

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW

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

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Thursday 2 April 2026

The Committee met at 9:15.

PRESENT

The Hon. Mark Banasiak (Chair)

The Hon. Scott Barrett

The Hon. Greg Donnelly

The Hon. Emma Hurst (Deputy Chair)

The Hon. Sarah Mitchell

The Hon. Cameron Murphy

PRESENT VIA VIDEOCONFERENCE

Ms Abigail Boyd

The Hon. Peter Primrose

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The CHAIR: Welcome to the public hearing of the Portfolio Committee No. 4 – Regional NSW 2025 inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Mark Banasiak and I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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

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

The CHAIR: I welcome and thank each witness for making the time to give evidence. The Committee has resolved to have free-flowing questions. Questions can come from any member, including members online. You have been here before. Would you like to make a short opening statement before we go to questions?

STEVE COLEMAN: Chair and members of the Committee, thank you for the opportunity to appear today, and happy Easter. RSPCA NSW welcomes this inquiry and the chance to assist the Parliament in examining the operation of approved charitable organisations under the Prevention of Cruelty to Animals Act. As you know, RSPCA NSW has played a central role in advancing animal welfare in New South Wales from several perspectives. Our inspectors investigate animal cruelty complaints, enforce the Prevention of Cruelty to Animals Act and prosecute serious offences through the courts. In doing so, we exercise statutory powers conferred by Parliament and operate within the State's public law framework.

Every year, our inspectorate responds to thousands of reports from members of the public who are concerned about the welfare of animals in their communities. The inspectors undertaking this compliance work do so with professionalism, dedication and compassion. But it's a whole lot more than just compliance work that RSPCA NSW does. I also want to take the opportunity to thank and acknowledge the rest of the RSPCA NSW team: our veterinarians, nurses, community outreach teams, fundraising and communications people, our back-office staff, volunteers, our facilities team, supporter groups and—of course—our volunteer directors, all of whom keep the wheels of animal impact moving, right across New South Wales.

One thing we can say for certain is that demand has continued to grow for all our services. If we do nothing differently in terms of direction, we know where animal welfare will be in another century. They encounter difficult situations involving poverty, violence, mental health issues, substance abuse and crisis, all leading to complex animal welfare cases that can sometimes take months or years to resolve through the court process. At the same time, community expectations continue to rapidly increase. Over the years, Parliament has made improvements to animal welfare laws. Media attention has increased. The public rightly expects cruelty to be investigated and offenders to be held accountable. We acknowledge that the funding for the RSPCA NSW inspectorate has changed significantly over the years, and that we received \$11.4 million for the 2025 financial year, which we recognise is not a small amount of money.

The uncertainty of our funding year on year, together with the timing and increased pressures on our organisation, has caused disruption and challenges. This financial year, RSPCA NSW is projected to spend around \$10 million beyond the government funding provided, simply to maintain the current level of enforcement activity whilst, at the same time, trying to fund proactive community outreach programs so that we can tackle animal welfare before a phone call is made to us. Our supporters generously donate to help animals not only through our inspectorate, but also through our veterinary care programs, rehoming, desexing programs, education and community support services.

It's through the cost-of-living crisis that has demonstrated the changing need for support from the New South Wales community for RSPCA NSW resources. In fact, the number of people reaching out to us for help with their pets during times of hardship or crisis has grown exponentially. The current model, therefore, creates a demand that we increasingly struggle to meet. RSPCA NSW has done this for many, many decades. We acknowledge that. Our challenge is that, with finite resourcing, we need to think about how best to utilise our resources to create the greatest animal welfare impact in partnership with the New South Wales Government. Demand is rising, expectations are rising, the costs of modern law enforcement are rising, and so the key question for this Committee becomes a simple one: What level of animal welfare enforcement does the Parliament and the community expect in New South Wales, and how should that work be sustainably funded where RSPCA NSW can contribute? We hope that our submission assists the Committee in considering that question, and we look forward to answering any questions.

The Hon. EMMA HURST: Thanks for your time today. I have some questions about a specific matter that was raised with me and my office. It came to my attention that in a practice where a pregnant dog is seized as part of a cruelty case, when the puppies are born, they kept with the RSPCA until they're weaned, and then the puppies are actually returned to the person subject to the animal cruelty case. Is that correct?

SCOTT MEYERS: That would depend on if there were any charges preferred in relation to the puppies, depending on why its mother was seized. That could be the case.

The Hon. EMMA HURST: So it could be the case that the puppies are returned to a person that is being charged with cruelty?

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SCOTT MEYERS: Correct. If we don't have any preferred—if there are no charges in relation to the puppies, absolutely.

The Hon. EMMA HURST: Why is that currently the situation? I'm assuming the public would be quite shocked that an individual is currently before the courts for prosecution for animal cruelty, and then very vulnerable puppies are actually returned to the care of that person.

SCOTT MEYERS: I think I know the matter you're referring to. I think it's actually currently before the court. In those circumstances, if a pregnant female is seized because—let's just say there's a failure to provide vet treatment for a leg injury or something like that, and she whelps and has puppies. If there are no charges preferred against those puppies, there has been no act of cruelty identified for those puppies. Legally, we can't keep them in our care.

The Hon. EMMA HURST: What about situations where you come into an illegal puppy farm and that person has got all sorts of dogs living in horrific conditions? Obviously there are no charges against the puppies because they're not born. Is it still the case that those puppies will be returned to that person?

SCOTT MEYERS: That could well be the case, yes. If the animals have been seized, they've more than likely been seized for an offence contrary to POCTAA and not in relation to the code.

The Hon. EMMA HURST: Does that mean we need to fix something in POCTAA so that the RSPCA doesn't have to actually return those puppies?

SCOTT MEYERS: Absolutely.

The Hon. EMMA HURST: Obviously putting those puppies back to somebody who's being charged with cruelty would be putting them in a very vulnerable situation.

SCOTT MEYERS: Yes, I agree.

The Hon. EMMA HURST: What needs to change in POCTAA?

SCOTT MEYERS: I think it would probably be similar to 24Q, in relation to livestock. If there has been a seize and disposal approved for livestock—if a cow is pregnant, it's actually included in that legislation as part of that seizure order now. A similar thing in relation to companion animals would be good.

STEVE COLEMAN: Sorry, can I add to that? It is a perverse outcome. There's no getting around it. The challenge we have is, as Scott said, unless there's an offence in relation to that specific animal—and it might be a pup, or it might be a kitten—we just have no grounds to hold it. If the person of interest hasn't or is not willing to surrender it, there are no grounds for us to keep it. If it's sought by that owner, the obligation is to give those animals back. It is a perverse outcome, though.

SCOTT MEYERS: We don't like doing it, either.

The Hon. EMMA HURST: Have you brought this issue to the Government's attention, to try to change those laws?

STEVE COLEMAN: We provided a significant submission to the POCTAA review. I'd have to go back and look at that specific circumstance, but these are the practical unintended consequences. Depending on which way you look at it, some might argue that if you're the owner of that pup—and let's say it has got a market value of \$1,000, for argument's sake—there's an argument that if that person is not being charged in relation to that animal, it's their property. But we're happy to go back and have a look at our submission.

The Hon. EMMA HURST: Yes, if you could. Thank you. I want to go back more broadly in regard to the funding issues. Are you able to provide a copy of the funding agreement that you currently have with the Government on notice?

STEVE COLEMAN: I believe so. I can't imagine why we couldn't.

The Hon. EMMA HURST: Thank you, if you could take that on notice.

STEVE COLEMAN: Sure.

The Hon. EMMA HURST: Your submission states that you weren't allowed to use funding from the Government for inspectorate expenses relating to veterinary care, for the housing of those animals, for seizure. That's changed now, I believe. Has that change made much of a difference, or are we still going to have that shortfall coming through from the inspectorate funding?

STEVE COLEMAN: The best way to answer that question is that it costs our organisation, in simple terms, around \$20 million to operate that service.

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The Hon. EMMA HURST: The inspectorate?

STEVE COLEMAN: The inspectorate service. This year our funding envelope was \$9.8 million.

The Hon. EMMA HURST: So, essentially, to uphold criminal legislation and to uphold the law, you're having to sell cupcakes and raise money from the public.

STEVE COLEMAN: Yes.

The Hon. EMMA HURST: Would you agree that there is a level of uncertainty year after year, given the funding doesn't actually match the need to enforce the laws? Given the current climate—we've got a petrol crisis and we're already under a cost-of-living crisis—I'm hearing from other charities that fundraising is becoming more and more difficult. Does that mean that, looking into the future, given that there's this big shortfall in funding, there is a real uncertainty as to whether animal cruelty laws will be able to be properly upheld? Sorry, I'll reword that to be fair. Do you think that there's going to be a potential shortfall in funding, which is going to make it harder to fully enforce the legislation as it stands?

STEVE COLEMAN: There is a shortfall, yes, and it will become harder. It's already hard. Disruption and uncertainty—uncertainty in particular for staff is the biggest killer of morale. That's been one of the unintended consequences that we've had to navigate for some years now.

The Hon. EMMA HURST: What does that mean on an on-the-ground basis? Previously we've talked about the need for there to be 24/7 call lines. We've talked about the need to have two inspectors out for inspector safety. Is that possible with the amount of funding that's been given? Is that happening?

STEVE COLEMAN: No.

The Hon. EMMA HURST: It's not happening still?

STEVE COLEMAN: It's happening as best we can manage. Managing those risks—Scott might have more to say about this—is an all but hourly assessment, in terms of determining those risks and triaging them accordingly. That is increasingly difficult for our organisation.

