils around New South Wales, both in the Sydney Basin and regionally. It is specifically targeting a reduction in wildlife impacts by working in partnership with the council, ratepayers and any other stakeholders within that local community to change people behaviours. It is not about cat behaviours, necessarily; it is directly about people behaviours.

What we are encouraging those 10 LGAs to do is, for those that are cat owners, to make sure that we can encourage those cat owners to prevent their cats from roaming. That is one piece of it. Secondly, is an increase in identification microchipping and desexing as well. As I said, we are one year into a four-year program. There is a lot of interest by the councils that have put their hand up to partner with us in this space, and we are keen to make sure that we can come back to the table at the conclusion of four years with tangible data that suggests solutions to reduce the impacts on wildlife by free-roaming cats.

The Hon. PETER POULOS: The RSPCA often refers to itself as a one-stop shop. What exactly do you mean by that? What programs do you associate with that statement?

STEVEN COLEMAN: That probably reflects our opening remarks, in that we see our inspectorate as the core function of what our organisation is about. What we offer by way of a solution to governments is an end-to-end solution. We can (1) receive that complaint and (2) respond to it, and then we have the infrastructure and the partnerships in place to ensure that that animal has an outcome—preferably alive, obviously—but that we can manage that whole process from start to finish. That is why I often refer to it as a one-stop shop—because we can provide the complete solution from complaint through to the end.

The Hon. PETER POULOS: And you have a vet hospital that we observed out there on Friday.

STEVEN COLEMAN: We do. That is one of three veterinary hospitals, and it is open to the public. Any private income that we can generate through that goes straight back into our operating costs. The challenge always depends on what complaints the inspectors might be investigating. You can imagine if you have got a day set aside for private appointments with members of the public and then one of the inspectors might ring at 3.00 in the afternoon to say that there are 200 puppies to come in. We do not have an endless resource of veterinary services, so it is imperative that we turn off the tap at that point for private income and turn our minds to the welfare work that is required. That is an ongoing challenge.

The Hon. PETER PRIMROSE: Given the dearth of microphones in this place, I might need to shout. Can I just ask briefly about compliance and enforcement. I note from your annual report for 2021 that there were 15 official cautions under the Fines Act, 109 infringement penalty notices under the POCTA Act, 104 criminal prosecutions and 527 written directions, so written directions are clearly a major compliance issue. As the most significant enforcement mechanism that you use, how efficient and effective are those written directions?

STEVEN COLEMAN: In response, what I will start by saying is this: In those numbers, you will also have worked out that we are prosecuting roughly 1 per cent of all the cases that we respond to. What that means is that on 99 per cent of the occasions, the inspectors are able to find what is our focus, and that is an outcome for that animal. The written directions are part of our standard operating procedures, and they provide clarity about what we are asking a person of interest to do. All of those instructions result in about a 1 per cent prosecution rate across the complaints that we deal with.

The Hon. PETER PRIMROSE: When a written direction is given, can you please describe the follow-up to that?

STEVEN COLEMAN: Sure. I might defer to our chief inspector for specifics.

SCOTT MEYERS: Thank you. Obviously, depending on the specific issue, a time frame is put on whatever that issue is, and then the inspectors follow up to ensure compliance or to ensure that the animal's welfare condition has improved. It is not all the time that those 24N written direction notices are complied with. If it is found at the time that they have not been complied with, that may result in the animal being seized and it then taking a more formal process.

The Hon. PETER PRIMROSE: So each of those notices is routinely followed up on?

SCOTT MEYERS: Exactly, yes.

The Hon. PETER PRIMROSE: What would be the mechanism for following those up?

SCOTT MEYERS: A number of different ways. Normally, it is a revisit, where the inspector will actually go there and attend. It could also be confirmation from a vet that a vet has actually seen an animal, and that is confirmed through either the animal's microchip number or a number of different things. They will also provide that history to us. If it is in relation to a shelter and it is a regional area in New South Wales, they may provide a photo of the dog sitting in the kennel or a structure that has been built for the animal, so there are a number of different ways they are followed up.

The Hon. PETER PRIMROSE: When I talk to council health and building surveyors, they have outlined a number of roadblocks to the operation of their enforcement mechanisms in the Local Government Act. Are there any in the current Act that you think should be altered, changed or amended in any way?

SCOTT MEYERS: I am sure there are. Off the top of my head I would struggle to think of something but, yes, there are a number of different things from time to time where you could think something could be done a little better, certainly within the Act. But at this point in time, not off the top of my head.

The Hon. PETER PRIMROSE: Can I please ask you—it is a serious question—to take it on notice?

SCOTT MEYERS: Certainly.

The Hon. PETER PRIMROSE: Because there are sometimes just minor tweaks which would make life a lot easier, I know, for inspectors. Thank you.

The Hon. MICK VEITCH: I have been reading your annual report. The legislative reporting regime that you operate under is the Australian Charities and Not-for-profits Commission Act, I believe?

STEVEN COLEMAN: The ACNC, yes.

The Hon. MICK VEITCH: And the Australian Accounting Standards reporting disclosures framework. Is that right?

STEVEN COLEMAN: Yes.

The Hon. MICK VEITCH: So that affects the way in which you present your financial statements?

STEVEN COLEMAN: Yes.

The Hon. MICK VEITCH: I used to run a company limited by guarantee and so when I look at the financials I often look at them through that framework. How onerous are those obligations on your institution to meet those legislative requirements? I also note in your financial statements that you talk about the leasing accounting standard that you report against, and others as well. So just how onerous is this process for you and does it fit with the structure of the RSPCA Australia and RSPCA NSW?

STEVEN COLEMAN: I will try and tackle that chunk by chunk, Mr Veitch, if I can. Obviously, as a company limited by guarantee we have got obligations and we cannot avoid that, and will not avoid that. It is critical, culturally, to our organisation that we are up-front about what we do and how we do it. So there are accounting requirements, accounting practices, clearly, that we must comply with, but we always try and make sure that when we are communicating to our supporters, our members and just the general members of the public, that we use that as a minimum standard, if you like, about how we report. Is it onerous? It is no more or less onerous than any other organisation that must comply within the not-for-profit space. It is part and parcel of operating what could arguably be classified as a large charity in New South Wales.

The Hon. MICK VEITCH: Which means you also have obligations under the Charitable Fundraising Act, for instance?

STEVEN COLEMAN: Correct.

The Hon. MICK VEITCH: And that piece of legislation, how do you fit within that? Are you finding it easy to, I guess, guide the work that you do in the fundraising space or is it a bit clunky—like my question?

STEVEN COLEMAN: I guess, we do not know what we do not know. That is the process that we are used to. Again, is it onerous? Of course it is. But it is no more or less consistent with other charities in the space. We are also a member, as I recall, of the Fundraising Institute which speaks to best practice principles, which we also observe as well, in addition to the ACNC requirements. So if we did not have to in terms of a legislative requirement, we probably still would, Mr Veitch.

The Hon. MICK VEITCH: I am not advocating that you do not. I am just asking. Trust me.

STEVEN COLEMAN: Yes. Because it is important for us to be up-front to the community about what we do and how we do it, and the costs associated.

The Hon. MICK VEITCH: This is my last question in this space. Because it actually does help the manner in which you read the financial statements—if you understand the legislative framework upon which you have to report then it tells you which information is going to be available and, more importantly for someone like myself, what is not going to be available because you do not have to report it. My final question is how much financial burden do you have to subsume into your general revenue, your general costs, just meeting the obligations of the legislation?

WILLIAM BEERDEN: We have an external auditor.

The Hon. MICK VEITCH: Yes, I see that.

WILLIAM BEERDEN: We prepare the statutory accounts ourselves, of course, and KPMG is our auditor. That, of itself, along with preparing the accounts is a fairly lengthy process—it can take weeks—and then the review takes weeks. Part of it would be a labour cost that we have internally and then the auditor's fees. They would be in the order of about \$60,000 or \$70,000 per annum, the auditor's fees. Then we have someone who comes in and helps us prepare the accounts, along with those in our finance team. So it would be in excess of, maybe, \$100,000 in consultancy fees alone and, on top of that, we would have considerable resources internally put to assisting the auditors.

The Hon. SCOTT BARRETT: Mr Coleman, I would like to touch on the Stock Welfare Panels, if I may. I think they have been around for about five years now. Can you touch on the gap that they filled when

they came in, the results you have been getting and also some of the bigger picture stuff—what have they done as far as relationships with community and industry, having that step in place?

STEVEN COLEMAN: It is about five years and, if I can recall, it was principally around assisting with drought management issues—an issue which is highly, highly sensitive. You have got people that are livestock owners that are already stressed as a result of the drought, finding it difficult to manage their stock. Then we have complaints that some owners are not doing enough or anything for those animals. And so, with the installation of the livestock welfare panel, our view is that in that space they are very, very effective. They have representatives, obviously, from RSPCA, DPI, Local Land Services but, in particular, NSW Farmers. I think it takes some time to stand those panels up, which is understandable by the time we can get access to people and get them together. But they are a terrific tool to manage what is a very sensitive set of circumstances on the ground and, in our view, we have had great success with those because it is a collective decision around what should and should not happen with those specific animals.

Sometimes they are seized, sometimes they are sold and funds held in trust for that owner. Other times we have managed to resolve it just through influence with the owner by having a panel in place. I think the most extraordinary piece out of those livestock welfare panels has come from the NSW Farmers representative, who in some circumstances thought that we were not doing enough and we were not going hard enough with those owners. They are controversial, particularly around drought. But we see that process as a very valuable tool and what we would like to explore with the Government next in the livestock space is whether or not those provisions can be extended to issues outside of drought—so, management issues, husbandry issues—because it is not entirely clear about whether that panel is equipped to deal with those sorts of issues yet. But I think there is value to be added in that space—again, to own a set of circumstances that are beyond anyone's control except the owners and to take responsibility across a broad section of experts coming up with a collective decision on how best to manage those circumstances. So, bottom line, we think they are a great tool.

The Hon. SCOTT BARRETT: And they impact on your relationship with different industries that are involved in that?

STEVEN COLEMAN: Yes, without a doubt. Because what it does do is it does provides access, if you like, to additional expertise in different sectors that bring that information to the table, so we can collectively make an informed decision about what should and should not happen to those animals.

The Hon. EMMA HURST: I have a couple of questions that might be best for Scott Meyers. There has been some concerns in some of the submissions we received about the extension of the statutory time limit for cruelty offences to three years. Can you explain how this extended time limit will assist the RSPCA in prosecutions and also whether there have been cases previously unable to be prosecuted because of the old 12-month limitation?

SCOTT MEYERS: We have welcomed the extension in regard to complaints where we might receive information and it is bordering on the previous statute of limitation period. In that regard, it gives us that ability to be able to investigate it, have a very good, thorough investigation of it and move forward from there. We have run into some issues since the new legislation around that has come into place, where we still receive complaints that are outside that three-year statute. So it has been difficult in that regard because, obviously, people believe that there has been this issue and they keep trying to get us to investigate it, but we are clearly outside it.

The Hon. EMMA HURST: Do you think it should be more than three years, potentially?

SCOTT MEYERS: I think the only risk to that is that, if we investigate a matter and we are considering prevention or prohibition orders and stuff like that, it impacts on that because the offending happened so long ago. So, it is hard. Look, I think three years has been very good, but, you know, I am not sure about it being longer.

The Hon. EMMA HURST: Thank you.

STEVEN COLEMAN: Ms Hurst, can I add to that?

The Hon. EMMA HURST: Yes, certainly.

STEVEN COLEMAN: What we have got to remember is that, at a team of investigators, our victims cannot speak, so the longer the statute period, the more difficult it becomes when you are relying upon primary evidence around an animal, be it a dead or alive. That is part of the challenge. What we do not have is the ability from a forensics perspective—we have access to different expertise, but the longer the statute period, the harder it will be to satisfy the DPP prosecuting guidelines.

The Hon. EMMA HURST: So you support the three years as well?

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: You think that is a comfortable place to land?

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: Just one more question: One of the submissions suggested that the RSPCA does not have to meet the same court-required burden of proof as the NSW Police Force. I just wanted to get your response to this and whether the RSPCA is subject to a different burden of proof?

STEVEN COLEMAN: It is no different—absolutely no different. I am not quite sure how that could even be because we are talking about courts and there are no different rules for different organisations.

The Hon. EMMA HURST: Thank you.

The CHAIR: Thank you very much for your time. You took some questions on notice and the secretariat will be in touch with details on how to get the responses back to us. You have 21 days. Once again, thank you for Friday and showing us your facilities and also for appearing today.

(The witnesses withdrew.)

Mr MARK SLATER, Chief Executive Officer, Animal Welfare League NSW, affirmed and examined

Mr MATTHEW GODWIN, Chief Inspector, Animal Welfare League NSW, affirmed and examined

The CHAIR: Welcome back to today's inquiry into approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. We are now joined with representatives from the Animal Welfare League. Would either of you like to make a short opening statement?

MARK SLATER: No. We are fine, thank you.

The CHAIR: Okay. All right. We will proceed to questions. I just indicate that questioning will be free flow with no set time for anyone.

The Hon. MICK VEITCH: Thanks. First of all, thank you for last Friday. It was excellent, as I had expected it would be.

MARK SLATER: A pleasure.

The Hon. MICK VEITCH: My opening line of questions is essentially around the development of an emergency response capability from both yourselves and the RSPCA. It is pretty evident that post the bushfires and post floods, you are heavily drawn upon by government agencies, particularly DPI, to be in those areas. I am particularly taken with the mobile van that you have.

MARK SLATER: The vet truck.

The Hon. MICK VEITCH: The vet truck.

MARK SLATER: Thank you.

The Hon. MICK VEITCH: The first thing is, can you explain to us how you are initially engaged by DPI into an event like a bushfire or a flood? The second thing is: How beneficial do you see the vet truck to that response? The third thing is: If you had an opportunity to put in a bid for something that you do not already have to enhance your emergency response capability, what would it be? Go for life.

MARK SLATER: Certainly. Thank you for the question. In terms of the mobile vet truck and responding to DPIE or natural disasters, we have an MOU with DPIE. We also have a working relationship with the National Parks and Wildlife Service so we reference both of those bodies in times of an emergency. In terms of the fires in 2019-20, we worked directly with Leigh Pilkington and his team to respond and to find the best place for us to respond in terms of standing that truck and our team up. So, the consideration is the service provision that is most needed in terms of societal value, but then also keeping the truck and the team safe.

In terms of the floods I rang Leigh Pilkington and commented to him on the weather and our reference and the work we have been doing to ensure we knew what was going on in the Far North Coast. Unlike the fire, you like to go a bit early as far as the flood is concerned so we work hand in hand taking advice from Incident Control from LLS as well as DPIE to respond. So, in terms of the Lismore-Far North Coast, we jumped as early as we could and got there. The intent was to ensure that we were there to ensure ongoing veterinary services as a support vestibule for local vets but then also as forward control to feed information back to Incident Control and to the State Government so then they could deploy, you know, things like airborne assets, other vets, and then understand what sort of a budget we were going to require to both respond in real time to the emergency but then also to recover—so, disaster recovery and response, essentially.

In terms of what sort of asset we would like for emergency response, that is a rabbit hole but I can answer you by saying this: You know, we could quite easily employ another three of those trailers. I know Chief Inspector Godwin has got plans—intimate plans—that he can share with you, quite detailed plans, about what we would need in terms of infrastructure, pop-up pound facilities, first responder accommodation—that sort of thing. So, it would really come down to a brief from the Government as to what they would like first responders to look like in the case of those two scenarios, floods and fires. Anything over and above that—for example, cyclone—it is not really coming into our consideration at this point. Does that go far enough to as your question?

The Hon. MICK VEITCH: Yes, partially. Let me explore this event further.

MARK SLATER: Sure.

The Hon. MICK VEITCH: Your annual report says that for you that last reporting period that your mobile vet truck had 10 community trips or emergency responses and 437 animals were assisted.

MARK SLATER: Correct.