The Hon. EMMA HURST: How many times would you be going out, on average?

STEVE COLEMAN: It's increased over the years. Scott, you might have—

SCOTT MEYERS: Our normal default is always two up. The jobs are reviewed and the risk assessed, which is a process that happens online. We have access to the New South Wales police IR system. Once all the jobs are risk assessed, if they're low and there's nothing to identify a risk, an inspector may go one out, approved by their team leader, the deputy or me. However, if we have history or there are violence warnings or concerns, they will go two up. That could be either two inspectors, a council ranger and an inspector, or police and an inspector. There are a number of different ways. If the risk is too high, and we know that there are firearms or violence warnings, we will refer it to police. But New South Wales police are busy as well.

The Hon. EMMA HURST: Are you able to run a hotline 24/7 yet or is that still not possible?

STEVE COLEMAN: No, that's ceased with the reduction in funding. We just couldn't afford it. To be fair, in the period of time that we did run 24/7, the amount of calls overnight was almost immaterial.

The Hon. EMMA HURST: How many meeting requests have you made with either the Minister or DPIRD in the last 12 months?

STEVE COLEMAN: With the Minister's office, I think we last met with the Minister back in March last year. Our president and treasurer sought a meeting with the Minister in November last year, and that didn't happen.

The Hon. EMMA HURST: That includes any meetings with DPIRD as well.

STEVE COLEMAN: No. Mr Meyers and one of our GMs will regularly catch up with DPIRD. But in terms of my calls to DPIRD, I feel a bit sorry for DPIRD because I've probably nagged them a lot over the last 12 months, to be fair. But that would be a regular occurrence.

Ms ABIGAIL BOYD: Good morning to our witnesses. There's quite a lot of chat, shall we say, in the submissions from other stakeholders questioning whether AWL and the RSPCA should have enforcement powers and responsibilities—which is an interesting trend in this year's submissions—and for the department of primary industries to have those powers and resources instead. What do you make of that?

STEVE COLEMAN: I'm not surprised. As expectations increase, together with an inability—I can't speak on behalf of the Animal Welfare League but, for RSPCA NSW, fundraising fairly, I have to say, is a

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challenge. There are less discretionary dollars that people have these days, and for the donations that we are lucky enough to secure, it is even more important that we utilise those diminishing funds as best we can to create as much impact. Back to your question, I'm not surprised by that. It has been a longstanding situation for charities to be enforcing government laws. In talking to our donors and supporters, there is genuine concern—if the ACOs did not undertake this work, what would happen? What would be the unintended consequence for those animals?

You could argue that, given the two ACOs deal with these issues all day, every day, there is a serious focus on it, in terms of animal welfare compliance and animal welfare impact more broadly. If that was not to occur, who would take up that challenge? Who would have the infrastructure to support that function? It's not to say that that couldn't happen, but I am not surprised at all by that theme, if you like, in terms of the submissions. The other reality that we've got to tackle is that we've got rising tensions in the community. Animal welfare—I don't know what it is, but when there's a challenge with a human, we tend to find them because they've got an animal. That is a serious and genuine challenge that our inspectors and other parts of our organisation have to contend with pretty regularly.

Ms ABIGAIL BOYD: Over the past seven years I've been looking at RSPCA's funding and AWL's funding, and every year there's a struggle to get sufficient funding to allow you to do your enforcement function. As a result—I'd like your view on this—it seems like then, because you are under-resourced, your enforcement becomes less effective than you would want it to be or perhaps you face more challenges doing all of the enforcement you need to do, and that in turn leads to calls that you're not being effective so why should you get your funding? Is that how you see it as well?

STEVE COLEMAN: Absolutely. In fact, I'll say it goes beyond seven years. In my view, the expectations by the community are, in a lot of cases, expectations that we'll never meet because we just will never have sufficient resources to deal with every issue that arises. I don't think, Ms Boyd, that we're really any different to police and other compliance services. We wish we could get to every job a lot more quickly, but the reality is we just can't. Unless government is prepared to throw a lot of funds toward this sector, I think we'll still be talking about this in another seven years.

Ms ABIGAIL BOYD: In terms of the police and their ability to take on animal cruelty cases—they do take on a few—can you explain when they take them on and in what circumstance? Because it seems that when they do take them on, they have a higher rate of prosecution. Would that be fair? Can you explain when they get involved?

STEVE COLEMAN: I'll refer to Mr Meyers, but I'll start by saying that we have a very healthy relationship, in particular, with the rural crime investigator team. Often, we will join forces to contend with a bunch of issues, particularly around livestock-related issues. We do get a lot of referrals from the police to deal with. My understanding is that if there's an urgent job or a sense of urgency around a job, and one of our inspectors are not geographically located near that job, the police might go and—for want of a better term—put a lid on it until we can get there and help.

SCOTT MEYERS: I could tell you plenty of examples where it works and where it doesn't work. We provide a lot of assistance to police, especially within Sydney. That's normally in relation to them arresting somebody and they have a dog, or they've scheduled somebody and they have a dog. Normally, that won't proceed to charges. There might be something else where someone has witnessed someone kick a dog. RSPCA will take that. We then shadow that investigation to ensure the appropriate orders are being made for the relinquishment of the animal, or orders to prevent people having animals in the future, depending on what the charges are. It would just depend. I think the inspectors and my team of staff are very experienced and very committed. They put a lot into investigating animal cruelty, as we have done for years. I think the RSPCA moving forward is best placed to continue to do investigations and enforcing animal cruelty laws in New South Wales.

Ms ABIGAIL BOYD: The NSW Farmers state in their submission:

It must also be noted that while enforcement officers from charitable organisations may have received training to undertake their role, it does not appear that officers are required to have qualifications specifically linked to livestock animal husbandry.

What's your response to that?

SCOTT MEYERS: I think that's an interesting statement. I have personally been on a number of stock welfare panels where there is representation from NSW Farmers. It's my experience that those representatives are the first people to turn around and say, "This is appalling and these people cannot be allowed to do this." So I find that statement a bit confusing, really. Generally, if we're on stock welfare panels where NSW Farmers representatives assist, we rely on the expertise from veterinarians, agronomists, staff from DPI and Local Land Services.

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STEVE COLEMAN: Can I just add to that, Ms Boyd? I too read that in the NSW Farmers submission and, like Scott, find it a bit confusing. When these livestock welfare panels were engineered some years ago, I was sceptical and thought it was another hurdle before something else could happen to contend with those animals. With the benefit of hindsight and reflection, I think those livestock welfare panels are the best thing since sliced bread because it's a collective decision. When NSW Farmers, and I understand they're giving evidence later today—we don't prosecute without proper cause. I think that's reflected in our statistics. Interestingly, when those livestock welfare panels are stood up for there to be a collective decision about the future of those animals—and it includes and involves NSW Farmers on it—it's a request from that panel to the DG of DPIRD in order to undertake an action.

If RSPCA NSW was not to be involved in livestock welfare related issues, the decisions that are ultimately made about seizing and selling stock that are affected, or the subject of a complaint, are actually made by DPIRD. To some extent, our hands are not completely clean because we're involved in the process and we've responded to a cruelty complaint that's come to us. That's where it's confusing. It's a sound mechanism with sound collective advice from experts. A lot of our regional inspectors do have a lot of livestock expertise. That's why they're regional inspectors. When you look at that result—and let's say it resulted in a prosecution, though that's always the last resort—we don't lose those ones. It's not like we're being hammered with malicious prosecution actions. I'm with Scott; I'm confused by that submission.

SCOTT MEYERS: Those matters are long-term matters where animals have been without the provision of food that is proper and sufficient. There's a lot of literature and expert evidence in relation to prime facts of condition of livestock, which then body-score those livestock, but again, we will normally attend those jobs, provide direction to say, "You must provide food," or water or whatever it may be, to try to improve the welfare of the stock. We then make application, after having a report done from a district veterinarian, for a panel to try to resolve those issues.

A lot of those panels—some of them have gone to a seize and dispose, some of them resolve themselves. In most of those cases that I've personally done, we'll go back 12 months later or six months later—you might receive another complaint—and the farmer or the producer turns around and says, "That's the best thing that could have happened to me," because they can't see past what they're looking at in their paddocks. They don't see a problem because they think this is what happens. You go through droughts, you have live stock, you have dead stock. It's a process of working with these people to try to fix the problem. That's our motivation and our goal.

STEVE COLEMAN: Just one last comment on that question: Drought is on the horizon, so organisations like NSW Farmers—I know that the CEO has recently returned from maternity leave, and I look forward to catching up with Annabel Johnson to discuss what we can do together, as two organisations, to help those livestock as we increasingly get closer to drought.

The CHAIR: Going to the recent attempted prosecution of Tracy Dods, the WIRES macropod carer, which was overturned on appeal and she was cleared of all charges, do you accept that the appeal judge found significant issues with your prosecution case?

STEVE COLEMAN: I'll let Scott talk to that, but it's currently before the court.

The CHAIR: It's been resolved in terms of appeal. It was successfully overturned.

STEVE COLEMAN: There's a costs order and we're within a period of time that the prosecuting body, the RSPCA, can challenge that appeal. We haven't determined that at this point. But these are the challenges of prosecuting. There was a successful prosecution in the Local Court and Ms Dods, or any person that has been prosecuted, is entitled to appeal and, on this occasion, the appeal went against us. It's a view.

The CHAIR: Can I just go to the handling of this case? Why was WIRES acting in concert with the RSPCA on the raid and the investigation, and even appearing alongside your legal team in the courtroom? It has been put to this Committee that the behaviour of WIRES around this issue and other issues is of concern, and it seems like it's trying to insert itself into the enforcement regime.

STEVE COLEMAN: Can I start with a response on that? Like any complaint that we receive, we deal with it consistent with our SOPs. No organisation or particular issue gets any particular favouritism or focus. It's dealt with consistently.

The CHAIR: This is beyond favouritism, though, Mr Coleman. There were WIRES employees actually at the raid, I'm told, and they were asking questions and engaging in what should have been the work of Mr Meyers' team. It seems that they were also appearing alongside or next to your legal team in court. It seems like they were not getting any favours from you but actually inserting themselves into the investigation and being part of your investigation and prosecution. Is that the case?

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STEVE COLEMAN: Firstly, I always am challenged by the term "raid". It kind of implies that an authority goes steaming into a property, kicking doors in and taking animals. We attended a property in response to a complaint.

The CHAIR: Was that complaint from WIRES itself?

STEVE COLEMAN: I believe so, yes. In terms of who turns up at a court proceeding, obviously there are times when we will call expertise or expert witnesses. There are other times when people will just simply turn up. It's a public gallery. As I understand it there were also lots of WIRES representatives or former WIRES representatives supporting Ms Dods. That's entirely their call.

The CHAIR: Would you accept, though, that it's highly unusual that the complainant of a case of animal cruelty would then attend you entering the property and be walking alongside you with the investigation? That's highly unusual, isn't it?

STEVE COLEMAN: I'll defer to Mr Meyers on that, because the legislation provides for expertise that a prosecuting authority can draw from.

SCOTT MEYERS: Yes, I think just in general terms I agree an inspector can take someone who has expertise. My understanding is Ms Dods was a WIRES carer and therefore WIRES had information in relation to animals that were in her care and that were registered to WIRES. Other than that, I wouldn't be able to tell you.

The CHAIR: You haven't sought further information as the chief inspector? This has been put forward to prosecution. It's failed. Ultimately, whether you appeal that is another question, but have you done any investigation as to how that was handled? Because the District Court judge was quite scathing in the actions of RSPCA and WIRES in terms of how that investigation and evidence-gathering process was handled. Have you done a review?

SCOTT MEYERS: I haven't at this point in time, no.

The CHAIR: Do you intend to do a review?

SCOTT MEYERS: Yes, I will do a review.

The CHAIR: If you lose cases, that's more money that you've essentially wasted that you could have spent elsewhere, correct?

STEVE COLEMAN: I wouldn't entirely agree with that, Chair. She was found guilty in the Local Court. We can argue the toss about whether that was right or wrong. We stick to the prosecuting guidelines set out by the department of public prosecutions. Is there evidence at a prima facie level? Tick. Are there good prospects of success? Tick. Public interest? Tick. Those guidelines don't vary. Whether it's a WIRES-related matter, John Smith in the field or whatever the case might be, that's our role. Granted, it was overturned in the District Court; that's one matter in the last I can't remember how many years. That's the process.

The CHAIR: Just going to your finances, are you able to provide any breakdown—you talked about having a \$10 million shortfall. Are you able to give any breakdown as to the inspectorate expenditure separate from your charitable activities in terms of what are you drawing from your charitable incomings and where is that exactly going in your inspectorate activities? If you want to do this on notice it might be easier, if it's going to be a long, detailed answer. I'm noting others may have questions.

STEVE COLEMAN: I can do either.

The CHAIR: Perhaps on notice if you could provide a more detailed where is it being drawn from.

STEVE COLEMAN: Sure.

The Hon. SCOTT BARRETT: Mr Coleman, you said it costs about \$20 million to run the electorate. I believe in 2023-24 you got that amount from the Government. That's correct?

STEVE COLEMAN: That's correct, yes.

The Hon. SCOTT BARRETT: Yet in budget estimates Minister Moriarty told us that money was spent on infrastructure and different projects around the State. Does that equate with your understanding of what that money was spent on?

STEVE COLEMAN: Of the \$20.5 million?

The Hon. SCOTT BARRETT: Yes.

STEVE COLEMAN: No, that doesn't accord.

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The Hon. SCOTT BARRETT: So the \$20.5 million that was given to you in 2023-24 was used for the electorate—rather, the inspectorate.

STEVE COLEMAN: The inspectorate—that's a pretty expensive electorate! I have a breakdown if you want me to quickly go through it.

The Hon. SCOTT BARRETT: Yes, if you could, that would be great.

STEVE COLEMAN: This is 2023-24, \$20.5 million. That's \$11.8 million that went to the inspectorate salaries, external animal costs, training, travel, IT, software licences, motor vehicles, build equipment, body-worn cameras, radios and firearms. There was \$1.6 million set aside for the 24/7 contact centre—salaries, wages, IT, hardware, software, licences and training. The legal team that year equated to about \$800,000—salaries, wages, legal costs and motor vehicle running costs. \$500,000 was specifically set aside for domestic violence work. We did spend that—\$511,000 on salaries and wages, safe refuges, training animal costs and external boarding. The shelter cost as part of that \$20.5 million was close to \$5 million. That's animal days in care for animals seized by the inspectorate across our shelter network. The veterinary costs or clinic costs was close to \$700,000. That's clinic services to the inspectorate, consults, diagnostics, internal pathology and hospitalisations, and then \$1.9 million on overheads such as support functions for the grant—IT, HR facilities and finance—which brought us to the \$20.5 million.

The Hon. SCOTT BARRETT: Would any of that fall under infrastructure and different projects around the State?

STEVE COLEMAN: The \$20.5 million?

The Hon. SCOTT BARRETT: Yes.

STEVE COLEMAN: No, it was specifically set aside to run those functions.

The Hon. SCOTT BARRETT: The following year I think it was \$11.4 million, and then nine-point-something for this current financial year. What has that meant for you? I believe in your annual statement, you said you're selling off assets to now meet the requirements for the inspectorate.

STEVE COLEMAN: Yes, one of the challenges that we're keen to talk with either the department and/or the Minister about is—it was \$20.5 million one year. The next year it was \$11.4 million. The timing of the grant, we understand it's year by year when the Government announces what the budget is overall for the animal welfare sector. We're then asked by the department to apply for a grant, which we do, and we try and turn that around pretty quick because we're already into the next financial year. Understandably, our Treasurer requires us to budget, and we generally budget in around March-April of each year. We're already into budget mode now. His expectation, rightly, is what's a reasonable basis to assume and budget for a number through the grant process. We budgeted a number. Our number was \$11.4 million in the end. That was paid in December, so we've got six months, effectively, to cashflow the organisation until those funds arrive.

Last year the CEO of Animal Welfare League and myself, in discussions with the department, rightly asked, "What is the reasonable basis for a number for us to be budgeting for this financial year?" We were told that we could assume what we got the year before indexed, so we budgeted for \$11.8 million—\$11.4 million indexed. We've started the financial year. We're cashflowing a compliance function on behalf of Government until, one, either we get confirmation of what that number is actually going to be, together with trying to manage our cash flows to ensure that we can meet our commitments. We budgeted for \$11.8 million. In I think it was November, the Minister wrote to us telling us that our window was \$9.8 million, so \$2 million short. Now we've got an immediate issue with a \$2 million shortfall in our budget that somehow we've got to try and meet. In the meantime, it is not right for us to be employing new inspectors without providing any sort of certainty. That would be irresponsible.

That's one of the biggest challenges for our inspectorate. I take my hat off to them, because not being able to provide them with certainty has meant that we've lost staff—bearing in mind that by the time you recruit, train and have an operational inspector, it's anywhere between four and six months. We're losing people. We were notifying the department that we were losing people. When we were asked to apply for the \$9.8 million, we obviously did that—chased it with the department right up until shutdown at Christmas, and still no determination. Now we've got to go through Christmas. We've got staff potentially leaving because there's no certainty. Ultimately, the grant was approved and we got paid for the six months in late February.

It's a real challenge. For any business to try and operate like that is really difficult. Not until we have a signed funding deed from government do we start recruiting people, because to do otherwise is not right to potential new employees. It's a risk that we then carry forward—if we had have recruited to the tune of \$11.8 million to be told in November it's \$9.8 million. I know things change for government. Everyone is pressed.

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We get that. But having an opportunity to plan what a program of compliance work looks like beyond a 12-month period, or even for a full 12-month period, would be advantageous and much more effective.

The Hon. SARAH MITCHELL: On that, you obviously had to make savings with that \$2 million shortfall. For the average person watching this, what did that mean? What could you not do because you didn't have that money, if that makes sense?

STEVE COLEMAN: Right now, we're at a real junction in terms of our direction. The work that the inspectorate does is super important work, no question. Where we struggle is we're supposed to be the Royal Society for the Prevention of Cruelty to Animals. We've done a lot of work over the last two to three years at really analysing what the best bang for buck is in terms of animal welfare impact—money or resources that we could divert to our prevention community outreach teams and getting out to targeted communities before phone calls are made about cruelty or before phone calls are made about surrendering animals. We go to those communities and we help. We simply set up and we do it in partnership with the council and the local vet. It's a real partnership to simply help people. That is, sadly, the first thing that loses out when we try and expand that and get to more, and more frequently, impacted communities that need the help. That's the real issue for us.