The Hon. MICK VEITCH: That is from your annual report. As I understand from Friday's site visit, that mobile vet truck is not just utilised, though, for emergencies. For instance, you also go to Dubbo and undertake spaying and the like—

MARK SLATER: Desexing, yeah, at the pound.

The Hon. MICK VEITCH: Yes, desexing. So, if you were to have two of those types of trucks—just plucking a number out of the air—would you then be able to run those clinics in places other than Dubbo, for instance?

MARK SLATER: Yes. Our intent with the mobile vet truck based on the new euthanasia laws and also—if I could take a step back. We had previously had an outreach program. We have been working with the Veterinary Practitioners Board to change the legislation, to allow the truck to be fully licensed rather than just have licences given to it in terms of a project basis. What we would like to do—I spoke to Minister Tuckerman about this as well—is provide that service to as many of the LGAs in New South Wales as we possibly could, to put downward pressure on euthanasia but then also remove some of the pressure from local staff and local veterinary services. If we can desex at a pound level and then introduce post-operative care to local veterinary clinics and the new owners to local veterinary clinics, to us, that is a good welfare outcome in total.

The Hon. MICK VEITCH: Just to be clear, though—I am thinking about local veterinary services that are already in places like Dubbo. You do not want to go there and take away business from them. It is actually about operating hand in glove with the other provided service. Is that—

MARK SLATER: Absolutely. Yes.

The Hon. MICK VEITCH: Then it would appear to me, after talking to yourselves and the RSPCA, that the development of your emergency response capability has been, up to date, a bit ad hoc in that—you are not replicating each other. I dare say there must have been discussions about what would be required so that you do not replicate each other's services. I could be very wrong. That is why I am asking. There does not appear to be a plan from government to say, "Well, actually, this is the response capacity that we want or capability that we would like. You should go away and try and work out how you can provide that." Has it been as ad hoc as that?

MARK SLATER: I would not say "ad hoc", but it is a response mechanism. Between Mr Coleman and myself we generally carve up the duties that we are going to undertake across New South Wales, depending on what emergencies are happening where. In terms of the flood, Mr Coleman and I had a conversation about his team staying in Sydney, and we would head north, up to Lismore. There are ongoing conversations with DPIE and State about what a response mechanism would look like, but I do think that there needs to be a more robust approach in that area.

The Hon. MICK VEITCH: Let us talk about Lismore, Goonellabah and Alstonville. You were up there. I had a chance to look at the truck in action. It was just quite fascinating. How many staff did that actually take away from your services here in Sydney? When you go up to Lismore, how many people does that take away from your service capacity here in Sydney?

MARK SLATER: Eight. We take eight: four field and four veterinary staff. Then we fly in and fly out. We ensure that no-one works beyond seven days. If they are on the ground for longer than seven days, they have a rest period. We are able to change the team out as required. As we start to wind down, the skills that make up that team tend to change as well. But it does put pressure on the business in Kemps Creek. That is for sure and certain. I think at the current point we have just under 600 animals in care. But we are very careful to ensure that we are a supportive service rather than try and take things over, as I said previously.

The Hon. MICK VEITCH: There is a big advertising banner on the side of the mobile vet truck. Is there also an educative role that you play, for instance, when you go to Dubbo? How do you undertake that educative role in a community about responsible pet ownership?

MARK SLATER: Notwithstanding the last two years of global pandemic, we did start a program of going to schools. We intend on re-employing that program and taking kids and teachers through what a vet clinic looks like, not just a mobile vet clinic, to explain what ongoing veterinary care looks like and why it is so important. We want people to have positive companion animal and rehoming experiences. With the pound in Dubbo specifically, we have an inspector who works in the Central West. We do all sorts of training and education. We have had the local rangers from the Dubbo pound down to our facility in Kemps Creek to be trained on how that mobile truck works but also then further training in terms of dealing with violent POIs and people who are difficult and aggressive dogs, which the chief inspector could give you more details on. Where we go, we try and involve all and build capacity in all that we deal with for better understanding about what good welfare 360 degrees looks like.

MATTHEW GODWIN: Just building on what Mr Slater has said in relation to the cooperation that we not only desire, but it is almost like an essential part of our regional inspectors' ability to do their job within regional New South Wales. We have offered some training to Dubbo council rangers in relation to defensive tactics and predicting violence, primarily from the fact that we appreciate their help and we would like to somehow repay them but also knowing that our inspector out in that region and those rangers work closely together, instead of going to attend jobs on their own, they would be going with a council ranger and vice versa, both assisting each other in that space.

The Hon. MICK VEITCH: Last year what was the funding you received from the State Government?

MARK SLATER: For the mobile vet truck or for the organisation in general?

The Hon. MICK VEITCH: In general.

MARK SLATER: It was \$75,000.

The Hon. EMMA HURST: Mr Veitch stole most of my questions about the mobile vet truck.

MARK SLATER: We are happy to answer them again.

The Hon. EMMA HURST: How much money would it cost to build two more vet trucks?

MARK SLATER: Approximately \$1.5 million.

The Hon. EMMA HURST: How much would it cost to run those two extra vet trucks each year?

MARK SLATER: I will answer it quickly, and then I will take it on notice to give you infinite detail in that space. But it is a bit of a fluid space, simply because we are working with the practitioners board on full licensing. The veterinary practitioners Act is under repeal at the moment through DPIE, which should be finished by September of this year. In terms of emergency response, we are on cost recovery with State Government through our MOU. But currently, in a limited capacity, it costs about \$1 million to \$1.2 million to run that truck, notwithstanding that there is a better economy of scale that could be achieved with multiple trailers, simply through buying agreements and those sorts of things. But I am more than happy to provide you our forecast for the next three years in terms of operations if you would like.

The Hon. EMMA HURST: Yes, please. It would be fantastic to get that on notice.

The Hon. SCOTT BARRETT: When you send it out to Dubbo, you charge the council for that use?

MARK SLATER: No. The reason why is my mentality was to run that as a loss leader. We also had a grant from Cisco in the US on the back of the work that we did in the bushfires and response there. We used some of that to underwrite that cost. But what we wanted to show the LGAs in New South Wales is that we could work with them for better welfare outcomes for the animals and put downward pressure on euthanasia rates.

The Hon. EMMA HURST: Mr Veitch asked you how much you receive from the Government for the enforcement of POCTAA. You said \$75,000. Have you ever requested a review of this funding amount or requested more specifically for the inspectorate from the Government?

MARK SLATER: Informally, yes.

The Hon. EMMA HURST: In the last budget papers, the Government gave \$164.9 million to hunting and fishing groups and \$47.9 million to greyhound and horseracing. Between RSPCA and the Animal Welfare League, it is roughly \$500,000 to uphold animal protection laws between the RSPCA and the Animal Welfare League. I am not going to ask you for your opinion on those industries. I just want to get your opinion on the disparity of that funding amount and how you feel about that.

MARK SLATER: I think there is a greater want for better animal welfare outcomes in total. I think there is a diseconomy of scale if you compare the societal expectation for better welfare outcomes with the resource that we are given as far as not only an enforcement agency is concerned but a welfare agency. Our service provision is bound by physical capacity, which yourself have seen on numerous occasions when you visited Kemps Creek. We also have an outstanding network of branches across the State, in 22 locations. So, if we were able to get a greater source of funding, greater welfare outcomes would not just be isolated to our mobile vet truck and our inspectorate. It would be across the State through 22 other locations as well.

The Hon. EMMA HURST: I heard this morning from the RSPCA that they have to close their emergency call centre to get animal cruelty complaints because they simply do not have enough staff on site to be able to run that 24/7. Is that the same with the Animal Welfare League, that you close the cruelty complaint line?

MARK SLATER: No. Our cruelty complaints line is still open. People can leave a message. It is not manned 24/7. We do not have the financial capability to be able to do that. The intent would be to build our inspectorate—I am sure the chief inspector can add to this—to the point where we are proactive rather than reactive, which is the P in POCTAA. There is a long-term goal in doing that as well. Part of that is restructuring our organisation and working with government for greater rounds of funding.

The Hon. EMMA HURST: Did you have something to add to that?

MATTHEW GODWIN: No, I did not.

The Hon. EMMA HURST: That is all right. Do you have in-house legal counsel to assist as well?

MARK SLATER: No, we do not.

The Hon. EMMA HURST: So you would rely entirely on pro bono legal assistance when you are going to run a prosecution if you were to come across a case that required it?

MARK SLATER: It depends on the case. If the enormity of a case is such that it dictates that we need special counsel, then we will find within the budget to get legal counsel accordingly. Otherwise we work with a pro bono supplier.

The Hon. EMMA HURST: How much does your inspectorate cost to run? I believe you have six inspectors on at the moment. How much does it cost you to run that inspectorate and to house any animals that you might have to seize in a situation? You may need to take this on notice, or you could give me a roundabout figure.

MARK SLATER: I will do both. It is approximately \$2.5 million based on the inspectors and the historical cases that we have dealt with up until now, notwithstanding that there could be a panleukopenia or a parvovirus outbreak, which would then in itself give rise to special considerations for the care of those animals. Depending on the amount of animals within a case, stock welfare issues are a different kettle of fish altogether. What I can do is put together some projections on what we expect on notice, and we can also send you our plans for the future building of the inspectorate as well.

The Hon. EMMA HURST: The \$75,000 is a very small percentage of \$2.5 million. POCTAA is the only piece of criminal legislation that actually requires fundraising from the public to be upheld. Do you believe, as one of the organisations that is upholding POCTAA, that this legislation and the enforcement of this legislation should be funded by the government in the same way as other criminal legislation?

MARK SLATER: My answer is twofold. Yes, I do. But I also think that people would not give to our work if they did not think it was valid and the outcomes were what society was expecting.

The Hon. EMMA HURST: You do a lot more than just enforcement. You also run a pound or shelter-like facility, and you do these mobile vet trucks. You are doing a lot of different projects as well as the inspectorate. Do you think you would still have that fundraising capacity, outside the inspectorate, to be able to run those projects?

MARK SLATER: Yes, I do. On an X and Y paradigm, the X being brand and Y being work, people are more inclined to give to the work than they are to the brand. Over the last four years we are proving that in spades.

The Hon. EMMA HURST: The other thing I asked the RSPCA this morning was about the safety issues of inspectors going on their own. Do you often have inspectors also attending call-outs as a lone inspector?

MARK SLATER: I will let the chief answer that one.

MATTHEW GODWIN: Generally speaking, inspectors will be working on their own. We do work in cooperation with New South Wales police. Occasionally we will work in company with another RSPCA inspector if that address or the particulars involved around the cruelty complaint are known to both parties and we can effectively warn each other of any dangers that are known. But for the most part AWL inspectors will always attend alone, dependent on what the cruelty complaint may detail. There are certain indicators that will act as red flags that will enable us to assess and send more than one. Generally speaking, yes, we would operate alone.

The Hon. EMMA HURST: In a former inquiry we heard from the DPI and the police that they have a policy never to send an officer on their own. I believe that it is the same with the RSPCA, that they will often attend on their own. The problem we were discussing is that there has to be a known issue before there are two inspectors put on. My broader question is do you think this should be a major area that we need to look at funding in order to ensure the safety of inspectors by doubling the number of inspectors so that we can have the same

policy for anyone enforcing animal cruelty laws? There would be two inspectors going out to each job, given that we don't know what situations people are going into if there have been no red flags or formal reports.

MARK SLATER: I would completely agree. The vast majority of my day is spent keeping inspectors safe, maintaining location information. It is almost like a constant—I am not sure of the analogy, but the vast majority of my day is spent making sure each one of our inspectors is safe. We have implemented measures inasmuch as state-of-the-art communication equipment, training that we recently completed in December and trying to equip the inspectors with as much knowledge and equipment to keep them safe at this point in time. But at the end of the day, having two inspectors attend the job would be ideal.

The Hon. EMMA HURST: We have talked about more funding to ensure safety by having two inspectors. We have talked about having people on call 24/7. If you had a wish list for more funding, what do you think the inspectorate impact could be? What would you like to see as changes around the inspectorate? This question is for both of you. What would make it a more solid inspectorate workforce to uphold POCTAA? What funding is needed, and where would it go?

MARK SLATER: For my mind, it is in building relationships. There are varying parts of society who have different interests and different value sets. A great proportion of them are not illegal. Mr Banasiak is a great example of that, as well as yourself, Ms Hurst. The greater wins that we can have are in education and how we can work together for greater outcomes in general. We had a frosty working relationship with NSW Farmers, for example, to start with. Now we work regularly with them. We speak with them about our role in community and that it is not about prosecution; it is about bringing people together under one umbrella for a greater understanding of animal welfare and what that looks like. We work with saleyards, we work with primary producers, we work with Pet Industry Association of Australia members as well. We don't necessarily agree with all of those processes, but we know what is legal and we know what good welfare is. If we can achieve greater outcomes in that respect, I think that would be a win for everyone, generally speaking.

MATTHEW GODWIN: From a grassroots perspective, having people on the ground would enable us to transition a little bit more towards the proactive rather than the reactive. We are quite reactive at the moment, although this is something that we are endeavouring to change. It does come down to personnel issues, and associated with personnel issues are equipment issues as well. More so the personnel.

The Hon. EMMA HURST: Could you expand on what you mean by equipment issues?

MATTHEW GODWIN: We have slowly been implementing different systems, like I was saying before, like the radios and things like that, but they are a significant cost to the organisation considering that we are drawing on funding from the public effectively giving donations. The equipment situation is more so from a cost perspective.

The CHAIR: Picking up on Ms Hurst's question around keeping the inspectorate staff safe, are you using a similar system that we saw at the RSPCA where it is like a live tracking duress system, where it gets triggered and you get an alert?

MATTHEW GODWIN: This is something that we have newly implemented. I think it was about a year ago I engaged a company, BTW Communications, who the RSPCA also deal with as well in relation to their radios that they use. A new product had just come into Australia at the time I had attended this company's showroom. Our radios function as an all-in-one system. They operate off data and off radio signal. So, no matter where you are, the device will switch between the stronger signal. It has a GPS locator built into it. From my understanding, the RSPCA are running a number of different platforms that perform different functions: the radio, I think it is a spot communicator and I think they have something else as well. Ours is all integrated into the one device.

The CHAIR: So there would not be an ability for you guys to share the cost?

MATTHEW GODWIN: Depending on the radio system—the radio system that the RSPCA utilise works off the GRN system which a lot of the police and ambulance radios operate off as well. We are totally self-sufficient. We have our own licences, and we have the ability for those radios to be programmed remotely as well. We control it far more, would be the best way to put it.

The CHAIR: I have one financial question and it goes to your members' equity. It seems like you are using a slightly different funding model to the RSPCA. They are heavily reliant on donations but you seem to have a member investment scheme. Can you explain that, because it is a significant contributor?

MARK SLATER: I think it is a different vernacular, Mr Banasiak. We are still reliant on donations, but for the last four years we have focused heavily on restructuring our organisation. We have had multiple locations that have remained dormant and unused. My brief from the board was to liquidate those assets to ensure

we have corpus moving forward so that we can expand the organisation appropriately. Members pay a membership cost every year. It was \$20; it's now \$30. New members pay \$40. So the members' equity that is referred to in the general ledger for our annual general report is a bottom line value, because we are a member-based organisation.

The Hon. SCOTT BARRETT: You touched on the education that you do. Is that for animal care as well as animal welfare issues?

MARK SLATER: Both.

The Hon. SCOTT BARRETT: Does that work—educating people, before the inspectorate needs to get involved, to do things better?

MARK SLATER: Yes, it is a double-edged sword. It is not necessarily a good thing to focus on prosecutions, because the nature of animal ownership can sometimes be based in parochial knowledge. To prosecute someone—even though in the eyes of the law ignorance is not a defence, it is better to educate someone than to drag them through court for two years and then create a bad taste in someone's mouth which can perpetuate itself in other problems in terms of animal welfare moving forward. The education does work. Working with some people in terms of ownership, body score, what good care looks like, prophylactics, worming, veterinary care is part and parcel of what the inspectorate undertake on a daily basis. It does work.

The Hon. SCOTT BARRETT: So a dollar spent on education up-front could save you X amount of dollars later on for the inspectorate?