Right now, we've got older donors who are very supportive of the inspectorate work, no question. But we've got a younger generation of supporters who are not so keen on traditional methods. They're just not. What they want is a solution. What they want is prevention. We're trying to target different donor groups. The reality is that younger generations are not prepared to fund what they think are bandaids. What they want is true prevention in the field. That's what they want to support. When we've got to backfill a shortfall in the compliance work, that's the tension that we have as an organisation. It plays out almost weekly, trying to get to everything.

That's what this cost-of-living crisis has really shown over the last few years. Years ago, if people rang up and said, "I've got a dog and I'm going to surrender it because I can't afford my \$300 vet bill", we would take it. You could argue that was wrong. What we should have done is pay that bill, because it's a cheaper return on investment to simply pay that oncer for that person and then keep their dog than to take it, bring it into our facility, institutionalise it, despite the best of care and rehab work, and then try and rehome it. That's a much more expensive pathway than simply helping people get access to vet care and do it as a oncer. Can we pay for everyone's vet bills? Of course we can't. That is why we've spent significant time and effort analysing exactly which community needs our help so that we can actually prevent those phone calls from coming.

The Hon. SCOTT BARRETT: That \$2 million that Ms Mitchell was just talking about there was down \$9 million from the year before, so you've dropped \$11 million in the last couple of financial years. What has the Minister said when you've gone to her and explained the impact this is having?

STEVE COLEMAN: The Minister has shared what the financial constraints of the Government are. The bigger question is if the finance—

The Hon. SCOTT BARRETT: So you have met with the Minister on this?

STEVE COLEMAN: On a number of occasions, up until March last year.

The Hon. SARAH MITCHELL: Sorry, so you haven't met with her for more than 12 months now?

STEVE COLEMAN: Correct. We don't, in any frivolous way, seek to meet with the Minister. We know they're busy. We know they've got tight schedules. We would only seek to meet with the Minister for something meaningful. We would seek to have a meaningful dialogue with the Minister about where to next.

The Hon. SARAH MITCHELL: How many times in the last 12 months? I think you mentioned earlier that in November some of your colleagues sought a meeting with the Minister, but how many have you requested over the last 12 months?

STEVE COLEMAN: One.

The Hon. SARAH MITCHELL: Just one?

STEVE COLEMAN: One in November. That was largely borne out by trying to get an understanding of what the Minister's direction is about animal welfare and where we can slot in and help, or not, just so we can plan.

The Hon. SCOTT BARRETT: Have you been given any indication what you'll be receiving to run this \$20 million inspectorate for the coming financial year that you're already trying to budget for?

STEVE COLEMAN: No, we have not. My real fear is we were told \$11.8 million in June last year. In November, it was \$9.8 million. What's the number that we should be plugging now in preparation? We know that the budget doesn't come out until June-July. We'd like to work more effectively with the department to ensure that

CORRECTED

whatever that number is, we can settle the terms of that acquittal requirement sooner rather than later so we can plan. But, no, we have no number at this point. I don't expect to, but I fear about us plugging \$9.8 million for next year in case it's not.

The Hon. SCOTT BARRETT: In the annual report—and I haven't had time to call it up—in my head I'm recalling a line you said in there about having to sell off assets and call on capital reserves to meet this shortfall. What did that require from you?

STEVE COLEMAN: We sold shares to cashflow the business for a number of months until the timing of the grant caught us up. That was the year before last. This year we've also had to dip into reserves to cashflow the business. We've managed to put some of those back now that we've been paid for the first six months of this financial year. These are the sorts of operational challenges that we just need to sit down with the Minister and talk about so that there are no surprises for anybody—I would have thought just a reasonable discussion about what the reality is.

The Hon. SCOTT BARRETT: You mentioned the morale of staff as well. I'd imagine that there's the short-term nature of what they're doing on top of what we hear is already a trying role itself at times. How much is that impacting the morale of your staff?

STEVE COLEMAN: From my perspective, it's been significant. Having been with the RSPCA for a while, I've never experienced—I'm not directly dealing with the staff on a day-to-day basis, but it's played out in many machinations, in different activities to the media, because people are frustrated. Maybe Mr Meyers can talk more clearly about that.

SCOTT MEYERS: Certainly, morale has been pretty low for a number of reasons. One is just workload. We all know the jobs continue to come in. Our capacity issue is another big issue. It's not just the RSPCA. I know the Animal Welfare League are at capacity. Rescue groups are at capacity. Everybody's at capacity, including the local pounds. We find a lot of the inspectors are working with owners of animals. We might receive a cruelty complaint in relation to a dog that's in a light body condition or something like that. We will give them food and give them a further direction that they're to provide food to the animal. We will take surrenders of puppies as long as we can desex the mum. We're trying to be proactive in reducing these complaints but, certainly, morale has been very difficult.

The Hon. EMMA HURST: Can I jump in with one follow-up question on that topic. I just want to know if you can tell us how many inspectors you have on the books.

The Hon. SARAH MITCHELL: That was going to be my question. I wanted a staff breakdown, so we're on the same page.

The Hon. EMMA HURST: How many inspectors do you have now, given the whole context you've given us?

SCOTT MEYERS: There will be 42. I'm recruiting at the moment. Currently, as of today, we have 37, with more people to start this month. I had two new people start on Monday. More people will start in April, but we will be going to 42.

The Hon. SARAH MITCHELL: They're based all around the State?

SCOTT MEYERS: Correct.

The CHAIR: Can I just jump in. You made some comments about dipping into your reserves, Mr Coleman. So that the Committee gets a sense of how dire it is, what are your reserves? Give us a sense of how many times you can dip into your reserves if the funding trajectory keeps going the way it's going. I'm happy for you to take it on notice if you can't draw the figure out.

STEVE COLEMAN: The balance sheet last year reflected \$145 million. That's a combination of shares and properties. For example, Yagoona, our head office, is scooped up in that. We're not about to sell that property. We can't anyway—we don't own the land.

The CHAIR: No, you're going to have current assets and non-current assets.

STEVE COLEMAN: Correct.

The CHAIR: And your current assets are the ones you're going to be able to draw from. Maybe from your current assets, what does that look like in terms of reserves?

CORRECTED

STEVE COLEMAN: It would depend on how you want to structure your exit. You could scale back and extend your life a bit longer. But if we were to work toward a ratio of two, which we've never been able to achieve, somewhere between six months and 18 months.

The Hon. SCOTT BARRETT: What KPIs are government putting on you and how clear are they when they give you that money?

STEVE COLEMAN: They're pretty clear. For this financial year, the three metrics that come to mind are we have to have 40 authorised inspectors, we have to undertake 10,000 investigations and we have to undertake 450 proactive inspections as well in order to acquit the funds. As Scott mentioned, we're in the process. We've only just started recruiting in the last few weeks because we didn't have certainty. Some of those inspectors, once they're recruited, will not actually be ready to go until after June. That's the practical implications. We have a very, I believe, solid reporting line through to the department on a monthly basis. That's the requirement within the deed. They are effectively the metrics or KPIs.

The Hon. SCOTT BARRETT: How achievable are those KPIs for \$9.2 million a year?

STEVE COLEMAN: For \$9.8 million, it's a stretch.

SCOTT MEYERS: Can I just add further to that. They're the KPIs. At the moment, with the change in puppy farm legislation and exemptions, we currently have about 39 exemption inspections waiting for us to do them. A lot of those breeders are west of Dubbo. To send two inspectors it's a whole day driving. They spend a whole day doing the inspection. These are people with 50-plus dogs—breeding females—and then it's a whole day back. It's a three-day turnaround to do an inspection. That's over and above the 10,000 and the 450 proactives.

STEVE COLEMAN: But that accounts for one inspection.

SCOTT MEYERS: That's one inspection.

The Hon. EMMA HURST: Have you spoken to the Government about this increase in workload from the puppy farm legislation? We have the Government talking about a new POCTAA reform coming through. I'm guilty of putting up a lot of legislation that would put more work on the RSPCA and the Animal Welfare League as well. But there doesn't seem to be any kind of reflection or recognition that this means more work and more oversight needed to uphold those laws, and even more community education so that people are aware that these new laws are actually in place. Have there been any conversations with DPIRD or the Minister in regard to the increase in workload? I know you mentioned the puppy farms already. What is that increase in workload? Should we then be looking at more than even 20 in regard to making sure that those new laws are upheld, and proposed new legislation as well?

STEVE COLEMAN: I've had conversations with the department about what that looks like. Extra legislation is meaningless unless you can enforce it; it really is. That's one of the realities of any compliance work. But in terms of regular discussions between RSPCA and DPIRD, can you add to that, Scott?

SCOTT MEYERS: In the past—I go back to the drought—DPIRD gave us funding to put on extra inspectors during the drought, which were full-time roles for a couple of years. The same when we had the bushfires—we got extra funding for that. Certainly they have, at times, provided extra funding to be able to carry out those activities. We meet with them probably once a quarter, I think, which is good. In terms of asking for further funding, it depends on what the particular project is.

STEVE COLEMAN: DPIRD knows that we're not sitting around twiddling our thumbs waiting for work.

The Hon. EMMA HURST: When you gave my colleague the Hon. Scott Barrett that sort of breakdown of all the costs from when you had the \$20.5 million, it almost sounded as though the Government has kind of just taken the inspectorate wages and framed everything around that, and that that has kind of been used as a way of—what was it, Scott? I think you noted it down, the amount just for the wages for the actual—

The Hon. SCOTT BARRETT: It was \$11.8 million for salaries.

The Hon. EMMA HURST: That almost seems like that's what was used for the following year, as though this is all you need. Is there a lack of understanding in regard to all the costs for the inspectorate—given all the costs for veterinary care, seizing animals and housing animals during prosecutions—and a full understanding of the costs of upholding this criminal legislation?

STEVE COLEMAN: If there is, I don't understand why, because we've always reported on the full cost, over and over again. One of the analogies I often think about is—and this is not meant as anything disrespectful, because we're still talking millions of dollars, and that's not lost on us and we're grateful for those

CORRECTED

funds—it's like saying to the police, "We're going to fund you to exist, but if you lock anyone up, you'll have to sell a few more cupcakes to cover the cost of that." You can't disconnect the two functions. Compliance sometimes results in animal seizures, and they need caring, rehab and veterinary treatment. We struggle to understand how the two are not linked.

The Hon. EMMA HURST: Are you given any information as to how they have actually calculated the funding?

STEVE COLEMAN: Yes.

The Hon. EMMA HURST: What was the explanation you were given?

STEVE COLEMAN: For example, last year it was towards salaries.

The Hon. EMMA HURST: It was towards salaries only?

STEVE COLEMAN: It's for salaries, vehicle maintenance and legal costs associated with prosecutions, which are real numbers, but equally real are the vet costs, agistment costs and staff to run and operate shelters to support that function. You can't disconnect the two; they are real costs.

The Hon. SCOTT BARRETT: Plus the proactive work as well.

STEVE COLEMAN: Yes.

The Hon. SCOTT BARRETT: The trend looks pretty bad for the last few years as far as the funding that has been made available for you. It is down \$11 million from just two years ago. What happens to the RSPCA and the role that you are expected to play if that trend continues or if that level of funding remains as it is?

STEVE COLEMAN: Then it's a bigger decision for the organisation to determine what direction we should take. If there is a view taken that we should stick with traditional services, then forget any proactive community outreach work, which I think would be a serious negative impact on animal welfare—I really do. If the direction is that we need to continue doing the compliance work, then we do what we can with what we have, and that means we will continue not to be able to get to everything, and there will be an expectation by the public that the RSPCA is not able to cope or is not as efficient as they once were. That would be a real shame, because that would not be real; that would not be true. It would be a big decision for our organisation—what can we afford, what can we sustain and what is our obligation to our members, ultimately, at complying with the objects of our constitution? That's the animal welfare impact. What can we afford to do? It's a tough future.

The Hon. SCOTT BARRETT: You're just on a year-by-year commitment as well. Realistically, at any point the decision could be made by your board that you don't want to play in this space anymore, and that leaves a big empty pool.

STEVE COLEMAN: It could. That would be a massive decision. In fact, that was one of the reasons that our chair and treasurer sought to meet with the Minister last year: to get a view about where can we work in partnership with the Government so there are no surprises and so that we can plan for and create some certainty for our staff. Yes, these are big questions, Mr Barrett, that we somehow have to tackle, whether we like it or not, because the future of our finances is such that we just can't keep doing this across the spectrum. The uncertainty and the disruption are not sustainable.

The CHAIR: Just picking up on that, given that your chair and treasurer met with the Minister with that view, has the board come to a decision as to a line in the sand where you make the call that if it gets to this point, we are saying, "Here are the inspectorate activities back to the Government"?

STEVE COLEMAN: No, the meeting did not happen.

The CHAIR: It did not happen?

STEVE COLEMAN: No.

The CHAIR: But obviously your board is thinking about these things. Have they come to a view in terms of what a line in the sand would be where they would go, "Here's your inspectorate back to the Government. You can deal with it. We'll go back to our traditional—"

STEVE COLEMAN: Not yet, Chair. They have not arrived at a decision.

The CHAIR: Have they been having those discussions?

STEVE COLEMAN: They certainly have.

CORRECTED

SCOTT MEYERS: Can I just give some context in relation to costs? There was a matter that I took carriage of some time ago. We received a complaint from New South Wales police in relation to a dog breeder. We seized 57 dogs from that property. That person was in court within three months. The prosecution moved really quickly. Those costs were \$134,000 in animal care costs. If you think 57 dogs, that person said, "I don't breed. All of those female dogs had puppies whilst they were in our care." Those sorts of costs, even though there is a cost order made, we don't get that money. Out of all of those dogs, I think there were six where they were in a condition where it was cruel for them to be kept alive, but every other dog was rehomed or given to rescue groups and such like that. That's a lot of money to try and work out what we are doing. That's the thing with prosecutions. Those large seizures are very expensive.

The Hon. EMMA HURST: I'm happy for you to take this question on notice. We talked a little bit before about how many inspectors you have on the book, but I'm assuming, based on what you have said, it can vary quite a bit. I'm wondering at what point it was the lowest and if you could let us know, at the lowest point, how many inspectors you may have had on the books at one point due to the uncertainty over the last couple of years. That would be really helpful.

SCOTT MEYERS: We'll take that on notice.

The CHAIR: That concludes our time with you both today. You have taken a few questions on notice and there may be some supplementary questions. The secretariat will be in touch with you about how to get them back to us. Thank you and enjoy your Easter break.

(The witnesses withdrew.)

CORRECTED

Mr STEPHEN ALBIN, Chief Executive Officer, Animal Welfare League NSW, sworn and examined

Ms LINDA GEDDES, Board of Directors President, Animal Welfare League NSW, before the Committee via videoconference, affirmed and examined

Ms AMANDA GRAY, Chief Inspector, Animal Welfare League NSW, sworn and examined

The CHAIR: We now welcome our next witnesses, from the Animal Welfare League. Would one of you like to make a short opening statement?

STEPHEN ALBIN: Yes, I would. Thank you for the opportunity to address the inquiry into approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. I am joined today by our president of AWL NSW, Ms Linda Geddes, and our chief inspector, Amanda Gray. The Animal Welfare League was established in 1958 in Western Sydney by a group of community leaders concerned about the welfare of animals. In its early years, members undertook direct and often challenging work to identify and report cruelty. The work formed the foundation of what is now our inspectorate. With the introduction of POCTAA in 1979, that role was formalised. The inspectorate became a recognised and legislated function with defined powers and responsibilities.

For many years that responsibility has been significantly underfunded. Up until 2023, AWL NSW received approximately \$70,000 per annum to operate an inspectorate that at that stage cost in excess of a million dollars a year to run. AWL is not just an inspectorate; it's a broader animal welfare organisation. Last year we rehomed 3,600 animals and we operate a shelter, a foster care network, veterinary services and an animal care truck, and we have 19 branches and two dog training clubs across New South Wales. Last year we generated \$17 million in revenue, and we have operating costs as an organisation of around about \$14 million. In the 2024-25 financial year we received a significant increase in Government funding—approximately \$1.9 million. This has allowed us to strengthen our inspectorate capability, including the addition of five new inspectors now operating across the State.

As a result, we're responding to a growing demand for services. In January 2026 alone, AWL attended 558 animal welfare matters. Of those, 49 animals were removed from harm and 18 matters progressed towards prosecution, including nine involving alleged deliberate cruelty or abuse. This equates to intervention in approximately one in every 11 cases attended. These figures reflect both the scale of the problems that we face and the importance of a properly resourced inspectorate. We've set up new inspectorate offices in Bega, Orange and Glen Innes. We're also undertaking geographic coverage across Illawarra and the Central Coast. I'd like to thank you for the opportunity to attend this hearing, and we look forward to answering any questions the Committee may have.

The Hon. SARAH MITCHELL: This is not a criticism, but I am just wondering why there isn't a submission from you for today.

STEPHEN ALBIN: We provided our financial statements and our annual report. That's typically what we do at these Committee hearings.

The Hon. EMMA HURST: I understand that you've seen a spike in cruelty cases and deliberate cruelty cases. Could you speak a little bit further about that. Perhaps it's a good question for Ms Gray.

AMANDA GRAY: Yes, unfortunately, we have. I've been at Animal Welfare League now for over five years as an inspector—and I'm now chief inspector—but there have always been prosecutions running for the usual POCTAA breaches we see, which is, unfortunately, underfed animals, animals that are needing vet treatment and no shelter, no water, tethering et cetera. But in the last five or six months, I'd say, we've seen a deliberate act of cruelty to animals causing death or serious harm. There are about nine prosecutions running or have commenced in those last six months, just with deliberate violence to animals.

The Hon. EMMA HURST: Is that unusual, to have nine cases running at one time that are really deliberate?

AMANDA GRAY: Yes, we haven't seen such a number of cases like that before. We haven't had to prosecute those sorts of cases before. I know the RSPCA get those cases a lot. I believe there's more awareness about what our inspectors do. There's more trust in our brand, and our inspectors are very dedicated and very proactive in attending jobs urgently, and they will attend as soon as they can. I think, because of that, more people are reporting and there's less tolerance to cruelty in the community. Because of that, those sorts of cases are reaching us.

CORRECTED

The Hon. EMMA HURST: Do you think that there are other reasons we are seeing an increase in this real deliberate cruelty beyond that? Do you think that there are effects of the cost-of-living crisis or other problems that are happening that are related, potentially, to that?

AMANDA GRAY: I think people are stressed because of the cost-of-living crisis. But in these particular cases, unfortunately and sadly, there are always people who will be violent towards children or animals. We're just seeing more of that now because I think our team has grown and we've got more awareness in the community.

The Hon. EMMA HURST: I know you said you've got nine cases that are currently underway, and I understand you probably can't speak about any of the cases that are before the courts. But are there any cases that you can explain to us, to give the Committee a bit of understanding, that may have been completed at this stage, or are they all open?

AMANDA GRAY: I can't go into too much detail, but one concluded recently down in the South Coast area. That was a dog that had been bashed to death, unfortunately, by its owner. We were able to successfully prosecute that person.