MARK SLATER: Yes. In terms of the owners, but in terms of also when people are going to buy an animal, what they are looking for. And they could be new Australians. They could wish to assimilate into the community; their children would like to own a pet. That is what we mean when we talk about good rehoming outcomes. We don't want people to have animals that get sick because they do not know what good care looks like, essentially, and they are let down. We want people to know what questions to ask when they are rehoming. What does good food look like, good education, enrichment. We are aware that the public are not content-matter experts in that space. So we need to slow our processes down and share our information so those outcomes are achieved in general in society.

The Hon. SCOTT BARRETT: Can I touch on biosecurity? With your frontline workers being at the forefront of people with animals, do you come across biosecurity risks? How do you manage that, and do you have some examples? Not just of our animals, but also our diseases?

MARK SLATER: I will answer for general services, and I will leave the inspectors to Matthew. With our outreach program to regional areas, to pounds, things like ringworm and parvovirus are par for the course. But we have isolation units, ringworm units, and red row which you saw at Kemps Creek, which is isolation. We could do better; we could spend lots and lots more. Every organisation would say the same thing. We do come across it. There are some times where there are zoonotic diseases which we have to deal with as well, but we take all precautions and we advise our staff, educate our staff. In terms of veterinary staff, we provide them with vaccinations that are appropriate on an annual basis as well.

The Hon. SCOTT BARRETT: Where we are operating, in a lot of these smaller holdings—are you often called to investigate a dog issue and then perhaps while you are there you see indications that maybe they are swill feeding pigs? Do you have processes in place to manage those risks?

MATTHEW GODWIN: Yes, we do. I am just thinking back into recent history. Probably not so many, but they do occur. The cruelty complaint issue leads into you witnessing other issues. There is a reporting process in relation to how we report that back to their Local Land Services and to the DPI. We actually have a policy that is part of a suite of policies within the inspectorate that are co-signed by the Department of Primary Industries in relation to the reporting of notifiable diseases, for instance. Whilst the inspectors are not specifically trained in what to look for, the working in with Local Land Services, and potentially district vets, enables us to—if there is an outbreak of something in a region, we will generally get a briefing on what to look for and to be able to report back if necessary when noticed.

The Hon. SCOTT BARRETT: Your interaction with native animals, we touched on that a little bit, but you do have some native animals come across your desk?

MATTHEW GODWIN: Occasionally, yes.

The Hon. SCOTT BARRETT: What is the process there?

MATTHEW GODWIN: With native animals, we will generally—because we are not subject-matter experts in that instance, we would tend to look for a veterinary practice that specialises in that, or a vet, or someone WIRES affiliated. I guess a veterinary practitioner. We have a direct line into WIRES; we can ring them saying,

"We have XYZ, these are the issues, where would you suggest?" And generally there are vets that specialise in that area that we will then transport those animals to, or provide that assistance. In relation to the Sydney metropolitan area, wildlife is pretty easy. We have got a number of vets that we are able to transport to, and we generally have a very good understanding of what vet sort of specialises in what. In the regional areas it is a little bit more difficult, but we will still endeavour to pursue that line of inquiry.

The Hon. SCOTT BARRETT: Mr Slater, you touched earlier on your relationship with groups like NSW Farmers. Can we go a bit deeper into how you have improved that relationship and what is the status of that working relationship?

MARK SLATER: Just opening a dialogue, to be fair. It is imperative that NSW Farmers and ourselves work together, both in the field and for legislative review and change. Myself and Annabel Johnson open dialogue and talk about changes to legislation, what is required. Basically we work on inducting each other into our businesses. We need to understand farming techniques and practices appropriately, and farmers and rural primary producers need to understand enforcement of the law, and what that looks like, and what the societal and legislative expectations are as well. It is a simple ongoing dialogue and talking to them about what they need and what we have to do as well.

Ms ABIGAIL BOYD: I want to ask one question around what you have seen as people have been coming out of COVID lockdown. There were big concerns, particularly when we came out of the first COVID lockdown, that people had acquired companion animals during the lockdown and that after that period there might be higher incidence of neglect and dumping of animals as people went back to work. Have you seen that, as we have come out of this last lockdown, and do you think there is more education to be done around that sort of companion animal purchasing?

MARK SLATER: If I can answer the latter first? Yes, there is always more that can be done in regards to education. We have a policy on education which is an ongoing piece of work. We will be more than happy to share that with this Committee, if the Committee was interested. In terms of the pandemic and animals being returned, or short-term adoption and then people return to work and the animals would come back to us—for the first six months of COVID we held real concerns that that was going to be the case, as much that we were referring to these animals as potential boomerangs to the organisation. Our cause for concern was more around physical structure and limitations at Kemps Creek, as well as physical limitations within our branch network to be able to look after those animals. The longer the pandemic has gone on, we have seen a couple of variables that have supported people keeping these animals. It is important to note as well that for the last three years we have pretty much doubled our rehoming numbers, which is not extraordinary; it is a change of process as well.

People's flexible working arrangements are being held quite closely to the chest of corporate Australia. People are engaged with us on an ongoing basis. Our foster care network is still growing as well. Our foster to adopt is still growing as well. We are not seeing the sorts of animals and the numbers of animals coming back to us that are anywhere near pre-pandemic, that's for sure and certain. I think economically there could be some pain. I think of tumults in the public going forward, even if you just look at the cost of diesel, for example. At this point that is not a welfare issue, and that is not causing animals to be returned to us. I am happy to continue to talk to you about that and keep you advised as to those numbers, but we are pretty stable for the last two years, that's for sure.

Ms ABIGAIL BOYD: The same question I asked the RSPCA around the mental health impact of dealing with animals in disaster scenarios—do you have any oversight in your organisation as to the impact on staff and volunteers' and inspectors' health? Is there any tangible measure of checking whether or not you are being effective in your efforts to make sure that their mental health is protected?

MARK SLATER: We have, through our HR department, an emotional assistance program which we employ heavily even outside of emergency response. It is counterintuitive to think that an animal attendant or an animal services team member would be despondent when they had rehomed an animal successfully, but the human-animal bond can't be undervalued or underestimated. In terms of emergency response, emotional assistance program, we bring in psychologists to the field, and it is essentially the point guard in Lismore for animal welfare. With a lot of vets on the ground we made those psychologists available to the vets in Casino, Lismore and other areas as well. Our staff undertake psychological decompression—that is what we call it, essentially. I am part of that and the inspectors are part of that. We did that last week for the first time, apart from what we did on the ground because we were away for three weeks. We will do it again and, at this point of time, we may deploy again this week, depending on what the weather brings.

That is an integral part of what we do because if you have team members starting to fall over, that pressure mounts on other team members down the line and you lose capability and you lose intellectual property but then on the whole your team loses confidence in management, caring and understanding what their requirements and

needs are on a daily basis. The last thing you want is someone to go home with bottled-up emotion and then coming to work with nothing other than trepidation for the work they are going to face. So it is a very important part of what we do.

Ms ABIGAIL BOYD: Has there been any significant increase in turnover or people taking sick leave or anything of that nature that you have noticed so far?

MARK SLATER: There was a spike in December and January for vacancy. You could focus that on particularly in the veterinary clinic and the reason being that, if our vet clinic at Kemps Creek fell over, then isolation has gone and our service provision grinds to a halt. So the vet nurses and the vets were, rightly so, hypersensitive to being close contacts. We were in touch with government legislation and NSW Health around that on a daily basis. So absenteeism for the last November, December, January and February is in direct response to that. As it stands now, no, we are not seeing a high turnover of staff whatsoever.

Ms ABIGAIL BOYD: Good. Thank you.

The Hon. PETER PRIMROSE: My apologies, I have had a clash of meetings at the moment.

MARK SLATER: Understandable.

The Hon. PETER PRIMROSE: I have asked this question of other witnesses in relation to compliance and enforcement functions. Are there any particular changes you believe may need to be made to any legislation that you enforce, particularly in relation to POCTAA that would make it easier to undertake those enforcement functions? Please feel free to take this question on notice.

MATTHEW GODWIN: I might have to take that on notice actually.

The Hon. PETER PRIMROSE: Just to explain, for instance, from talking to local government inspectors, I am aware that simply changing provisions around penalty notices on signs would make their lives incredibly easier and a one word-change in a particular regulation. Given that one of the focuses in this inquiry is the exercise of your compliance and enforcement functions, I would be grateful if you would come back with some advice, if anything, on that for the Committee.

MATTHEW GODWIN: Yes, sure.

MARK SLATER: Can I add, Mr Primrose, it is quite a fluid environment. We do report to the Children's Guardian now. There is talk with the Attorney General's office about body-worn devices as well. Notwithstanding those things, there are probably some statutory things we could answer you on. It is also a matter of "watch this space" for those changes at the same time.

The Hon. MICK VEITCH: When we are reading your financial statements, just to be clear, you operate under the Australian Charities and Not-for-profits Commission Act?

MARK SLATER: That is correct.

The Hon. MICK VEITCH: You use the accounting standards as set by AASB?

MARK SLATER: Yes, and we are audited on an annual basis as well.

The Hon. MICK VEITCH: You would also have to operate under the fundraising Act New South Wales for any fundraising activities.

MARK SLATER: That is correct, and the Department of Fair Trading.

The Hon. MICK VEITCH: That helps to put it into context having read your financial statements that you provide. Is anything in that legislative framework for your governance and financial reporting obligations that makes it difficult or clunky? Generally with charities they say it takes it a bit of effort to actually comply. It is not that they do not want to comply but it does within the organisation use some resources.

MARK SLATER: Yes, it does, and finance is that sort of unspoken working dog of the organisation—compliance falls upon them and the fundraising department as well. It is difficult to ensure that in a members-based organisation, everyone knows exactly what the expectation is. But it is an ongoing piece of work and because we overlay the Australian Charities and Not-for-profit Commission, the Department of Fair Trading, accounting standards and we are audited as well, there is a bit of a catch-all there with the auditor. But it does take an inordinate amount of work to ensure that we are compliant on an ongoing basis. It is not something you really want to pick up and slack on retrospectively, if I can say it in those ways.

The Hon. MICK VEITCH: With regards to the \$75,000 received from the New South Wales Government, are there financial reporting obligations? Do you have to acquit those dollars?

MARK SLATER: Yes, directly to the DPIE.

The Hon. MICK VEITCH: That is just a route of entry acquittal that is provided to DPIE?

MATTHEW GODWIN: I am trying to think back how it works. For the last reporting period I was not the Chief Inspector so I only have a very basic overview of how that functions. From the paperwork that I do have it would appear that a specific time of the year is set aside for the solicitation of the \$75,000 as a grant. We would write a very, very, very brief submission and then that money is provided. As far as the acquittal process is concerned, from my understanding it is, going back over a number of years, almost incorporated into the submission that we provide to the DPI. That is probably the simplest way to put it. There is no actual "it went here; it went there". It is more of a broad statement.

The Hon. MICK VEITCH: Are there any KPIs or expectations the Government places on the \$75,000? Does it come with some expectations?

MATTHEW GODWIN: None that I am aware of.

MARK SLATER: Not specifically.

The Hon. EMMA HURST: Also in regards to the \$75,000, given that it is such a small percentage of the cost of \$2.5 million—it seems quite absurd to me—and given that this amount has not been reviewed for 15 years, as the Committee heard in budget estimates, would you like to see a significant review on how much money is given to the enforcement authorities in regards to upholding POCTAA?

MARK SLATER: Yes, but to Mr Veitch's comments as well, we would like to see some hard and fast KPIs as well.

The Hon. EMMA HURST: With that increase in funding?

MARK SLATER: Yes.

The Hon. EMMA HURST: I think that that is fair. Mr Godwin, would you like to be doing more routine proactive inspections? Do you think that the number of inspections that are proactive at this point occurring across the State are inadequate?

MATTHEW GODWIN: From the Animal Welfare League's perspective, yes, I would most definitely be wanting to do more proactive inspections. Like I indicated before, it is a matter of resourcing. We are currently focussed on the reactive stuff that we get—people ringing up lodging cruelty complaints. Most of our time is taken up at this present time investigating those complaints. Yes, most definitely, we would be—given an increase in personnel and the ability to cover more of the State, yes, proactive inspections are critical.

The Hon. EMMA HURST: This morning the RSPCA said that they often have to make quite difficult decisions because of the lack of personnel on the ground, and they get quite extreme cruelty emergencies and then they have to triage and work out and prioritise, and particularly out-of-hours when you might have only one person on call. Is that something you guys have experienced as well in that calls that you would like to attend to immediately might have to fall below the line, depending on the level of emergency?

MATTHEW GODWIN: Yes, we try to triage everything that comes through as best we can. I can give you an example. Last week we had two people out of five that were operational go down with COVID. That put a significant deficiency within our ability to respond, given our team is so small. But given that situation, we still have a system with triaging what comes through. So people get reallocated to different areas within, I guess, the State, more so the metropolitan area, but the State potentially. It is something that we have adapted to over the years, given the small team that we have.

The Hon. EMMA HURST: You have only got six inspectors at the moment. Is that right?

MATTHEW GODWIN: Yes.

The Hon. EMMA HURST: Do you struggle to recruit inspectors? I assume that is quite a difficult and specialised skill?

MATTHEW GODWIN: It is, yes. We do get a lot of applicants but the suitability of those applicants is what generally makes it difficult, yes.

The Hon. EMMA HURST: Do you mind me asking how much the inspectors are paid?

MATTHEW GODWIN: An Animal Welfare League inspector is paid \$60,000 a year, with super on top of that.

The Hon. EMMA HURST: So it is quite a low-paying position as well. It has to be someone who is genuinely very passionate to take on this role.

MATTHEW GODWIN: Yes.

The Hon. EMMA HURST: I assume again that comes down to a funding issue, to be able to increase those salaries?

MATTHEW GODWIN: Yes.

MARK SLATER: It is a salary dictated by the veterinary practitioners Act and award.

The Hon. EMMA HURST: So that is very specifically allocated by them. The RSPCA, to your understanding, would be under the same?

MATTHEW GODWIN: They are on an enterprise bargaining agreement. I used to work for those guys. They have an agreement that they negotiated with their employer.

The Hon. EMMA HURST: Can you explain the difference? You are under something to do with the Veterinary Practitioners Board and the RSPCA are—

MATTHEW GODWIN: Yes. So we are on an award, and they are on an agreement—an enterprise bargaining agreement.

The Hon. EMMA HURST: Could the Animal Welfare League potentially switch to that as well?

MARK SLATER: Yes. The intent was to—from January 2020, through the outcomes of this process, when we understood what the changes to both the legislation and funding may look like—enter into EBAs with our inspectorate.

The Hon. EMMA HURST: Would you like to see a review, even just of that award program within that Act? It seems very low.

MATTHEW GODWIN: Yes.

MARK SLATER: Very much so.

The Hon. EMMA HURST: Most of your inspectors are also metro based. What happens if you get cruelty complaints in rural and regional areas? I assume it would take a huge amount of time and resources to respond to complaints outside of the Sydney area. Can I get a bit of an understanding of how much that happens, and how much of a burden it is, and whether one of the things on your wish list would be to get inspectors located in certain areas around New South Wales?

MATTHEW GODWIN: Most definitely on the wish list; it would be, yes. There are major centres within regional New South Wales that we could definitely have an Animal Welfare League inspectorate presence. In relation to what occurs now, we have one regional inspector who is based in Bathurst but will travel within the Central Tablelands and the Central West. I think the furthest she has gone, so far, is Dubbo. We do a lot of work in Dubbo, as indicated previously. For the rest of the State, we are very well known—well, not very well known, but we are well known to be within the Central Tablelands and the Central West, to have a presence there. That generates cruelty complaints for us in those regions. The rest of the State, we do get calls. If we are able to, if time is not critical, if it is something that we can deploy an inspector to within a couple of days and it is not going to impact the welfare of any animals involved, we will do that. What we find presently, just due to staffing numbers, is that if it does require attendance immediately, we have to either refer it to the RSPCA or to the local police.

The Hon. EMMA HURST: You said that you are doing a lot of work in Dubbo. Was there a reason that Dubbo was specifically identified? Are there animal welfare issues specific to Dubbo?

MARK SLATER: I identified Dubbo. Through our outreach program we were dealing with Parkes, and then we went to Dubbo, took a couple of animals in there, and we got to talking to local staff and were made aware that their euthanasia rate, which off the top of my head I can't remember but I can get it to you, was quite high. The emotional pressure that was placing on the staff, essentially, was causing concern for us as far as animal welfare outcomes. Not to put it too crudely but, to show the ability of the mobile vet truck, working with the Veterinary Practitioners Board we chose to enter into a working relationship with Dubbo to highlight what we could do with LGAs as well.

The Hon. EMMA HURST: That was Dubbo pound having the problems?

MATTHEW GODWIN: Correct.

MARK SLATER: If I could add to that as well, the veterinary industry in Dubbo is under an inordinate amount of pressure, which is another reason why we chose to act in Dubbo to try and support that group.

The Hon. EMMA HURST: Are there just four vets in Dubbo?

MARK SLATER: To the best of my knowledge, yes.

The Hon. SCOTT BARRETT: Four vets, or four vet practices?

MARK SLATER: Four vet practices.

The Hon. MICK VEITCH: In that Central West and Central Tablelands area, do you undertake any compliance activities at the saleyards?

MATTHEW GODWIN: No, we have not as yet. The inspector in that area, being one person, is primarily concerned with responding to cruelty complaints lodged within residential areas of Dubbo, Wellington, Bathurst and Orange at the moment. At this present time, that is consuming the vast majority of her day.

MARK SLATER: Can I add to that, Mr Veitch? We do work closely with Dubbo saleyards in terms of building a relationship. On every occasion I have been to Dubbo over the last two years, which would be over 20, I have visited there. Those saleyards are run in an exemplary manner.

The Hon. MICK VEITCH: On one of the many inquiries we have been on, I just cannot remember which one it was, there was discussion around the need for education. You are allocated \$75,000 from the New South Wales Government. But there should be a further component of funding to assist with education programs on responsible pet ownership and the like, having more understanding about where you purchase your pets from and responsibilities around welfare issues that may arise when you, for instance, buy online. Do you still support the view that there should be additional funding allocated by the Government for education programs? Right now, what would be the number one education program that you would like to run? Is it desexing and spaying, or is it responsible pet ownership, or ask before you buy?

MARK SLATER: If I could say, Mr Veitch, that those three things fall underneath responsible pet ownership. Mandatory microchipping, to me, is a no-brainer. Desexing, unless you are a registered breeder and meet certain criteria, is a no-brainer. It would help with things like the cat population, for example. Being able to understand and ask questions as to where the animal has come from—just basic questions about the animal's health and where it may have come from so that you can provide a home and an environment that is appropriate to that animal as well. DPIE do produce handbooks on body scores for particular species. If we could explode that out into companion animals, I think that would be something you could tick the box on.

The Hon. MICK VEITCH: That is a yes for additional funding—

MARK SLATER: Yes, sorry.

The Hon. MICK VEITCH: Could I get that into the transcript?

MARK SLATER: A yes for additional funding. Thank you, Mr Veitch.

MATTHEW GODWIN: I could expand on that from an inspectorate point of view, too. We find ourselves responding to the same cruelty complaints in some of the lower socio-economic areas of metropolitan Sydney, even in the regional areas as well. It is almost like Groundhog Day. I think in relation to education programs, vaccination—just general animal husbandry—would see a large proportion of those cruelty complaints diminish. For the inspectorate anyway that would be a huge area of education that would be highly beneficial.

The CHAIR: This question goes to the animal welfare reforms that we are seeing at the moment. It cuts across two inquiries, and it would have been nice to roll some of these inquiries into one. Looking at the draft exposure bill as it stands, do you envisage that you are going to have to scale up your inspectorate significantly to deal with the proposed changes? Or is it going to make it easier?

MATTHEW GODWIN: I can say, on the face of it, it looks like we will have to scale up. Yes.

The CHAIR: You don't really have any indication as to how much you would need to scale it up by?

MATTHEW GODWIN: Not yet. It would be nice to be able to allocate a figure to that. I would say, for our inspectorate, given that it is a small team to start with, that a doubling—up to 12—would probably facilitate that. But that would be more of an educated guess than an actual definite number.

The CHAIR: I appreciate that it is very hard to know, because we do not know exactly where the legislation is going to land. Thank you very much for your time today, and also for Friday. It was excellent. You

have taken a couple of questions on notice. The Committee secretariat will be in touch and you will have 21 days to get them back to us.

(The witnesses withdrew.)

(Short adjournment)

Ms KRISTINA VESK, Chief Executive Officer, Cat Protection Society of NSW, sworn and examined

Mr SAM DAVIS, Vice President, Animal Care Australia, affirmed and examined

Mr MICHAEL DONNELLY, President, Animal Care Australia, affirmed and examined

Ms TARA WARD, Managing Solicitor, Animal Defenders Office, affirmed and examined

The CHAIR: Welcome back to our next session in the inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. We now welcome witnesses from Animal Care Australia, the Animal Defenders Office and the Cat Protection Society of NSW. Would either of you like to make a short opening statement?

KRISTINA VESK: I would like to thank the Committee for the invitation and for your concern for animal welfare. I would like to acknowledge the work of the RSPCA and AWL inspectors. They have a tough job. It can be dangerous, confronting and traumatic, and I admire their courage and professionalism. On behalf of Cat Protection I thank them. To reiterate Cat Protection's comments to the original inquiry, the current framework does not support a coherent, triaged and integrated system that is adequately resourced to investigate animal cruelty. Animal abuse is a horrific crime that can flag other criminal behaviours. For example, there is an established link between animal abuse and domestic violence. I have a recent research paper to table examining this link.

There are also matters which are not so much deliberately criminal but, rather, are acts of neglect which are better dealt with by support and education—for example, a farmer in crisis or mental health interventions such as in cases of animal hoarding. Many submissions pointed to a lack of detail in the approved charitable organisations' annual reports. Indeed, we made this observation ourselves. But as we also noted, they are not even adequately funded for their compliance activities, let alone reporting and data analysis. There are many valid observations in several submissions from NSW Farmers to NSW Young Lawyers. There are policy issues to be resolved. Whatever the Parliament and Government choose to do, the system for monitoring compliance and investigating cruelty must be significantly better funded for the sake of animals and people.

MICHAEL DONNELLY: Good morning, Chair. I ask that my statement and a document that we have brought with us be tabled, if that is okay. There you are going about your daily routine in the garden. One of your children is asleep in full view on a sunlounge 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 is 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 a right 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 who is 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 that and are told that they do not require one. The officer declares your child looks ill. "Has your child been to a doctor?" he questions. You respond, "Yes, and they are being treated." You expect the next question to be seeking details of that doctor, but it is not. 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 of the behaviours et cetera that you were informed would occur and are normal, you offer to take the child straightaway back to your treating doctor. "No, that is not sufficient," you are told. "This child must be seen by our doctor." That doctor is well over an hour's drive away, while your doctor is just 15 minutes down the road. The child is immediately grabbed and forced into a secure 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 is not a damn thing that you can do. They leave you with a receipt for your child. You phone your doctor, who tries to contact them—and nothing. 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 the repetitive and seemingly irrelevant questions. Nevertheless, you respond and they leave again. Days go by. Each day you call to check on your child and each day you are told nothing. On the fifth day you are informed that their doctor had determined that your child could not be helped and, in their wisdom, they had terminated the life of your child—unknown to you—that day. Five days ago was the last time you would ever see your child. Now you cannot collect the child's remains as you have been 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. It cannot 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 your child's fate. Now replace that child with a family pet and it all can happen—and it does. Worse still, no warrant, no court intervention, no opportunity to say goodbye and no opportunity to have an independent assessment of your pet's health. Why not? That is because it has now been euthanised and cremated without your knowledge. There is no opportunity for a fair trial. You cannot challenge. There is no way of doing that with the sole evidence, your family pet, having now 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 pet's 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 should not 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 should not be held liable because they do this in good faith. The contents of the document we table here today question their understanding of what good faith is. Thank you for your time. We welcome your questions.

TARA WARD: The Animal Defenders Office commends the Legislative Council for conducting this inquiry. The Animal Defenders Office did not make a written submission to this inquiry due to working on submissions to other New South Wales parliamentary inquiries. But we did complete the online questionnaire and this statement is based on matters mentioned in our responses, which were necessarily brief. We do not regard this inquiry as an opportunity to critique individual charitable organisations. The Animal Defenders Office values and respects organisations that aim to prevent and respond to cruelty to non-human animals. However, we would all be failing in our duty to protect animals from harm at the hands of humans if we did not seek to identify systemic flaws in the animal protection legal framework that make meaningful enforcement difficult to achieve. In our view, enforcement of animal protection laws should be conducted not only effectively but also transparently and with full accountability to the people of New South Wales.

Annual reports can be useful in achieving a level of accountability and transparency. However, the Animal Defenders Office is concerned that the annual reports published on the websites of approved charitable organisations do not contain sufficient information to enable the public to evaluate how well—or not—our animal protection laws are operating or to identify issues for reform and areas requiring additional funding. To do this we would suggest that publicly available annual reports of approved charitable organisations should include information about the type of animals that animal welfare complaints are about; the outcomes and the number of complaints not pursued and the general reasons why; what type of action is taken in response to complaints that are pursued; how complaints about cruelty to animals in rural and remote areas are handled; the number of routine inspections of premises where animal trades take place, and the type of premises or trades inspected—for example, were any inspections of wildlife harvesting programs, such as kangaroo shooting, undertaken?—and the use of and outcomes from stock welfare panels.

In terms of enforcement, the Animal Defenders Office appreciates the unique historical role of the original Society for the Prevention of Cruelty to Animals in the enforcement of animal welfare laws in the early 1800s in Britain, with society inspectors operating before a police force was established in London. We are, however, concerned about any legal framework in contemporary Australian society that gives to private charities investigative and coercive powers normally confined to law enforcement agencies within the Executive branch of government or independent statutory bodies. The lack of transparency around the operations of private charities makes it difficult to assess how they exercise their compliance and enforcement functions under animal welfare laws.

In our response to the inquiry's survey, the Animal Defenders Office described an example where in the last reporting period our community legal centre assisted a member of the public in making a serious animal cruelty complaint to an approved charitable organisation about animals kept by a large not-for-profit organisation. The Animal Defenders Office prepared a comprehensive complaint identifying potential breaches of animal welfare laws and codes of practice. Substantial evidence was provided and the complainant indicated their willingness to make a statement and/or testify. No response from the approved charitable organisation was ever received by either the complainant or our office. This was extremely distressing for the complainant as making the complaint took a considerable emotional toll on them and put their personal safety at risk. To receive no response at all from an enforcement agency, one which is not subject to mandatory freedom of information laws, or a formal complaints process, in our view, represents a failure of our animal protection enforcement framework.

To properly assess how approved charitable organisations exercise their compliance and enforcement functions under our animal welfare laws, the community would need to know information that is currently difficult to obtain, such as: the number of written directions and/or penalty infringement notices issued in a reporting period

and for how many animals; what types of animals; which offences; information about prosecutions finalised in the reporting period, including the number and types of victim animals, the offences and the outcomes. In terms of appropriate responses to the systemic failings that we and other stakeholders continue to highlight, we note that at least two recent committees of inquiry of the Legislative Council have recommended that the New South Wales Government establish an independent statutory body to be responsible for animal protection issues. The Animal Defenders Office endorses these recommendations.

Until such a body is created, however, we recommend that the existing framework be strengthened by guaranteeing sufficient funding for approved charitable organisations to enable them to carry out inspections, investigations and enforcement activities with respect to all types of animals in New South Wales, bringing approved charitable organisations within existing access to information and administrative review regimes, requiring approved charitable organisations to disclose detailed information about their performance to the public and to be directly answerable to public scrutiny, when required, and creating external complaint mechanisms for aggrieved individuals, including witnesses to animal cruelty whose complaints are not responded to or actioned.

In conclusion, the Animal Defenders Office recognises the complexity of responding to animal welfare issues within a large and diverse jurisdiction such as New South Wales. In our view, however, by outsourcing most investigation and enforcement functions to private charities with limited funding and resources, the current animal protection framework will never be able to detect, prevent and deter harm to animals of all categories at a level that is acceptable by today's community standards.

The Hon. EMMA HURST: My first question is to Ms Veski. In your submission you raise concerns about the link between violence against animals and violence against humans. Other witnesses we have spoken to this morning have suggested that enforcement agencies should focus on education rather than prosecution for animal cruelty issues. While I assume there is a really strong place for education, I wanted to get your opinion on whether there is a risk in pushing education as the primary response that it would end up in a situation where it fails to recognise animal abuse for the very serious crime that it is.

KRISTINA VESKI: I think that is a really high risk. It is a really good question. I think in saying that, the system does not really adequately triage at the moment. I think it is incredibly difficult to be able to recognise the issues when not every situation can be thoroughly inspected or investigated. I think there is a really important role for the NSW Police Force in this because, of course, there is an animal welfare issue but there is a very high risk of violence to people as well. I think that seeing these functions to be professionally integrated and to deliver a really coherent framework that does triage between the different situations—and certainly there are times when a person is in crisis and things have been let go, including their own self-care as well as their animal care. That is not a situation where you necessarily want to prosecute in that criminal way, but there is a very high risk that the criminal aspects are being lost because the system is underfunded and because the engagement of police and their involvement in a really sustainable framework that enables that triaging in the first instance is absent.

The Hon. EMMA HURST: Ms Ward, do you have anything to add to that? Do you have concerns about a focus on education rather than prosecution?

TARA WARD: I think there is a place for both. Our organisation would be perhaps not uniquely placed, but we do have insights along the spectrum. While, of course, we have complaints made to us about egregious cruelty occurring in the community, wherever that may be, we also do get people who, as my fellow panellist described, are doing the best for their animals. They are following veterinary advice, et cetera, yet they have their animals seized and are treated from the keeper's perspective anyway in quite a bad way. I think there is a role for both. What we find is that they usually go hand in hand. So, while education can occur, the problem would be if the animal is left to languish, or the animals. That would be our primary concern. We would not want education at the expense of the welfare of the animals. We find that education occurs while the investigation starting with that process is occurring as well. Certainly we would not want to see one at the expense of the other.

The Hon. EMMA HURST: This morning the Committee has heard a lot about the unusual framework that we have. We have two charities. The Animal Welfare League receives \$75,000 a year to uphold POCTAA. The RSPCA receives \$425,000 a year to uphold POCTAA. The NSW Police Force receives all the funding it needs to uphold legislation. It means that these charities have to fundraise from the public to actually uphold this piece of criminal legislation. It is the only piece of criminal legislation that requires fundraising. Do you think that anomaly is problematic? Do you think it meets community expectations around enforcement of animal cruelty laws?

TARA WARD: To the last part of your question, my view is that it does not meet community expectations. I think in one of the submissions to this inquiry the survey responses to one of the previous inquiries was cited and it was a very high percentage of respondents that supported, for example, the creation of an independent statutory body or some sort of independent body. Having to fundraise to enforce criminal laws is just

not good enough. It was fine in the early 1800s in Britain, but in twenty-first century Australia that is unacceptable. It really does need to change because otherwise animal suffering will continue.

The Hon. EMMA HURST: What is the impact of underfunding enforcement agencies? What does that mean on the ground? Does it mean that animal cruelty complaints are going uninvestigated? Does it mean that there are long wait times when animals are in an emergency? Have you heard anything?

TARA WARD: Part of the reason is we cannot tell because the information released to the public is so limited. We need that detailed information to be able to assess how the system is working. That is the first sort of fundamental. What we see is that totally legitimate documented complaints about cruelty to animals are not responded to. Even our tiny volunteer-run community legal centre has received significant examples of that. It is completely distressing to everyone involved: the animals who have suffered, the people who have witnessed it and the people who have come to us.

Of course, as a legal organisation our response is always "This is the framework. This is what you must do. You must put in a complaint to the enforcement agencies which, in this case, in this context, are private charities." When we help them, we research the law, codes of practice, put it all together and submit it. Then to receive nothing but silence is incredibly demoralising. It is just an indication that the system is not working. It leaves us in a difficult position because it is, "Well, that was the framework," and it just has not worked.