The Hon. EMMA HURST: I understand and Ms Gray already talked a bit about how the Animal Welfare League has really grown and expanded, and more cases are coming through. I also understand that a lot more cases were going to the Animal Welfare League when the RSPCA removed its online complaints portal. Can you talk a bit about the impact that has had? Obviously, the amount of funding the Animal Welfare League gets is significantly smaller. We've heard about the struggles with \$11 million and \$9 million, but the Animal Welfare League gets significantly less. What does that mean for the Animal Welfare League, at a practical level on the ground, dealing with the overflow of cases from the RSPCA?

STEPHEN ALBIN: Thanks for that question. In July last year the RSPCA did shut off their portal. We saw overnight a three-time jump in cases that we had to deal with. We were getting about \$1.3 million a year, at that stage, in funding. We were taking a huge share of jobs for at least four weeks. Our inspectors were under material pressure, but I've got to take my hat off to them because they weren't so much concerned about their own welfare but were concerned about the welfare of animals. They made a commitment that any of the jobs that we were taking on—which were, as I said, a huge number—that they would do their best. Amanda will have many stories, over that tough period, of people doing crazy numbers of jobs every day to cover off—to ensure that the cases that the community wanted dealt with were being dealt with.

The Hon. EMMA HURST: Can you give me an understanding of the numbers? I'm happy for you to take this on notice if you don't have the data in front of you, but you talked about a huge increase. I want to know "It went from X number of cases to X number of cases going to the Animal Welfare League."

STEPHEN ALBIN: I do have that at work.

The Hon. EMMA HURST: I'm happy for you to take it on notice.

STEPHEN ALBIN: We'll take that on notice, if we could.

AMANDA GRAY: We'll take on notice the exact numbers, but some of my staff were—the increase in jobs doubled and some of them tripled. I had one inspector do 91 jobs in 20 business days, which is massive. It's just a reflection on how dedicated they are to putting animals first. We had a lot of staff doing overtime. Not only did we have to watch out for the animals' welfare, I was also keeping an eye on morale in staff and making sure that we didn't have burnout. But there was just no question. When the online reporting stopped for RSPCA, our inspectors just put their heads down and went to work because the animals come first.

The Hon. EMMA HURST: Mr Albin, obviously we recognise the dedication of the inspectors and that they've gone above and beyond. But, in another sense, it's sort of unfair to put these workers in this situation because of their dedication. Is that sort of thing sustainable? If it's not, which I assume it's not, what do we need to be recommending as a Committee to the Government to make sure that the Animal Welfare League has the resources so that staff can be properly supported in the best way possible with an already very stressful job?

STEPHEN ALBIN: At that point in time, it wasn't sustainable. I was constantly checking in with Amanda, who was checking in with her staff to ensure everyone was okay and that we could continue to provide the services that we're sort of obligated to provide. But it isn't sustainable. We have seen levels now that we can—we got funding increases. That has enabled us to get more inspectors, which has enabled us to stabilise and ensure that we are getting sustainable numbers. Depending on the funding mix—we really need RSPCA to be there. I should say that as well. They're really important in the mix. As you probably heard from Steve with his KPIs earlier, they do 10,000 jobs; we now do 5,000, so that's significantly greater. We used to have an 8 per cent share of the market, and it's growing to about 25 per cent, so we've taken up a lot of slack. I think, yes, we would talk to the Government about what we can actually do and what can be sustainable.

CORRECTED

The Hon. EMMA HURST: I've asked the RSPCA for a copy of their funding agreement with the Government, which they're going to provide on notice. Could I ask the same for the Animal Welfare League?

STEPHEN ALBIN: Yes, I'll need to check the agreement. I'm happy to give it, but I need to check the agreement to see if there's a confidentiality clause in that agreement. I'm not sure.

The Hon. EMMA HURST: I'm happy for you to check. There's also an option to have it provided to just the Committee and ask for it not to be published as well. If that's an option as well, that'd be great. I know previously you had no in-house legal counsel to be able to actually support that work. Now that you're taking on more prosecutions, is that something that's going to change going forward with the increase of funding, or is that something that would need further funding to be able to achieve?

STEPHEN ALBIN: We've been very lucky with regard to the support that we've had from pro bono lawyers. That's something that we've even been able to use up to this point in time, which provides great value for money for the Government. I think that probably next year it's something we're going to need to look at.

The Hon. EMMA HURST: I imagine that's somewhat tentative. As you say, as wonderful as it is that these people are out there doing that, again, it's one of these areas where we're talking about upholding criminal legislation and then asking lawyers to do the work for free, for example. Most lawyers don't have much spare time to be able to do it; they're just doing it from the goodness of their heart. It's all these gaps that we're seeing from that funding, which is a historical problem that then funnels into the work you're doing.

STEPHEN ALBIN: We get a lot of pro bono. We do actually pay some lawyers as well, but we want to make sure we get value for money, and sometimes in-house options can be better than going external.

The CHAIR: I'll throw a few out before I pass to my colleagues. Looking at your financial figures, how much of your 2025 surplus was driven by bequests and one-off donations?

STEPHEN ALBIN: In 2025, \$9.7 million in bequest. Our surplus is basically because we had \$3 million more in bequests than we did the previous year. It's a very lumpy revenue stream.

The CHAIR: It fluctuates. It's not something you can rely upon.

STEPHEN ALBIN: No.

The CHAIR: RSPCA spoke about their concerns around a potential downturn in donation income, because obviously things are getting tough for everybody. Have you modelled what your financial situation would look like if that donation income does take a downturn?

STEPHEN ALBIN: Yes, we've been monitoring what's going on in many other charities, like St Vincents, RSPCA and the Salvos. We're seeing basically 10 per cent drops per annum in fundraising. It's very general, but it's average. We haven't actually felt that yet, and there's no evidence that that would exist. We've grown or reintroduced new revenue streams, like raffles, which we're allowed to do under the fundraising Act. What we've always assumed is a flatlining for fundraising, not falling. We're still a little bit more bullish than the RSPCA on where we sit. We're nowhere near the volume of funds that they collect. I think they're at least five or six times ours.

The CHAIR: What percentage of your charitable income is going over to the inspectorate? RSPCA's was \$10 million.

STEPHEN ALBIN: I'll have to take that on notice, but I don't think it's anywhere near that.

The CHAIR: Would it be in proportion to the level of income you receive versus the level that they do, do you think?

STEPHEN ALBIN: No, I think we'd be cross-subsidising far less.

The CHAIR: Obviously, given your size, you would have far less reserves to dip into if the trajectory of government funding continues as well.

STEPHEN ALBIN: Yes, we have \$38 million in net equity on our balance sheet.

The Hon. SCOTT BARRETT: Can I ask about your TV show? Is that an internal production or does Channel 10 send a production crew to you?

STEPHEN ALBIN: It doesn't exist at the moment. It's still shown on TV, but there's no relationship at the moment because Skydance bought Channel 10, and then Paramount bought Channel 10 and they stopped production locally of that show.

The Hon. SCOTT BARRETT: As of?

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STEPHEN ALBIN: About a year ago.

The Hon. SCOTT BARRETT: You heard a lot of the evidence that Mr Coleman gave before. Can you tell me about the impact the late signing of the deed is having on your staff and your operations? We heard that you've only just signed the deed for this current financial year, due to expire in a couple of months. We heard of the impact on morale and the difficulties of employing staff. Are you facing the same difficulties?

STEPHEN ALBIN: Yes and no. I'll just clarify the grants that we went through. RSPCA got \$20 million, originally; we got about \$5.5 million. But that was under what was called an OLG rehoming grant, so that really didn't have much. We were allowed to use it for enforcement, and we're allowed to use it for other things as well. Then came the enforcement grant. The enforcement grant was negotiated with DPI, and that's when RSPCA got \$11 million and I think we got \$1.3 million. The timing of the grant is a problem. It's a problem inasmuch as, normally, if it's embedded within a budget, you've got a three-year time horizon. Without that, we're having to cross-subsidise from other sources 50 per cent of our operating activities, which is around about \$1.5 million, before Christmas. It would be ideal if we could get some more certainty in that funding horizon to ensure we don't have to cross-subsidise. I understand RSPCA's concerns. We have the same.

The Hon. SCOTT BARRETT: It was \$11 million and \$1.3 million. I think that then changed. It went down to \$9.8 million and yours went up?

STEPHEN ALBIN: Yes, ours went up.

The Hon. SCOTT BARRETT: What's the understanding you've been given from the Minister as to why theirs has decreased and yours has increased?

STEPHEN ALBIN: We've taken a greater share of jobs. We've gone from about 8 per cent to 25 per cent of the estimated market.

The Hon. SCOTT BARRETT: Has the number of jobs in the market increased?

STEPHEN ALBIN: Yes, they are increasing. It's actually 33 per cent according to the KPIs of the Government, because you've got 10,000 and it's 5,000 that we're now doing. That's 33 per cent. So there's been a significant increase. The numbers are increasing for us, but I think the market's increasing as well.

The Hon. SCOTT BARRETT: The market—for want of a better term—is increasing and you're taking a greater share of that than the RSPCA?

STEPHEN ALBIN: Yes. There are challenges with it. We've got detailed models on what we can do with the infrastructure that we've got.

The Hon. SCOTT BARRETT: As far as your capacity?

STEPHEN ALBIN: Yes. The market share that we're doing at the moment will take up 95 kennels at an 80 per cent occupancy. At the moment with our Kemps Creek shelter, at times it fluctuates. But a significant amount of the time, it's pretty much all inspectorate animals.