The Hon. EMMA HURST: One submission we received argued that the RSPCA and the Animal Welfare League should have their powers removed entirely in relation to farmed animals and that that function should be transferred to the Department of Primary Industries. There has been a lot of discussion in other inquiries recently about the DPI and a potential conflict of interest. Would you be concerned if enforcement of cruelty laws for farmed animals was transferred to the DPI? If so, why?

TARA WARD: I think I read that submission on the bus from Canberra to Sydney this morning and a chuckle may have emitted. Yes, I completely disagree with that. There is no way that the responsibility for enforcing animal protection laws could be transferred to an entity such as the DPI because there would be a conflict of interest. The submission stated there would not be a conflict of interest. There absolutely would be a conflict of interest because the DPI is responsible for promoting animal industries. You could not have an entity such as the DPI enforcing animal welfare laws without that perception of a conflict of interest. I think that would exacerbate the current problems with the system and would certainly not fix them or go anywhere near fixing them.

The Hon. EMMA HURST: Why do you think it has been suggested? Do you have any kind of idea on why any particular interest groups would want to put that forward as a proposal?

TARA WARD: I can only assume. Of course, that would be a question best put to those making the submissions. But the perception is obvious, that those with vested interests in using animals do not like impartial enforcers of animal protection laws because it should put the animals' interests first and not those of the animal users.

The Hon. EMMA HURST: We heard this morning that New South Wales has the lowest amount of money put towards the enforcement of POCTAA. I think it was 6 per cent. Other States were between 70 per cent to 93 per cent. Do you have concerns that New South Wales has the lowest contribution towards enforcing these animal cruelty laws?

TARA WARD: From government?

The Hon. EMMA HURST: From government, yes.

TARA WARD: That, objectively, would be a concern because New South Wales is the largest jurisdiction, the largest State. The number of animals, the number of animal trades—it does not stack up, basically.

The Hon. EMMA HURST: I have one more question to Ms Vesk and Ms Ward. You have talked a lot about the need for greater transparency and oversight into the enforcement agencies. I wanted to get your thoughts on how we can best achieve that oversight. What needs to actually change as far as what the Government can do to ensure that transparency? That is for both of you.

KRISTINA VESK: I have racked my brain on this. I think it is a very difficult policy question because, looking at it practically—and we know what is in place now makes any kind of way forward either incredibly clunky, because you are dealing with the existing system or, alternatively, which would be my ideal, you start with a clean sheet of paper and identify what your objectives are. Importantly, it has to be properly funded. A worry is that if lots of layers of accountability are added to the existing system, with nothing else changing, it simply means a diversion of those very limited resources from investigating cruelty and into reporting. Having

said that, I think compliance reporting and transparency, they are all extremely important things, but they do need funding.

You cannot give someone a \$10 grant and say, "Spend \$5 reporting back to us what you did with the \$10." Funding is critical. I have said before, there are some really good observations in some of the submissions, and NSW Farmers makes some good points and NSW Young Lawyers makes some really great points. I would love to see some people like that sitting down together and actually designing a system that meets those goals of independence and transparency but actually—and the goal of achieving the objects of the Act, which is to prevent cruelty to animals—also recognising that link to human violence and involving the police and understanding that this is about everyone's health and safety, not only animals. Sorry, that is probably not a great answer.

The Hon. EMMA HURST: No, it makes sense. It is good.

TARA WARD: I am happy to not answer if we are running out of time.

The CHAIR: I might turn to a bit about the annual reporting. I note that some of you said that you do not think it should be a great focus of the inquiry but, looking at the annual reports, is it your view that the way that they are set up is more about soliciting more donations to keep their funding going, outside of government, rather than actually reporting tangibly on what they have done with the Government funding in terms of enforcement? I do not want to put words in your mouth, but would that be a fair assessment?

MICHAEL DONNELLY: I think we are all nodding here, Chair.

The CHAIR: For Hansard, everyone is nodding.

KRISTINA VESK: In the RSPCA's submission, and in the Animal Welfare League's, there was a bit of detail on investigations and inspections. I do not know how difficult that was for them to collect, but I think things like that in the annual report would be appropriate. They did produce it for the Committee. I am assuming it was not too difficult. That said, like we said in our submission, I think it still warrants further data analysis and I would like to know how—with the roughly 15,000 complaints they received and that led to an inspection of maybe around 10 per cent—were those others investigated and how was that determined, whether they do an inspection or not. I am not suggesting that in an annual report they can write all of that, but we do not understand how these things are decided.

The CHAIR: Would you like to actually see legislated requirements in terms of the reporting, outside of what they are required to report on their charity work? Would you like to see a more prescribed list legislated in terms of their enforcement activities?

MICHAEL DONNELLY: Yes.

SAM DAVIS: Absolutely. I think Animal Care Australia would certainly like to see, absolutely delineated, what money they spent on inspectorate functions—on compliance and enforcement—including exactly how much were grants from government for that aspect of their operation and what were grants for their charitable functions, so that you guys can all see, quite plainly, how much it actually costs RSPCA to enforce the laws that this State has put in place. At the moment we have no idea when we look at their reports, and I am not sure the Committee has any idea really either. It is very difficult to answer the questions that we are talking about and that Emma has alluded to.

Even if you were to set up this animal welfare office that she is talking about or, our in view, we are saying, "Take away some the inspectorate functions and some of that goes to DPI"—but how much money do we need to do that? How much money are people who are donating in good faith to the RSPCA, how much of that is going to enable the RSPCA to give someone an on-the-spot fine because their fence was not high enough or the vet's phone number was on the fridge when it should have been on the cupboard? This sort of nonsense has gone on in the last 12 months, so it does make sense to have that absolutely delineated.

The CHAIR: I turn to the supplementary submission that you have given us today, on page 64. There is a fairly concerning letter regarding RSPCA essentially refusing to engage with the local vet where they were receiving treatment from. The animal was seized and the owners said, "Can we take it to the local vet? They are already under treatment." They basically held it for 60 days and did not give them any information. For context, how many complaints like this has ACA received? Is this a one-off?

MICHAEL DONNELLY: No, that is not a one-off. Usually it is a common occurrence. When we do receive a complaint, most of those complaints include where those animals are already under veterinary care, or under veterinary treatment.

SAM DAVIS: We included that particular case because that happens to be one where a member of our committee knows the person, and I have some friends who know the person personally, so we were sort of willing

to guarantee that one. To be fair, some other cases that we get—and I think Michael said that in the covering letter to the supplementary, there are many that we get where you do not know whether it is somebody with bad blood or what the reality is. Prior to Animal Care Australia forming, I think, in another role that Mike and I had, we were meeting with RSPCA NSW on a regular basis, and that did sort out quite a number of those, in their defence. Then we had a disagreement—I will not go into the details of why—and basically RSPCA NSW said to us, "Well, you're either for us or you're against us." And we said, "Well, we are neither for you nor against you; we are trying to work with you." All appointments were cancelled and, to be honest, we have not had a decent conversation with them since, which is very disappointing. I guess that, and these sort of cases, have all led us to where we are today, where we are kind of biting the bullet and saying, "Look, it is probably—enough's enough."

There is enough evidence, in our view, that the RSPCA needs to be cut loose from its inspectorate functions. There is too much evidence showing that they are compromised in terms of activism. The oversight problem is a legislative problem; I get that. Whatever happens next, there does need to be oversight for whoever it is that is doing it. As I said, they are not willing to collaborate. The education of their officers has got problems. There is a range of issues that have all culminated in us—in Michael's opening statement, to recommend to this Committee now that probably enough is enough. Given that it is happening in other States, we would ask the Committee to seriously consider whether—not AWL, whether RSPCA NSW should any longer be given inspectorate functions under the new Act.

The CHAIR: To pick up on the point that you have just made—and I note in the submission you say that you do not share the same views as the Animal Welfare League. To put it another way: What is the Animal Welfare League doing better than the RSPCA at the moment in terms of that inspectorate role?

MICHAEL DONNELLY: The very thing that Ms Hurst just asked with the previous questions: They are educating first before they are regulating. They are actually putting the welfare of the animals first, not the goal of improving statistics.

Ms ABIGAIL BOYD: I have a couple of quick points of clarification for ACA, and then I have a question for all of the panellists. In your original submission, you have a checklist of points. The second last one talks about prosecutorial powers being removed from the RSPCA NSW, and you've put in brackets, "as it has in other States". To my knowledge, the RSPCA still has prosecutorial powers in every State and Territory, with perhaps the exception of the Northern Territory. What are you referring to there?

MICHAEL DONNELLY: In the ACT, it is actually the DPP who carry out the actual prosecutions, and in Western Australia it is their agricultural department that actually decide and carry out, or approve, prosecutions. I am aware that under the current animal welfare review in Queensland, the same will be occurring in Queensland. It will be their agricultural department that will make those decisions and continue with that prosecution.

Ms ABIGAIL BOYD: Just to clarify, in the ACT and WA that is not a removal of prosecutorial powers; it was always that way.

MICHAEL DONNELLY: No, WA's was a removal. Back in 2019, the WA Government very quietly just took it away. They did not announce it, they did not do anything publicly on that, and just changed the protocol within how they function.

Ms ABIGAIL BOYD: And then in the point underneath that you say:

Approved organisations tasked with enforcing Government Legislation must meet the same court required burden of proof as the NSW Police Force ...

As a matter of law, the burden of proof would be the same, regardless of who was bringing the prosecution. What did you mean by that point?

MICHAEL DONNELLY: What we are actually asking for there is that, under the draft animal welfare Act, there are certain sections—which we have quoted in our submission—that actually would provide for an inspector to utilise the courts to achieve a certain goal without relying on that burden of proof or providing that person, who is potentially being prosecuted, with the opportunity to respond, defend or even receive a fair trial.

SAM DAVIS: There are also some other issues in terms of the way that, when animals are seized—there are quite a number of cases that we hear where the reason that people do not defend themselves is because their legal advice, and understandably, is that, "This animal is going to be kept and seized for six to 12 months, or however long the court process takes, and the amount that you are going to be up for to pay for the housing of that animal far exceeds the fine that you're going to get in court." In other words, people plead guilty. I know that you are in the other inquiry. We have recommended that the State needs to take on the cost involved in that so that we can have a fair due process, so that people defend their own innocence rather than plead guilty.

Ms ABIGAIL BOYD: But the point there, then, is the way that the particular powers are drafted, not that if the NSW Police Force was to be doing the same things under those provisions it would be subject to a higher burden of proof.

MICHAEL DONNELLY: No, that is not what we are trying to say—

SAM DAVIS: No, it is for a higher level of scrutiny.

MICHAEL DONNELLY: For your point of clarification, yes.

SAM DAVIS: A higher level of scrutiny that the Police Force would be held up to.

Ms ABIGAIL BOYD: My final question is to all of you. Given that we have a situation—as Ms Hurst said, quite a bizarre situation—where we have certain crimes relating to animals only being enforceable by private charities, why do we just stop at these two? Should we instead be opening up the ability to prosecute to all private individuals and groups?

KRISTINA VESK: I think that there are ways that that is managed so that it does not—so that the courts are not burdened with vexatious matters. And if that issue is just a citizen right, rather than extending it to other charities, then I would support it. I think, as things stand, those two charities currently—their teams of inspectors are well trained and experienced in investigations. But I take your point, and I do not disagree that it ought not be impossible for a person to bring a private prosecution.

MICHAEL DONNELLY: I completely disagree. I would not want to see any other third parties being able to prosecute. We already have enough issues with two charitable organisations doing it, let alone opening that up to any other ideological group, or anything else, trying to prosecute. Or potentially anybody, like a neighbour who has a vendetta against their neighbour, being able to attempt to prosecute either. All of those things are different options that would, in your question, potentially be viable. I do not think that should be the case.

TARA WARD: The Animal Defenders Office is on record supporting a returning to a position where public prosecutions were available. This was the position prior to, I think, 2007, under the Prevention of Cruelty to Animals Act. It is also the position in other jurisdictions currently, including the ACT and at least three other jurisdictions where public prosecutions are possible. When public prosecutions were possible under the Prevention of Cruelty to Animals Act, we had some very important cases that actually tested and developed the animal welfare law—for example, bringing the first case that was based on the psychological suffering of a circus wild animal held captive at the circus. That was an extremely—and to this day is cited as a precedent for various issues under animal welfare laws. Public prosecutions is the default position under the Criminal Procedure Act 1986 in New South Wales, so it certainly would not be anything radical if we were to return to that under the Prevention of Cruelty to Animals Act in New South Wales.

MICHAEL DONNELLY: Just before you go on, can I correct something? People either side of us have referred to it as the Prevention of Cruelty to Animals Act. As from this point moving forward, it is not. It is actually the Animal Welfare Act.

The Hon. EMMA HURST: It is not in place yet, though.

MICHAEL DONNELLY: I realise it is not in place.

TARA WARD: No draft legislation has been introduced to the Parliament, as far as I am aware.

MICHAEL DONNELLY: I am aware of that but my point being we should not be focused on the prevention of cruelty, solely. It is actually an Animal Welfare Act. It should all be about animal welfare, not just the prevention of cruelty to animals. Yes, ACA wants to see the prevention of cruelty to animals stop and constantly we should be looking to improve ways, and find ways of improving animal welfare, not just about preventing animal cruelty but improving animal welfare as well, if I may.

The Hon. SCOTT BARRETT: Mr Donnelly I look to you for a nod that I am paraphrasing correctly. Would you like to see the prosecution powers mirror what they do in WA and Queensland where they sit with the department. In those two States, I am guessing, would be the bulk of our animals, definitely our livestock animals, anyhow. Do I infer from that also that you do not have a concern about any conflict of interest with those powers sitting in those departments?

MICHAEL DONNELLY: We do not have the conflict of interest concerns, as well as all the other measures we have put in our submission, that accountability and transparency and all that are actually implemented. No, we would not. If there are the appropriate appeal processes in place et cetera then that conflict of interest could very easily be dealt with—very easily.

SAM DAVIS: I think that transparency and oversight exists by its very nature within departments like the Department of Primary Industries whilst it does not exist at all, as far as we can tell, within the charitable organisations. A lot of the issues that we have got here in terms of the Ombudsman being able to deal with things, and the GIPA Act and all the rest of it, all that sort of stuff, solves itself—obviously an animal welfare department within New South Wales DPI, as we have now, and we have complete faith in Kim Filmer, the current Chief Animal Welfare Officer, to do a good job in that respect.

The Hon. MICK VEITCH: First, I was the one posing the questions around education this morning and I was not, in any way, inferring that you should reduce the compliance activities by having education. I was talking about a deliberate funding stream above and beyond that, just to make that clear.

The Hon. EMMA HURST: I was not referring to those questions.

The Hon. MICK VEITCH: What we are talking about with the GIPA Act is what they call follow-the-dollar legislation. There have been discussions at previous inquiries around the Animal Welfare League and the RSPCA having to comply with GIPAA provisions because they receive government dollars. It is a bit unusual in that in other areas such as the disability field, if you receive government dollars you are not always required to meet follow-the-dollar type legislation. Essentially what I gather is that there is an issue because it has been raised with me again that people are applying under GIPAA for information from both AWL and RSPCA. Ms Ward, it is your organisation probably more than the others, but I could be wrong about that because Mr Coleman at one of the inquiries said that they do comply. Do you still have issues around accessing information under the GIPA Act as it relates to the RSPCA and the Animal Welfare League? I will ask the other panellists as well.

TARA WARD: Following on from the evidence provided at a previous inquiry—and it was certainly news to us that the RSPCA considers itself to be subject to freedom of information laws—we have just put in our first request. Unfortunately that is just happening now so we will certainly see how that goes. But in the past, outside of that framework, we have had absolutely no luck in getting any information from the organisation as to why matters about which we have put in detailed complaints, do not proceed.

SAM DAVIS: I will just add in terms of GIPAA, there is a difficulty for RSPCA—or AWL, I guess—determining what information is it that is subject to GIPAA and what is not. When does an investigation become an investigation under POCTA, and when does it become an animal welfare thing? There are difficulties there that we have discussed with government staff in the past. On the Ombudsman issue, we have had advice from the New South Wales Ombudsman that, yes, people can put in a complaint for those public functions. I asked for statistics, and I have spoken to people in the Ombudsman's office only in recent days, and the reality is I do not think anybody ever has. There are a couple of complaints in its annual report—40 out of 6,000-odd that are not classified as anything—so it is possible and I guess they can go and troll through them.

The reality is the public is completely unaware that that option is open to them. In any case, certainly the Ombudsman's office would not investigate an individual complaint. It would only be if there was a whole stack of them that they would then start to investigate. At this point clearly that is not the case. I think probably because the public does not know that they can do that.

MICHAEL DONNELLY: If I could answer your question, Mr Veitch, during our preparation for the upcoming puppy farm task force, we actually approached the RSPCA for the statistics from the puppy farm task force. We were informed that that information, albeit being publicly funded, was not available to the public. We were informed that we would need to find that information elsewhere; it would not be available to us via a GIPAA request, despite me stating I would be happy or prepared to provide or lodge one. We went to the Department of Primary Industries who referred us back to the RSPCA for that information. We ended up having to find those statistics, thanks to you kind people who asked the questions during budget estimates.

KRISTINA VESK: We have had no need to seek information, so it is not really applicable.

TARA WARD: I want to correct the record in response to a question asked by Ms Boyd. I referred to public prosecutions. I think I meant private prosecutions.

The CHAIR: No problems at all. That concludes our session with you. If you have taken some questions on notice, the Committee secretariat will be in touch and you will have 21 days to reply.

(The witnesses withdrew.)

Dr JAMES JACKSON, President, NSW Farmers, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back to our last session before lunch on the inquiry into the approved charitable organisations under POCTAA. We now welcome our witness from NSW Farmers, the president, Dr James Jackson. Welcome.

JAMES JACKSON: I have an apology for Annabel Johnson, our chief of policy, whose father is in trouble and in hospital. She has taken the day off.

The CHAIR: Please pass on our regards to Annabel. Would you like to make a short opening statement?

JAMES JACKSON: I certainly would. Good afternoon all and thank you for the opportunity to present at this inquiry. My name is James Jackson. I am President of NSW Farmers and a farmer from Guyra. We represent the State's livestock industries, including but not limited to sheep, bulls, cattle, goats, dairy, pigs and poultry. Animal welfare is of the highest importance to farmers. As the primary caregivers to animals in their production systems, farmers have a pivotal role in protecting and improving animal welfare. This is a responsibility that we take very seriously. A fit-for-purpose animal welfare legislative framework consists of several pillars. One of these is enforcement. Effective enforcement is key to building community trust in the legislative framework and confidence in the outcomes that it produces.

Several principles must be adhered to for enforcement agencies to be effective. First, enforcement agencies must be impartial and avoid conflicts of interest. Impartiality necessitates that enforcement bodies do not engage in advocacy, activism or public campaigns, and they cannot have commercial relationships with some producers. Second, while the investigation and enforcement of criminal sanctions is a critical function of enforcement bodies, it cannot come at the expense of animal welfare outcomes. Critically, enforcement bodies must be adequately resourced and possess the necessary expertise and skills to ensure that they can effectively undertake their role. Finally, as these agencies carry out public functions, their operations and expenditure of government funds must be transparent and accountable.

Non-government enforcement agencies are not currently meeting these principles. They do not meet the required standards of knowledge, transparency, impartialness or accountability required to produce the best animal welfare outcomes in New South Wales in relation to commercial livestock. As a result, community trust in our animal welfare systems is not as high as it could be. There is a simple solution. Enforcement powers should be held by government authorities. The Department of Primary Industries is the only potential enforcement body that possesses the necessary technical knowledge, especially in relation to animal health and biosecurity. They are uniquely capable of establishing relationships to deliver on animal welfare and ensure that positive health and care outcomes are achieved while having no actual or apparent conflict of interest in fulfilling this role. NSW Farmers and its members welcome the opportunity to comment on this inquiry and look forward to your questions on this important issue. Thank you.

The Hon. MICK VEITCH: James, you are dropping in and out at this end, so if we do not hear you completely we might ask you to repeat what you said.

The Hon. PETER PRIMROSE: You could possibly send an email.

JAMES JACKSON: Okay, will do.

The Hon. MICK VEITCH: I gather that was a prepared opening address?

JAMES JACKSON: Yes, I will send it to the Committee.

The Hon. MICK VEITCH: That would be excellent, thanks.

JAMES JACKSON: I will do it. And I did not stuff up the affirmation this time.

The Hon. MICK VEITCH: If you do it enough, James, you get better as you go. James, thanks for your submission and opening comments. This inquiry comes about because of a recommendation from a previous inquiry back in around 2016 or 2017 that looked at animal welfare issues. It was more to do with trying to put accountability and rigour around the taxpayers' funds that are provided to the RSPCA and the Animal Welfare League and how those funds are spent and whether or not the public can read their annual reports sufficiently to understand what sort of compliance activities they are undertaking and whether taxpayers are getting good value for the spend. Can I ask you, from a farmer's perspective, what sort of information would you like to see included in an annual report from the RSPCA?

JAMES JACKSON: Actually I noticed that that submission [audio malfunction] society. I think some granular information about the issues so we could look at trendlines is really an obvious one that we do not really get optics on at the moment. So, exactly where are the compliance issues or the compliance activities framed? That does not necessarily [audio malfunction]. It does give us an indication of essentially emerging issues so far as animal [audio malfunction]. But having more granular information about compliance issues against POCTAA is a very good idea. I think we would certainly endorse that. The essence of our submission is about the potential conflicts and those perceived conflicts and how they potentially corrupt the behaviour and the compliance activities of enforcement [audio malfunction]. I mean, [audio malfunction] RSPCA has [audio malfunction] programs with some producers—

The CHAIR: Sorry, James—

JAMES JACKSON: Obviously if they are going to do it, that has to be exposed, if you like, or defeated.

The CHAIR: Sorry, James, you were cutting in and out there. Can I suggest you turn your video camera off? That might improve the audio.

JAMES JACKSON: Okay, sorry.

The Hon. MICK VEITCH: James, you will get a copy of the transcript. Hansard would be having serious difficulty in trying to get this down. When you receive the transcript, where it says "[inaudible]" or "[audio malfunction]" you will have to fill that in to assist everyone.

JAMES JACKSON: I am sorry. I have taken those headphones out. Is that any better?

The Hon. TAYLOR MARTIN: That is heaps better.

The CHAIR: That is heaps better.

The Hon. MICK VEITCH: Yes, that is good. James, just as an example in the regions, the compliance activity the RSPCA undertakes is often around saleyards and saleyard compliance, like the sale of bobby calves, for instance. Do you think the presence of the RSPCA at the saleyards is adequate and sufficient? Does it provide enough of a warning for people around the obligations when they take stock to saleyards?

JAMES JACKSON: Their presence at saleyards? I mean, I have got to be honest, I do not think I have ever seen the RSPCA at saleyards. The saleyard operators have got compliance arrangements for animal welfare, making sure animals are fit for load and that sort of thing. I think the idea that you need compliance officers there as a deterrent is probably ancient history. I think that is possibly ancient history. We have compliance arrangements and procedures within the saleyards' operating arrangements that essentially get a feedback loop on animals that are unfit to load or animals with a cancer or something that should not have been put on the truck. I think compliance is actually getting better. I see less of those cases at saleyards at the times that I go to them. I think that feedback loop actually without compliance officers is actually working quite well. We as livestock producers understand that animals presented at a sale that have a cancer or, you know, essentially should have been destroyed or something like that, undermines industry confidence.

So we have got our own compliance arrangements that police that quite strictly. The saleyards guys have, we have so far as producing goes, putting it on the truck, the LPA arrangements, our own internal assurance programs essentially dictate that we understand what is fit to load and what is appropriate to put on a truck and send to a saleyard. I think having the RSPCA there, I would say, is probably a waste of time, to be honest. We do get reports of animals that should not be at saleyards. There is fairly strong feedback to those people to improve their game, if you like.

The Hon. MICK VEITCH: You will probably have to take my last question on notice. It relates to making applications under the Government Information (Public Access) Act in New South Wales. Has NSW Farmers ever had need to access that provision by asking for information from the RSPCA? If that were available, do you see a need for your organisation to access that arrangement?

JAMES JACKSON: Thanks for the heads up. I think I do have to take that on notice. I am not aware of any cases that we have asked for information from the RSPCA. I will say that those animal welfare panels essentially get that connection going okay, and get some clarity on a lot of the issues around a lot of the livestock cases, if you like, and get an understanding of all the moving parts. I think as a process in enforcement the animal welfare panels have been a triumph. They are a little bit unique, I think, in New South Wales. I think you should be pretty proud of the legislation to be honest. I think it works okay and it makes the functioning and the enforcement of the Act—it takes people with them. Yes, I will take on notice whether we have actually accessed that and whether we would like to have easier access to enforcement activities. My gut feeling is probably that we have done it and that those animal welfare panels sort of create that communication arrangements with RSPCA

especially, who we mainly deal with. The Animal Welfare League is mainly operating in Sydney although there is one on the Southern Tablelands, I believe. I have not had meetings with the Animal Welfare League. It is mainly with the RSPCA. I will take that on notice.

The Hon. SCOTT BARRETT: Your submission suggests putting enforcement powers back into DPI. Earlier, the Committee heard suggestions that that would not be the right thing to do because they should sit with people who put animal interests first, not the users. What are your views on the reflection that DPI and industry are not putting animals first?

JAMES JACKSON: I think the premise of the idea that the interests of animals and animal owners are not aligned with respect to animal welfare is essentially false. I mean, there is no evidence to suggest that their interests are not aligned. There is a huge amount of peer reviewed evidence to say that animals well looked after actually are more productive and more profitable. So that connection or that idea that essentially you make more money out of abusing animals is simply not the case. It never has been the case and it is certainly not a principle that underpins most of agriculture. Having said that, there are people who really should not have animals. The POCTA Act, I think, sorts them out. We actually approve of the increase in some of the penalties about excluding people from owning animals and those sort of things. I think this idea that somehow the DPI is conflicted when it comes to achieving these aims is ridiculous.

The DPI is uniquely positioned, if you like, to understand all the moving parts of animal welfare. This idea that animal welfare is some sort of construct to animal health and biosecurity—there are all sorts of factors that have animal welfare impacts. But the idea that our interests are not aligned is just nonsense. I will give you a case study—that is, the issue of pre-slaughter stress. Some years ago we did some research into eating quality in the meat industry. That research revealed that animals that were stressed prior to slaughter did not perform as well on the eating quality testing. So we have introduced a program that actually looks at an objective measurement of pre-slaughter stress that we can actually measure when we are looking at the meat of the animal. [Audio malfunction] and indeed better management of the animals on farm. [Audio malfunction] have a MSA grading that is higher. So our economic interests are directly aligned with the welfare of those animals pre-slaughter.

It is a case study that I think is a perfect example of where we have got an objective measurement now to actually drive behaviour change that has improved those supply chains and improved the welfare of animals pre-slaughter. That is a case study. It is irrefutable. There is a huge amount of evidence around it now and there are a lot of changes that have happened in that supply chain that have delivered those outcomes. A body like the DPI is the appropriate body to look at the measures, if you like, on the MSA grading of animals that are going through the abattoir. That gives you an objective assessment of how well we are achieving those aims. It is brilliant. It is really good for the animals. There is no two ways about it. There is that relationship, if you like, between our economic interests and the welfare of the animals.

The Hon. SCOTT BARRETT: Can we also touch on the overlap between animal welfare and biosecurity?

JAMES JACKSON: Absolutely. It is interesting. I have just filled out a submission to David Littleproud's national biosecurity strategy. We have actually prompted this out that, you know, essentially incursions of animal diseases into this country potentially have huge impacts on animal welfare outcomes basically through that health connection. It is through that health connection. The idea that an incursion of foot-and-mouth disease in this country—if you have ever seen footage of foot-and-mouth disease, it causes erosions and ulcers on the mouths of animals and on the feet of animals, and they are very distressed for some time. A number of them do die. Morbidity or the incidence of it in a flock is quite high. Mortality is variable depending on the species, but it does hurt animals.

Stopping something like foot-and-mouth disease from coming into the country has quite a beneficial effect on avoiding animal welfare concerns. So absolutely. One of the core reasons why you actually have biosecurity is to stop that. It is useful for marketing. There are no two ways about it, if foot-and-mouth disease gets into this country it is not in my economic interests and it is not in farmers' interests. We will take a huge hit on our bottom line. Again, it is another case study on the fact that the interests of the animal and our economic interests are very much aligned.

The CHAIR: I advise you to do another case study. In your submission you talk about having concerns around the three-year statutory limitation period. We heard evidence from RSPCA this morning where they said they thought the three years got the balance right. Do you have any examples of where you would say that it actually has adverse implications for animal welfare? You mentioned in your submission that having that three-year statutory period has the potential to have adverse impacts.

JAMES JACKSON: Absolutely. The classic case study is the live export debacle where various people stockpiled footage and cases of animal welfare abuses. They stockpiled them to their commercial advantage. That is unacceptable. That is unacceptable for the animals. If there is a case to be made against somebody and the evidence is there, it should be put in front of the authorities ASAP. It cannot be warehoused. You cannot cross over compliance activity with some sort of advocacy agenda [inaudible] on the television or maximise the commercial implications of that footage or of that situation. So absolutely. If those case studies or those incidents are sat on, it is morally reprehensible. It is not acceptable. I do not know anybody who has tried to defend that. They have just looked at their boots when you bring that up in some sort of degree of shame. It is shameful.

The CHAIR: I think that gets us pretty much up to 12.45 p.m. Thank you for appearing, albeit via Webex. I think you may have taken one or two questions on notice. The Committee secretariat will be in touch and you will have 21 days to get back to us. Thank you for your time, once again, James. I know it has been twice in two weeks, but we appreciate it.

JAMES JACKSON: Thanks for the opportunity. I appreciate it.

(The witness withdrew.)

(Luncheon adjournment)

Mr SCOTT HANSEN, Director General, NSW Department of Primary Industries, sworn and examined

Ms KIM FILMER, Chief Animal Welfare Officer, NSW Department of Primary Industries, affirmed and examined

Mr JOHN TRACEY, Deputy Director General, Biosecurity and Food Safety, NSW Department of Primary Industries, before the Committee via videoconference, affirmed and examined

The CHAIR: Do you want to make an opening statement, Mr Hansen, or do you want to go straight to questions?

SCOTT HANSEN: I am happy to go straight to questions because I know there are some time constraints on members.

The Hon. MICK VEITCH: Speaking of time constraints, I will have to go at 2.00 p.m. Mr Hansen, this morning we heard from both the RSPCA and the Animal Welfare League. We had the opportunity to explore with them their funding which, as Ms Hurst pointed out, between them is about \$500,000 annually. There is \$75,000 for AWL and \$425,000 for the RSPCA. Mr Hansen, how is that funding amount determined and what is the process for the annual funding? Is there a bid process? Is there a discussion over a cup of coffee? Is there some sort of more formalised process that Treasury would like? What is the formula that provides that money for those two agencies? What is the annual process for them to determine what that money will be?

SCOTT HANSEN: Thanks for the question. It is actually a historical allocation or determination that goes back. We were actually trying to find, for the purposes of preparation for today, the original description or basis for, and we are still yet to turn up that original description or basis for. It should be pointed out that that category of grants for animal welfare agencies—actually there is more than just the RSPCA and the Animal Welfare League that receive grants. There is obviously the RSPCA, which is the largest of the organisations. As you pointed out, their grant is \$424,000. The Animal Welfare League receives \$75,000. Cat Protection Society receives \$15,000 annual welfare grant. WIRES receives—

The Hon. EMMA HURST: Sorry, can I interrupt. Is that for enforcement of the Prevention of Cruelty to Animals Act?