The Hon. SCOTT BARRETT: You mentioned modelling to see what capacity you could handle. Are you able to share that modelling?

STEPHEN ALBIN: Yes, I could share it. I'll take that on notice. I'm happy to share it on an Excel spreadsheet.

The Hon. SCOTT BARRETT: How many times have you met with the Minister in the past 12 months?

STEPHEN ALBIN: Not with the Minister but with the Minister's office—once in September.

The Hon. SARAH MITCHELL: You might have said this before—and this might be better directed to you, Ms Gray—but how many staff do you have at the moment doing that?

AMANDA GRAY: Inspectors? We've got 14 now, and that's including myself.

The Hon. SARAH MITCHELL: That's also spread across the State as well?

AMANDA GRAY: Yes.

The Hon. SARAH MITCHELL: I have a broader policy question, and this came up in the previous witnesses' evidence as well. There were some submissions that went, I'll say, to the conflict of interest—though that's probably too strong a term—of charitable organisations doing the enforcement work. We've got others appearing today who don't think that's the best setting. I just wondered if you wanted to comment on whether or

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not you think that's effective. Would there be better ways to do things, or do you think the current system works and you just need more funding to do what you do?

STEPHEN ALBIN: It's not their money, is it? That's why they'd be suggesting it, because we've done value for money tests on the services that we provide. As a matter of fact, as part of our grant, we put a considerable amount of in-kind contributions to providing these inspectorate services. All of the services that we're on-charging we do get funding for, which we didn't last year. We get funding for veterinary procedures and shelter—all these are for seized animals. We charge that at cost, without any admin. If there was a desire for the Government to take over these services, I think there wouldn't be a chance that you could do it anywhere near the costs that we're doing it at, or even RSPCA. We don't really charge for our infrastructure. If the Government took this role, you've got to ask, "Where are you going to put the animals?" That's probably the single biggest question that we have, operating one of these businesses. It's a matter for government, but I also think it's also a value for money consideration as well.

The Hon. SCOTT BARRETT: How many stock welfare panels have you been involved in?

STEPHEN ALBIN: None.

The Hon. SCOTT BARRETT: The RSPCA sent a thing of all the different animals they've been involved in. How many cases do you have of farming, stock animals? Or do you narrow your focus to cats and dogs?

AMANDA GRAY: No, we also attend properties where there's livestock—horses, cattle, sheep, goats and also chickens. So yes, we deal with farm animals as well. We're not part of stock welfare panels because we just do not have enough staff to be able to do that. It's very time intensive and staff intensive, as well.

The Hon. SCOTT BARRETT: How do you divvy it up? Is it just whoever gets the call goes to that incident? If you're going to do a stock inspection because you've had a complaint, do you check with RSPCA that they haven't been there or they're not planning to go there tomorrow?

AMANDA GRAY: We do. It depends on the numbers. If there's a large amount of animals at a property, then we'll refer that to RSPCA or Local Land Services as well.

The Hon. SCOTT BARRETT: The truck that I have seen—when you are taking that into other areas, how do you go with your licence to practice as far as the practitioners board is concerned?

STEPHEN ALBIN: It's actually gotten a lot better. I've got to thank this Committee for being great advocates for that truck. We're actually now able to get licences that last for more than one visit, and can last a year. It's become easier for us to operate our services. Last year we did 10 trips. We went to 30 communities and saw over 2,000 animals. It's been a major success. We're trying to move into desexing, and we've had a lot of support from the Veterinary Practitioners Board as well. We're working with them. It's taken a bit of time, but we're getting there.

The Hon. SCOTT BARRETT: So you're hoping to move into desexing? Sorry for my ignorance, but the moving into the desexing suggestion—you aren't doing that at this point?

STEPHEN ALBIN: Well, we've trialled it. We couldn't actually do it. It's hard to do on the truck in terms of the regulations, so now we're sort of piloting it and testing it to ensure that we may be able to roll it out in future. But we do not want to compete with local vets. That's a really important thing. It will be done at pounds or helping councils out.

The Hon. SCOTT BARRETT: Do you mean physically to conduct the procedure on the truck? You don't have the equipment, infrastructure?

STEPHEN ALBIN: Well, there were rules and regulations. I'm not a vet, but if you desex an animal, it needs follow-up care just in case the stitches split or something like that. If you're in a truck and you desex and you drive off, you need to have arrangements with vets and others to ensure that that that aftercare can take place.

Ms ABIGAIL BOYD: I just wanted to ask the same question I asked the RSPCA about this criticism of RSPCA and AWL in terms of having that enforcement capability, and whether that should continue or whether there should be some other thing put in place. What are your thoughts on that?

STEPHEN ALBIN: It's pretty similar to the previous answer, and that is that if we continue to provide value for money and a quality service, I think that we should continue. Given that's pretty much how we started in 1968, it's really important to our organisation as well. But if we stop providing value for money and we're not doing an effective job, then I think it's well within the Government's and even this Committee's rights to actually to revisit it and look at it.

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Ms ABIGAIL BOYD: So the question then is who else would do it.

STEPHEN ALBIN: Yes, that is the big question, because you'd need to have a lot of animal welfare infrastructure. RSPCA is bigger than us, and we're growing but, yes, that is a big question.

Ms ABIGAIL BOYD: One suggestion was that maybe it would be something the department should do. How realistic is that? I certainly view the department as having a bit of an inherent conflict of interest when it comes to their responsibility to industry as well as their responsibility to animal welfare. Ideally, I'd like it separated out. What do you think? Do you think that the department could be capable of running some sort of inspectorate or enforcement function?

STEPHEN ALBIN: This is not a slight on the department, but have you ever known any government to provide a service cheaper than you could get it in an open and contestable market? I don't think so. So it would cost a lot more money, and I don't know how effective they'd be.

AMANDA GRAY: If I can also interject, our staff at both ACOs are extremely qualified and knowledgeable in the work we do, and we've been around for a long time. While the police are wonderful in the work that they do, they're focused mainly on humans. They have enforcement powers under POCTAA, but they often refer to us because they're more familiar with dealing with the Crimes Act. We'll often render assistance to the police in terms of advice on how to take care of a matter. I know RSPCA do the same, so we're often helping each other out all the time. But in terms of skills and knowledge and awareness and reputation, I think you won't get two better teams than what both the ACOs do in terms of enforcement.

Ms ABIGAIL BOYD: We've been waiting a while for the office of animal welfare to be established. The announcement from the Government was not quite what a lot of us had in mind for an independent office of animal welfare, but we'll take something over nothing. Have you been involved in any consultations in relation to what that might look like and how it might interact with the ACOs?

STEPHEN ALBIN: Not really, no. We've heard, like everyone else, some whispers, but nothing formal.

Ms ABIGAIL BOYD: Apologies if you've already referred to this, but when was your last meeting with the Minister?

STEPHEN ALBIN: The Minister's office, not the Minister, was in September last year.

Ms ABIGAIL BOYD: When did you last meet with the Minister?

STEPHEN ALBIN: I'll have to take that on notice. Actually, I think it was when she first got in, but I don't know the exact date. It was around when they when they first got elected and she got appointed.

The CHAIR: Can I just go back to some more financial questions. In your opening statement you talked about expanding into different areas. How much of that growth is backed up by secure funding versus your charitable funding?

STEPHEN ALBIN: There are two—are you talking about in regional areas?

The CHAIR: Yes.

STEPHEN ALBIN: In regional areas, that's being funded at the moment under the initial \$5.5 million that we received under the rehoming grant. I'll take that on notice to give you specifics, but we know that it costs \$175,000 to set up each of the offices and there's about a \$90,000 running cost. But I'll have to give you the specific details.

The CHAIR: On notice, that would be great. You were talking about capacity before. What's your current euthanasia rate of the animals that you do seize or take in?

STEPHEN ALBIN: There are two types of euthanasia. One is medical, and you can't do anything about that. Our behavioural, in our latest annual report—that's 2024-25—was nine. That's like 0.024 per cent. It's very expensive to run an organisation like that, and we put in a lot of time with our animals to ensure that we can get behavioural alignment in most instances. This year, I understand you and Alicia were talking about it yesterday—it is 11 animals to date.

The CHAIR: For behavioural?

STEPHEN ALBIN: For behavioural, yes.

The CHAIR: Versus medical, which we accept you can't really do anything about.

STEPHEN ALBIN: It's about 4 per cent. That goes up. That will include injured strays—animals that are given to us with serious medical issues. We spent \$23,000 on a dog, in our annual report, where we had to do

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a very complicated procedure to ensure that it stayed alive. We spend a lot of money on animals and keeping them alive.

The Hon. EMMA HURST: We heard from the RSPCA this morning as well around the challenges they face about the uncertainty of the funding, the whole process and the delay in getting the money. I'm wondering if you have any feedback about how the whole process could be improved to make sure that there is some certainty around the funding process in the coming years?

STEPHEN ALBIN: I think probably just putting it into the budget cycle—actually ensuring that you've got out years, you know what sort of money there is, you negotiate the targets and you have a longer term agreement, and that agreement should be struck before the beginning of the financial year. That would be my feedback. It's going to be pretty tough again. But when we got the rehoming grant, because we'd never received grants before, I think everyone was caught on the hop—us, the department. I think if we now just ensure we can get some long-term funding horizons, that would be fantastic. The certainty is really important. I understand RSPCA is concerned. I'd just like to support what Amanda said before. We work closely with them. We couldn't realistically, under any circumstances—say, for instance, RSPCA said they didn't want to do the work, we couldn't do it. We just don't have the infrastructure. I think, for both of us, we need to sit down and ensure that we've got some certainty and stability.