SCOTT HANSEN: No. All of these are grants that are purely for the purposes of animal welfare and they are not tied to enforcement or compliance activities. I think as we have talked about in previous questions from this Committee, it is not as though we procure the services of RSPCA or the Animal Welfare League in the provision of enforcement and compliance activities. There is a grant that we provide them annually and then there is them being accredited enforcement agencies under the Act in terms of their compliance and enforcement activities.

The Hon. MICK VEITCH: So there is no nexus between the \$424,000 to the RSPCA and their obligations under POCTAA?

SCOTT HANSEN: That money is not tied in any way through MOU or others in terms of that allocation. It is purely a grant. As I said, it is part of a number of grants that are made by the department out of its consolidated revenue that we receive from Treasury for the purposes of animal welfare and it is a historical allocation.

The Hon. MICK VEITCH: So \$424,000—

SCOTT HANSEN: I am sorry, there was one more I missed, just for completeness. There is the Domestic Animal Birth Control Society, who receives \$3,000.

The Hon. MICK VEITCH: The RSPCA receives \$424,000 on an annual basis. We are not sure how the funding formula originally came about. Is there a contract, letter, deed or some arrangement that comes with that money with expectations itemised as to how it should be spent?

SCOTT HANSEN: Not that I am aware of, no.

The Hon. MICK VEITCH: It is completely untied?

SCOTT HANSEN: It is a grant and that grant is for the purposes of animal welfare activities in the State of New South Wales.

The Hon. MICK VEITCH: We do not stipulate what it will be each year? It is a very broad statement?

SCOTT HANSEN: That is my understanding. I might ask Dr Filmer or Dr Tracey if they have anything else they want to add on it.

KIM FILMER: We do receive feedback from the Animal Welfare League and the RSPCA about how they have spent that money but, as you can imagine, that amount—they are usually pointing to using it for inspectorial functions.

The Hon. MICK VEITCH: The last series of questions were about what comes with the money up-front. At the end of it, do we have an expectation that there will be an acquittal provided, even a rudimentary acquittal?

KIM FILMER: Yes, we do get a letter back from each of the organisations stating what they have used the money for.

The Hon. MICK VEITCH: It is a bit hard to audit a \$75,000—it would have cost more than that just to have it audited. I guess in the discussions around each year about the funding that is going to be made available, do you have very broad conversations with the agencies around, "It would be really good this year if you could focus on saleyards," or cats or something. Do we in any way provide a bit of colour to the money we are providing?

KIM FILMER: We have ongoing dialogue with both of those organisations throughout the year. It is not just at the beginning of the year we say, "This is what you need to spend the money on." That money is spent by the organisations in the way that they see fit. But we do have ongoing dialogue with them about areas of need. If something arises or something is becoming an issue or something is causing concern, then that becomes part of the ongoing dialogue that we have with them throughout the year.

The Hon. MICK VEITCH: If we move on to say specific funding such as the puppy farm task force that was established, Mr Hansen, what was the process that developed the program for that work and the funding that went with it? How did that come about? Is it the same arrangement as the \$424,000? Is there a different process that delivered that money?

SCOTT HANSEN: That was a different process. The process was basically a request to the RSPCA to advise us on what could they do with an allocation of funding to focus in on puppy factories and targeted enforcement compliance activity on that front. That is when they came back with their proposal for the task force, the costing for that task force and that was agreed to, with this many extra inspectors and the activity that we would expect them to undertake.

The Hon. MICK VEITCH: Let me get this right. The RSPCA identified a need, scoped out a plan or a framework and then presented that to government for funding? Did it have a funding request or did you work out the actual funding in conjunction with the RSPCA after it was agreed that their identified need and proposal was worthy?

SCOTT HANSEN: The only additional piece to that would be the fact that the Government has identified the need for a targeted activity in this front and had a conversation with RSPCA about what would you be able to provide for what amount of money in terms of targeted activity? Hence the creation of the puppy task force. They submitted this is a proposal for this amount of money and this is what it will buy.

The Hon. MICK VEITCH: I want to move on to something completely different. I am particularly impressed with the Animal Welfare League's mobile vet truck [MVT], particularly after having observed it in action at the DPI site at Alstonville. This morning the Committee heard that essentially the DPI reaches out to the Animal Welfare League and the RSPCA in these sort of extreme events to come and provide their services. Is there a contribution from government to assist them in this process? Is it full cost recovery or do they bear the cost completely from within their own funds?

SCOTT HANSEN: I might throw to Dr Tracey but for all of those activities, in fact, even for the purposes of provision of pet food during emergencies at shelters and so forth that they man for us, there are additional payments that are made throughout the year by the department. The grant payment is one payment. Then there is recouping of costs and expenses for certain activities throughout that year as well. I might defer to Dr Tracey to talk about how we set up the funding arrangements for provision of services by Animal Welfare League and the RSPCA during emergency situations.

JOHN TRACEY: Thanks for the opportunity. That is right. In terms of assistance that we provide any organisation participating in an emergency, that is all sort of overseen—we follow the rules in terms of the New South Wales Disaster Assistance guidelines. What that means is that while we do not cover permanent staff, what we do cover is additional staff who need to be put on and any of their continued costs—overtime, travel, accommodation—associated with a response. Once they are in the response and we stand them up, their costs are covered. That is typical for all organisations we engage in emergency activity.

The Hon. EMMA HURST: This morning the Committee heard from the Animal Welfare League and the RSPCA that they have requested a review of that allocation of money and an increase in the allocation of money. I am talking not about additional grants but about that \$75,000 and the \$424,000. What happened from the department's perspective about those requests? What is the current state of those requests to date?

SCOTT HANSEN: I will throw to my two colleagues because it was pointed out to me in today's earlier sessions that that comment was made by both. I am not aware of any request from either the RSPCA New South Wales nor Animal Welfare League for additional funding or an uplift to that grant funding. We have talked about specific projects and activities such as the task force and so forth. But I am not aware of any requests they have made to review and consider that grant funding.

The CHAIR: Just for clarity, I think Mr Slater from the Animal Welfare League said it was an informal request.

The Hon. EMMA HURST: He said it was informal. The RSPCA did not indicate.

SCOTT HANSEN: Again, I am sorry. I am not aware of any request that has been made but I might ask Dr Tracey or Dr Filmer if they are aware of any.

JOHN TRACEY: I am not aware of any requests.

KIM FILMER: I have probably a lot more interaction with both organisations. In general discussion, often there is discussion around what you could do if you had more. I guess in this field, like a lot of fields, there is never too much funding, that is for sure. So in terms of general discussion around what could be done, there are sometimes discussions around that but there have been no formal requests, as Mark Slater indicated, for an increase in funding. The general informal discussion, I guess, is probably the right way to describe it.

The Hon. EMMA HURST: So you do not recall a formal request from the RSPCA about that?

KIM FILMER: No, there has been nothing formal to my knowledge.

The Hon. EMMA HURST: Very recently in budget estimates hearings—only a couple of weeks ago—the Minister agreed to review the funding that is provided to the two charities. Are you aware within the department of this agreement that was made at budget estimates hearings? Has any work started on that?

SCOTT HANSEN: I am totally aware of the agreement. I think I was sitting not too far away from the Minister at the time when that happened. A lot of things have been happening since then in terms of emergency responses. It is still high on the radar. In fact, it was the subject of conversation just today between myself and the Minister in terms of ensuring that we proceed with that review.

The Hon. EMMA HURST: Is there is an agreement to commit to that review, and will that be starting soon? Do you have any other details you can provide us?

SCOTT HANSEN: No, that is as much as I have at the moment that I can provide.

The Hon. EMMA HURST: We heard in evidence today from both of the charities that they are often unable to take calls outside of office hours. After 5.00 p.m. there is nobody there to take emergency calls. Obviously a lot of complaints are not dealt with ASAP when sometimes they have to be. They also talked about having to make difficult decisions by triaging and working out which is the most urgent cruelty complaint to deal with. Were you aware of this before you were called to the inquiry, that it is not something that is personned 24/7, and that because of staff shortages they did have to make difficult calls in regards to what to respond to?

SCOTT HANSEN: I was not, but I might defer. One of my two colleagues might well have been.

KIM FILMER: I did hear that.

JOHN TRACEY: I was not aware of that.

KIM FILMER: I was not aware that that there was not, no. But they did indicate that there is a service. It is just that there is no person on the end of the phone.

The Hon. EMMA HURST: The other thing we heard a lot about—and I think, Mr Hansen, we have spoken a bit about this previously—is that I know within the Department of Primary Industries you have a policy, or people working within compliance within DPI—that if officers are going out, there is a minimum of two officers. Both the RSPCA and the Animal Welfare League indicated that because of their staff shortages and underfunding they often only send one person. While they are attempting to make efforts to speak with the police and get information to try to work out whether there are red flags in certain situations, obviously that will only work in some situations. There are always going to be situations where somebody could be walking in as one officer, and we know that there is a link between domestic violence and animal abuse. We have heard previously

from other inquiries that walking into domestic violence situations are some of the most dangerous situations for anybody to walk into. Do you have concerns about the safety of RSPCA and Animal Welfare League officers when there is only one person going in because somebody does not have a previous criminal history in domestic violence, even if that is the space that they are walking into?

SCOTT HANSEN: I would always be concerned about any compliance officer walking into a situation on their own, which is why we would hope that the standard operating procedures that they would put in place would try to mitigate that risk. We are aware of the MOU they have in place with New South Wales police, which allows them to be accompanied by a police officer for visits that they deem high risk or that they believe to have an element of risk associated with them. But in terms of that standard operating procedure from both RSPCA and Animal Welfare League, we continue to encourage them to look at how they minimise risk on that front. Obviously it is not just about additional—

The Hon. EMMA HURST: But can you see where the concern is. Obviously there are ways to mitigate that risk, but it sounds like, from speaking to them, they are so understaffed that they would actually halve their inspectorate. They are saying that they cannot deal with the animal cruelty complaints that are already coming in if they send two. The only time that they might have a police officer or send two are on those occasions when harm is identified, which is not a realistic safety measure given that it relies on the fact that there is forward information coming in, which is very often probably not available. Is that something that has been flagged to the DPI or that the DPI is considering, going forward, to make sure that these officers are able to go in pairs to provide for their safety?

SCOTT HANSEN: Again, I will ask Dr Tracey or Dr Filmer if they have had any more specific conversations. But the challenge you have outlined there is a challenge that all New South Wales Government agencies—in this case, those enforcement agencies—face.

The Hon. EMMA HURST: Is there any other enforcement agency that is only sending one officer out to a private home that could be walking into a domestic violence situation?

SCOTT HANSEN: No, but I am sure if those enforcement agencies decided that they were only going to send one person out, they would also be able to claim that they could get to twice as many cases. Everyone needs to make an assessment about the risk that they are sending their officers out into and the breadth by which to cover. It is a call that we make on everything, whether it is our fisheries complaints, whether it is our teachers or whether it is our nurses. It is trying to get that right blend between the number of employees dealing with the right number of people, or the right number of employees to send to a case. It is ultimately the responsibility of the agency that is hiring and deploying those into the field. Ensuring the safety of their staff should be first and foremost. If this is an area of concern for them, there is always the case that they send them out in pairs, they either reduce that caseload or they use more of their funding to employ more staff to cover that. That is not a decision that we make.

The Hon. EMMA HURST: If they decided to send two officers out and then they were able to attend to half of the cruelty complaints that were coming through, how would the department then deal with the fact that half of the complaints that are coming through to the Animal Welfare League and the RSPCA are not able to be responded to by those charities? Is there a fallback strategy to help deal with that problem, given that they are already struggling where they are now? How would the DPI step in and help with that?

SCOTT HANSEN: If that was a conversation that they would bring to us, we would always have the ability to have conversations with the third leg of the enforcement arm within animal welfare in the State, which is New South Wales police, about how we could deploy some of the 17,000-odd police officers in the State to assist in coverage. Until this morning's hearing I was unaware that they were concerned about the staffing levels. As I said, I have had no direct formal approach from either of those animal welfare agencies with regards to funding. Therefore, in the absence of any request for assistance with resourcing, I was not aware that they were feeling as though they were struggling to keep up with current. In what the Committee has just outlined to me now, they are struggling to keep up with potentially unsafe practices of single operatives going out into the field on their own. There are other methods of mitigating—it is not just additional people—whether that be body-worn cameras, which is one tool that we use as a way of trying to mitigate the risks associated, and which I know we are working on a trial with the RSPCA and the Animal Welfare League to deploy. But there are other ways of also helping to reduce that risk.

The Hon. EMMA HURST: I am assuming that is a conversation that, if these charities did approach DPI, that would be something that would be considered around providing more funding as part of that review so that they could ensure, for example, being able to go in pairs or other concerns that were raised around staffing and overseeing cruelty complaint lines, for example?

SCOTT HANSEN: I am sure some of that will be part of the context which is taken into account with the review of the grant funding that the Minister spoke to at estimates.

The Hon. EMMA HURST: Obviously we do have the police as well, but I am wondering if you are aware if the police have the same access to emergency housing for animals, or whether they are skilled or trained to deal specifically with animal cruelty complaints in the same way that the RSPCA and the Animal Welfare League officers are?

SCOTT HANSEN: I might ask Dr Filmer or Dr Tracey to comment on this. But to lead in, the blend of enforcement agencies we have at the moment really does give us a combination of people who are skilled in handling people, people who are skilled in handling investigations and evidence, and people who are skilled in handling animals. It is that blend that actually provides some of the strength to the framework of animal welfare compliance in this State. I might just ask Dr Tracey or Dr Filmer if they want to comment on the expertise or the experience within police and their accessibility or their access to shelter and housing.

JOHN TRACEY: The key point is that New South Wales police are available to assist and they do assist. There have been complaints, for example, in regional areas where you may have some shortage or there may be some overwork there. Complaints are referred to New South Wales police. The main point is that they are going to be expert in understanding the law, understanding what is required under the legislation, and to be able to take action on that. They do often seek the assistance of RSPCA shelters and Animal Welfare League in relation to the care of those animals.

The Hon. EMMA HURST: So you see the role of the police as being more of an assistance to the charities rather than being in a position to actually take full control of these cases and to be able to run it independently?

JOHN TRACEY: I think they can and they do in cases of complaints being referred to New South Wales police. But, at the same time, joint operations are a good thing, and we do see that for animal welfare cases where we have got concerns on risks or where there are concerns that have been flagged, then the New South Wales police often contribute to joint operations in that case.

The Hon. EMMA HURST: In your opinion, are RSPCA inspectors well trained and capable to respond to and investigate animal cruelty matters?

SCOTT HANSEN: Yes, hence why they are authorised to be able to do so.

The Hon. EMMA HURST: In that case, would you support them retaining that function and the independence of actually upholding the Prevention of Cruelty to Animals Act?

SCOTT HANSEN: The current model provides a robust structure for compliance in the State, yes.

The Hon. EMMA HURST: Do you feel that it is a job that is being well done by the current charities?

SCOTT HANSEN: Yes. As you would be aware, it is a model that is replicated across most States and jurisdictions.

The Hon. EMMA HURST: I have one more question in regards to the Mobile Vet Truck. We did also ask the Minister at budget estimates if he would look into funding for that. Do you have any updates on where that might be up to or have you heard of anything?

SCOTT HANSEN: No. I have no more updates on that, sorry.

The CHAIR: I might ask a couple of questions to try and round out that line of questioning around the review that the Minister committed to. We do not know where this historical document that outlined the \$425,000 may be. We are going to do a review. At what point do we give up trying to find that missing document and just, as part of this review, establish some sort of policy, ratio or methodology in assigning funding to these two ACOs, or is that going to be part of the review where you actually develop a formula?

SCOTT HANSEN: My expectation is we start from what is the purpose of the grant, what have they been used for in the past, and how adequate is that level of funding for the outcomes that have been obtained.

The CHAIR: Going more broadly to reporting, we have heard a lot of testimony today and through the submissions that people do not believe there is enough transparency in the reporting of these two ACOs. Do you see something at a departmental level more than we do or the general public does, or do you just get the same fluffy document that we get, that you can download off the website with some pretty pictures of dogs and smiling cats and a few rough figures? Do you see more detail than that?

SCOTT HANSEN: Yes. I will get Dr Filmer to talk through it because we certainly do not see a fluffy document. We have an MOU with both organisations that outlines the governance and the reporting framework. I might hand over to Dr Filmer.

KIM FILMER: The ACOs submit an annual report to the Minister and that report comes initially to the animal welfare unit within DPI and we cross-reference and check that document to make sure they have provided the information that is required for them under the regulation. That does have more detail in it than the glossy document that is put out to the public.

The CHAIR: The glossy brochure.

KIM FILMER: But there is some information in that document that I would think is of a confidential nature in terms of people's names and details and things like that. Yes, we do get to see the responses that the organisations make to the legislation or regulation requirements that are quite clearly specified.

The CHAIR: Does that differ for the different grants? Is there a different set of requirements for that \$425,000 compared to the puppy farm task force?

KIM FILMER: This is purely an annual report that goes to the Minister.

The CHAIR: If this Committee asked to see the annual report with that detail on how successful the puppy farm task force was, you would be able to provide the Committee with that, perhaps with some redactions? Obviously we do not want personal names or people being prosecuted, but would we be able to see some of that data as an example of what reporting goes to you?

SCOTT HANSEN: Yes, certainly. I think actually in estimates two weeks ago we were able to go through the month-by-month breakdown in terms of the number of initial inspections, repeat inspections, the number of PINs, the number of prosecutions on a monthly basis for the task force. That information is pretty typical of the regular reporting we get.

The CHAIR: There has been suggestion that a more detailed reporting be prescribed in the legislation for public consumption. Would DPI find that objectionable in any way? Do you see any issues with that outside of the personal details potentially being redacted or not included? Does DPI have a view on legislating or regulating a more prescribed set of reporting requirements that is open to public viewing?

SCOTT HANSEN: I think both the enforcement agencies and ourselves would welcome the opportunity for a more standardised reporting framework to the general public and I am sure, regardless of whether it was legislated or not, there will be ways in which we could do that going forward.

Ms ABIGAIL BOYD: You stole some of my questions, Chair.

The CHAIR: I am just trying to get us out earlier.

Ms ABIGAIL BOYD: Good afternoon. Just back on that \$424,000, which has been the same for 15 years or however many—

SCOTT HANSEN: I think 2008 might have been the first year.

Ms ABIGAIL BOYD: Really?

SCOTT HANSEN: Yes.

Ms ABIGAIL BOYD: Has it ever been increased by CPI?

SCOTT HANSEN: Not that I am aware of.

Ms ABIGAIL BOYD: Every single year it is the same amount?

SCOTT HANSEN: That is my understanding.

Ms ABIGAIL BOYD: This review into the funding, when was that set up?

SCOTT HANSEN: Two weeks ago at estimates. I think it is a total of \$533,000 grant funding. That has been static since the 2007-2008 financial year, but the broader agreement, which there might have been CPI increases on, goes back to 1997, from what we understand.

JOHN TRACEY: I can provide a little bit more information on the history if you like.

Ms ABIGAIL BOYD: Yes, please.

JOHN TRACEY: I have found the document here. Back in 2005-2006 the grant was \$212,000 and it was doubled in the 2005-2006 year to assist RSPCA moving to its headquarters in Homebush Bay, which

coincided with the RSPCA embarking on a \$40 million statewide shelter redevelopment program. That is about all the information we have on the history of the grant.

Ms ABIGAIL BOYD: That is very interesting. I guess it is good that we have a review, but a cynic would also say that perhaps it is a little bit unnecessary given that, when you look at the fact that we have these two organisations being responsible for a large part of the Government's enforcement work, seeing this as a grant instead of as funding for an essential purpose was perhaps always a little bit of a misstep. In your time with the department, Mr Hansen, has there ever been a suggestion that a different type of funding be applied when it comes to RSPCA and AWL?

SCOTT HANSEN: No is the short answer, but the longer answer is the fact that I have never actually had either agency approach me with a request for funding. In the absence of a request for additional resources, we have assumed that both organisations—because, remember, both the RSPCA and the Animal Welfare League have chosen to put their hand up to be an approved enforcement agency under the Act. In the absence of them coming forward to us and saying, "We are not adequately resourced to be able to do this task", we have always assumed that they see that there is merit and alignment between what they raise money for, and part of their being able to deliver against those objectives of their organisations is to play that enforcement agency role. It has been a very effective mechanism forward delivering a better enforcement, and is a model that is replicated—although with variations—across different States. I guess that is a reason why we have never ever sat down with them and said "Hey, this money"—\$425,000 out of what is anywhere between a \$7 to \$9 million spend that they do on enforcement and compliance. Again, we are just referencing RSPCA here but I am sure it is a similar story of similar scale for the Animal Welfare League. It has never actually been a conversation because we have seen it—and, in fact, in previous hearings I think there might have even been evidence provided—that they see it as a way of assisting them in drawing the resources and the funding that makes up their \$80 to \$90 million spend over the course of a year.

So we have never had reason to actually sit down and say to them, "What level of funding would make this work better for you?" In fact, I have never had them come to us and say, "We are struggling to deliver compliance activities." The conversation we have had around funding was when we identified the need for a specific targeted activity on something, which was puppies, and we went to them and said, "If we were to purchase an additional activity, could you deliver it? What would the cost be?" They came back with what a model looked like and we funded that.

Ms ABIGAIL BOYD: When it comes to the remainder of our criminal laws in New South Wales, successive governments have, sort of, scrambled to outdo themselves in terms of funding to an extent where no crime goes unanswered or there is a real drive to ensure that the police are given whatever resources they need in order to track down criminals. Why do you think there is such a different attitude when it comes to animal crime—not crime by animals, crime to animals?

SCOTT HANSEN: And either could be investigated. It is probably more the fact, as I come to, the enforcement agencies, as far as I am aware, have never come to us and said, "We are struggling with resources to be able to fulfil our duties of enforcement and compliance."

Ms ABIGAIL BOYD: But as a government surely you would be looking at the outcome. For instance, you would want a service that was 24/7 to be available 24/7. You would want a service that did not have to make difficult decisions between types of cruelty to prioritise first. Why has that not been the goal that funding has been, sort of, based around?

SCOTT HANSEN: Again, it is the fact that if someone wanted to make a phone call at 2 o'clock in the morning to report animal cruelty, one of our three enforcement agencies mans their phone 24/7—that is, New South Wales police. So they could call police to respond to those. It is not as though the RSPCA and the Animal Welfare League are the only tools in the toolbox for the New South Wales Government in actually delivering compliance and enforcement to animal welfare laws in the State. There has always been the scalability of being able to use the NSW Police Force in addition to the fact that those enforcement agencies have never put their hand up before to say, "We have a problem with resourcing." That is probably why, back to your original question, we have never had the cause to sit down and say, "Let's review the level of these grants."

The Hon. SCOTT BARRETT: Mr Hansen, do you also invest other money in educating industry on animal welfare practices, not in lieu of the enforcement authorities but also just invest in educating industry on the best practice?

SCOTT HANSEN: The best compliance is self-compliance. Therefore, having people aware of what good compliance looks like is definitely something that we have invested in. We have invested in the facilities for the animal welfare agencies, for the RSPCA and the Animal Welfare League, to be able to communicate and

educate broader sections of the community as well. In addition to that, industries themselves have set up their own third party certification schemes, their own education, training and approval accreditation programs to help validate fellow participants in the industry, supply chain partners and customers on the animal welfare activities that they undertake.

The work that is done on the sharp end of the compliance activities by the New South Wales police, RSPCA and the Animal Welfare League is only a fraction of the work that gets done every day across the State by people either doing their own self-compliance or having third party auditors as part of industry programs, supply chain programs or customer programs on animal welfare and checks. That is by far the bulk of the animal welfare checks that are done across the State on a daily basis.

The Hon. SCOTT BARRETT: Is it felt by doing that you are reducing the load on those organisations so they can focus on those really bad cases?

SCOTT HANSEN: That is the theory and that is how it is hoped to work: The more that we have people undertaking their own self-compliance or the supply chains are undertaking compliance checks, it means that those rare cases of breaches are able to be escalated and that is where the best utilisation of the resources of the New South Wales police, the RSPCA or Animal Welfare League are put.

The Hon. SCOTT BARRETT: I might have a question for each of you. I suspect this one is go to Dr Tracey. The Committee has heard evidence in this inquiry by a few people who suggest that complaints made about the RSPCA are then investigated by the RSPCA, in a way that they are marking their own homework. Is that the case at the moment? Is that something that is being looked at to be fixed under new legislation?

JOHN TRACEY: Thank you for your question. It is true that complaints about RSPCA are referred to RSPCA in the first instance. I think that is true of many organisations. I think this issue has come up and it is something that is being looked at as part of the review as well.

The Hon. SCOTT BARRETT: I have one final question, possibly to you Dr Filmer. It was suggested in another context of giving DPI more powers that, no, that should not happen and that they should go to people who put animal interests first above the users. What are your reflections on the implication that your department does not put animal interests in front of users'?

KIM FILMER: I would disagree with that obviously. Of course, our department puts the animal interests for animal welfare up front and centre. It is so important for the social licence for all of industry, so it is really important.

SCOTT HANSEN: I might go a step further than that. We have got some very passionate people in our animal welfare unit within the department who are instinctively drawn to the department because of the work is in the animal welfare space. Many of them come with backgrounds from the RSPCA or other animal charity organisations, but they come with the purpose to try to ensure that, firstly, the standards and the rules by which we operate are appropriate and then that the enforcement and compliance activities are carried out appropriately. Part of that is reflected in the close working relationship we have with the enforcement agencies of RSPCA and the Animal Welfare League. Part of it is also reflected in the fact that during what have been some of the very worst of recent droughts, we have actually had some remarkably good outcomes with regards to animal welfare across the State compared to previously. That is because of the collaborative working arrangement that allows us to intervene quickly and intervene early and bring together not just those in the department that are passionate about animal welfare—which is everyone who works in our department—but also brings in the technical specialists that allow us to work out nutritional arrangements, veterinary care and all of that together into a package that helps people through whether it be fire, flood, drought or just poor animal welfare management.

The Hon. SCOTT BARRETT: Following on from that, the benefits that we have received from the stock welfare panels, and the engagement of industry and the RSPCA, in particular, on that, have we had some good wins out of this—"we" being animal welfare wins and industry wins?

SCOTT HANSEN: Yes, very much so. When we talk about wins, what we are talking about there is quick and early intervention to improve the welfare of those animals and then taking appropriate actions where, as I said, they are appropriate with regards to the owners of those stock. Stock welfare panels are a great example of bringing together all of the parties that have an interest in good animal welfare outcomes. It is not just the Animal Welfare League or the RSPCA; it is actually police, it is actually LLS, it is DPI and it is NSW farmers—all of those around the table to help use local knowledge, use technical knowledge and use animal knowledge to come up with a fast and effective intervention to deliver an outcome that, on the other hand, we would be waiting until there was a breach, at which stage we would need to be intervening, and that is not as good an outcome.

The Hon. PETER PRIMROSE: Do you provide oversight of the compliance and enforcement actions of the approved enforcement agencies under the Act?

SCOTT HANSEN: Yes, via an MOU with both agencies.

The Hon. PETER PRIMROSE: Specifically what does the MOU provide?

SCOTT HANSEN: It provides a number of pieces. I can give you the outline of them here.

The Hon. PETER PRIMROSE: Can we get the MOU tabled?

SCOTT HANSEN: Yes, definitely. But as you would expect, it covers the governance arrangements—what their policies and procedures need to be; the communication requirements; and the training responsibilities—to ensure the inspectors are trained appropriately; and then a review process for that MOU.

The Hon. PETER PRIMROSE: Who actually does that oversight within your agency?

SCOTT HANSEN: That, in the first instance, is done by our chief animal welfare officer, Dr Filmer, and ultimately comes up to me for sign-off.

The Hon. PETER PRIMROSE: So there is actually a written report that details that?

SCOTT HANSEN: Yes.

The Hon. PETER PRIMROSE: Are these actions reviewable by anyone? For instance, this morning when I was asking questions I note that by far the number of compliance and enforcement activities—for instance, by the RSPCA—were written notices. Is the outcome of that reviewable? For example, if I received a written notice, could I seek the advice of the Ombudsman?

SCOTT HANSEN: I might ask either Dr Tracey or Dr Filmer if they have an initial response to that.

KIM FILMER: The advice that we have been given at the moment is that RSPCA does not fall under the Ombudsman, but it is something that is being considered as part of the animal welfare reform review.

The Hon. PETER PRIMROSE: So it may eventually become a reviewable act by an agency such as the Ombudsman?

KIM FILMER: It may, yes.

The Hon. PETER PRIMROSE: But at the moment it is not?

KIM FILMER: That is the advice I have been given.

The Hon. PETER PRIMROSE: Even though it can prescribe penalties under an Act of Parliament.

SCOTT HANSEN: We might take that on notice and come back to you with some details.

The Hon. PETER PRIMROSE: I would be very interested and very grateful if you would.

SCOTT HANSEN: I think there might have been some confusion in our answer around a complaint about the activities versus a complaint about the infringement notice. We might come back and clarify that for you in terms of that.

The Hon. EMMA HURST: I have a couple of follow-up questions to the questions that were put forward by Ms Abigail Boyd. Mr Hansen, you said that the authorities have not come to you with any concerns around the funding model and the upholding of the enforcement laws. I am just wondering if the DPI have made any proactive efforts to actually assess the charities' ability to uphold these laws? And, if not, why not?

SCOTT HANSEN: We certainly do when we look at their statistics for number of calls received, number of follow-ups, number of actions taken and what those actions have led to. There has been no time where we have had cause for concern about the level of activities that have been delivered by those agencies.

The Hon. EMMA HURST: Further on to that, were there never any efforts by the DPI to actually sit down and review and ask the RSPCA some of the questions that we have asked today in this inquiry about the funding, where the funding is used or their staffing? Have there been no actions from the DPI to assess that?

SCOTT HANSEN: There have certainly been actions in having a look at the outcomes that they produce, and that is obviously captured in the reporting requirements that they need to provide through to us. If we had seen problems within those deliverables, we would have had a conversation about what was the problem, what was the issue. But, outside of that, when you have an agency or organisation that is delivering a good enforcement and compliance approach, which I think we covered in a previous question that you asked, and they are doing that in a well-resourced—I mean, the RSPCA spends between \$7 million and \$9 million in terms of the

amount of money they spend on enforcement. It would appear to us that they are appropriately resourced to be able to do the tasks that they put their hand up to do and they are delivering the outcomes that we would expect of them to be delivering.

The Hon. EMMA HURST: The other thing that we talked about a little bit today is about the fact that the police are also an enforcement agency. Are you aware of any cases where police stations have actually refused to take calls of animal cruelty or have referred people back to the RSPCA or to the RSPCA as a first instance? And, if you had heard about this happening, would this concern you?

SCOTT HANSEN: I have not heard of any cases. I might ask Dr Tracey or Dr Filmer if they have ever heard.

JOHN TRACEY: I have not heard of any cases like that. I guess it does work in reverse, as we flagged before, in terms of complaints that come in to RSPCA. They do get referred to and actioned by New South Wales police. I think we had 151 of those in the last financial year.

The Hon. EMMA HURST: Dr Tracey, you were mentioning before that the RSPCA are the first ones to be contacted in regards to a complaint, and you said that that was happening in quite a lot of other industries. What are those other industries where the complaint first goes to the group that has been complained about?

JOHN TRACEY: I do not have details on the other organisations, but it is standard practice to seek advice from the organisation first in terms of complaints that do come in. One of the things that we are looking at in the reform is to look at changes, as has been flagged, in terms of including charitable organisations under the jurisdiction of the Ombudsman.

The Hon. EMMA HURST: Thank you.

The CHAIR: I think that means you get an early mark.

SCOTT HANSEN: Thank you very much, Chair.

The CHAIR: Everyone loves an early mark. You have taken a couple of questions on notice. The Committee secretariat will be in touch within 21 days. That concludes today's hearing.

(The witnesses withdrew.)

The Committee adjourned at 14:37.