The Hon. EMMA HURST: I've got a bit of a follow-up question about that infrastructure and the concerns there. You were talking to questions before that both RSPCA and the Animal Welfare League almost have two roles within them. You've got the inspectorate, but then you're also running a rehoming service and a rescue organisation at the same time. You said before that the kennels that you have are almost entirely filled with inspectorate animals. I've got two questions there. What does that mean for any of the rehoming processes that are expected by the community from your organisations? Also, if you end up in situations where the numbers of inspectorate animals are filling the kennels and then you get called out to a job tomorrow where there's a puppy farm with 100 sick animals—what happens in those situations? I imagine you'd call on the RSPCA and you guys would try to help each other. But is that really a suitable response, or do we need far more infrastructure to deal with the case load that you're seeing?

STEPHEN ALBIN: We need more infrastructure. We are building a precinct for animal welfare. The Government has given us money for a research animal rehoming facility. That's already been completed. That's part of the legislation with regard to research animals. We presently have a DA in front of Liverpool council to expand our facilities by 50 kennels and about 50 cat condos. That will alleviate some of the pressure. It's just taken quite a while to get that DA through, as you're probably aware. Infrastructure is key and important. We were founded on the inspectorate, but there is a large community expectation with rehoming. Scott, before, you asked about the Dog House, and that has been a great profile builder. At the moment we have really long surrender lists. People are starting to get frustrated that they can't get into our facilities to surrender their animals.

The Hon. EMMA HURST: The last time I heard evidence from the RSPCA, they said their surrender list was 12 months. How long is yours? How long would somebody have to wait to surrender an animal with you guys?

STEPHEN ALBIN: It fluctuates—it will be 12 months or 18 months. At the moment it would be about 11 months, I'd say.

The Hon. EMMA HURST: Which is still not practical for most people. Even with the new structure that will hopefully get approved at Liverpool council, there's still going to potentially be an overflow problem with the number of inspectorate animals that come in. Maybe this is for Ms Gray as well. Can you give the Committee a bit of an insight into, when we're talking about inspectorate animals, what does that mean? How long do they spend? How much does it cost to house them? What's involved once an animal is actually seized and somebody is taken to court?

AMANDA GRAY: The animal is held for 60 days if they're seized. In that time we have to commence court proceedings and serve CANs. If we're lucky enough, we'll get the animal surrendered to us. In that case we can still proceed with prosecution, but we have 12 months to be able to do that and then that animal is able to be adopted—have all its vet work done and be adopted in that time. If the animal is seized and not surrendered by the owner then it is stuck in our system, basically. It is institutionalised until that court case has concluded.

For animals that are seized, we will work very hard to get a surrender on, but in a lot of cases owners don't understand that those animals will be held until the conclusion of a court case. We always get granted the animal, generally. We like to go into court to win. But, yes, that animal is basically institutionalised until that court case is over. We've got one there at the moment who has been in custody with us for about nine months

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now. That court case won't be until May or June. Stephen will be able to tell us about cost per animal—dogs and cats—that come in through inspectorate.

The Hon. EMMA HURST: I'll get that information from you. You mention one case of nine months. Do you have a rough average, even—I don't expect you to give it as a specific statistic. Can animals be stuck in this system from anywhere between six months to 12 months? What is the range if they're not surrendered?

AMANDA GRAY: Yes, at very least, six months. There have been a few cases where, yes, animals have been there for six months. They've had to have veterinary surgeries done on them because it has been urgent, but they still don't belong to us; they still belong to the courts because they're in custody. They're just on hold. We have potential adopters or fosterers for those animals, but we can't do anything with them. We can't move them on because they don't actually belong to us until it's determined by the court. I'd say at least six months. It would be lovely if there was a process in place where there are other options for seized animals but, at this moment in time, there isn't.

STEPHEN ALBIN: There's a specific clause in our grant that says there is a way to shorten it. That is by doing an inspectorate surrender, which isn't in POCTAA. It's not eligible under the grant, but it gives you time to be able to do other things. It gives you a year to prosecute and you don't have a 60-day holding period. That might make a big difference. At the moment we're running pretty much on seizures, because that's what's eligible under the grant.

The Hon. EMMA HURST: What costings are you looking at to hold these animals for sometimes six months or nine months while the court case is running?

STEPHEN ALBIN: It depends on the length of time. The average cost per animal is about \$5,900 for every animal we've got. I can give you that detail; I'll take it on notice. But it's about \$5,900 on average.

The Hon. EMMA HURST: If there was additional funding that went into the inspectorate, what do you think the priorities would be for the Animal Welfare League? What would the extra funding go towards to help fill some of the gaps in this space?

STEPHEN ALBIN: My president's here. She and the board are very interested in ensuring all the money that we receive goes to animals.

The Hon. EMMA HURST: Yes, but I mean what specifically would it be? Would it be into infrastructure? Would it be more inspectors? Would it be safety measures for inspectors so they could go out? What would be the priorities in regard to the functioning of the inspectorate?

STEPHEN ALBIN: I think it would start with your legal suggestion earlier, but then it would also go towards more inspectors around the State and then ensuring we'll have the infrastructure in the short term. But the more we grow, the more infrastructure we'll need as well so we'll have to phase that out.

The Hon. GREG DONNELLY: Thank you for coming along today. Could we just go back to the euthanasia numbers that we discussed a little bit earlier, and just go through them, if we could, in a little bit of detail? In terms of categories that you referred to in classifying, shall we say, the conditions around all the reasons behind euthanasia, you described it as medical for one category and behavioural as the second category. Are they the only two categories that you classify as the grounds and reasons?

STEPHEN ALBIN: Generally, it is, but I'm more than happy to provide you with a more comprehensive breakdown. There will be others than just medical.

The Hon. GREG DONNELLY: What I'm interested in is—I put it in these frank terms—you've got too many animals under care and that they need to be euthanised because you've got them.

STEPHEN ALBIN: No, no.

The Hon. GREG DONNELLY: Please forgive me. I am just explaining it to you because there's been evidence brought to this inquiry and there is commentary in the media, not infrequently, that there's a fair bit of euthanasia going on in New South Wales—I use that in the general sense—of companion animals, namely dogs and cats, because there are too many and particularly the organisations that are funded and resourced by the Government just can't cope. Therefore, they are euthanising animals. Could you respond to that?

STEPHEN ALBIN: I can't speak on behalf of every other organisation—

The Hon. GREG DONNELLY: Well, your own organisation, obviously.

STEPHEN ALBIN: But our own organisation, we definitely do not do that. The whole reason we exist is that—

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The Hon. GREG DONNELLY: No, no.

STEPHEN ALBIN: I'm happy to share so I'll give you all the detail for all the figures as to how we calculate. It's all there; but, yes, we definitely—

The Hon. GREG DONNELLY: I'm not doubting what you're saying. I'm just trying to have a bit of a discourse with you about what we are hearing and have heard over a period of time, not just through the hearings but in the public domain. On the medical and behavioural categories, let's perhaps deal with the medical first. You provided an example of an animal—I believe it was a dog you referred to—and its cost of treatment was, if I remember correctly, about \$120,000 or \$130,000.

STEPHEN ALBIN: No, \$23,000.

The Hon. GREG DONNELLY: I apologise; \$23,000. I suppose this has a direct linkage to the issue of medical termination because, clearly and presumably—and forgive me; I'm not a vet—with respect to the advice provided to the organisation, and this is from a vet or treating vets with respect to the animal, there are prospects one way or the other with respect to the likely success of the treatment. Let's assume it's complex, like surgery. Who makes the call in regard to the authorisation of proceeding with the procedure being proposed by the vet or vets?

STEPHEN ALBIN: It used to be the CEO. Because I'm not a vet and I'm not an expert in this area, the vets, in conjunction with the head of shelter, make that decision.

The Hon. GREG DONNELLY: On an animal-by-animal basis?

STEPHEN ALBIN: Animal-by-animal basis.

The Hon. GREG DONNELLY: That includes, obviously, cats and dogs, which are the ones that we are principally talking about. What about other animals, or are there no other animals in this domain?

STEPHEN ALBIN: We've got some pocket pets, but I couldn't tell you how many.

The Hon. GREG DONNELLY: That's fine. Clearly, the preponderance or the vast majority are cats and dogs. With respect to the call made by the discussion between—did you say the CEO?

STEPHEN ALBIN: Head of shelter—the head of animal welfare services and the vets.

The Hon. GREG DONNELLY: And the vets, on a case-by-case basis. Perhaps, from the organisation's point of view, is there an actual or a de facto ceiling that is generally worked at in terms of making a decision about whether or not the money will be expended? Because I have to say that \$23,000, as I'm sure you appreciate, is a significant amount of money. I say that with the greatest respect to animals and also with respect to the impact on the finances of the organisation. Does there exist an actual or de facto threshold that informs whether or not, in the circumstances, the organisation will proceed with paying for what is a proposed treatment or surgery?

STEPHEN ALBIN: I'll clarify the \$23,000. It's actually in our annual report here—not that amount of money, but it was crowdfunded. That was crowdfunded differently to everything else, and it was a complex medical procedure.

The Hon. GREG DONNELLY: No doubt. I'm not suggesting I am in a position or have the knowledge or the experience to define what a threshold should be. But if the organisation is, as part of its remit, very committed to keep animals alive and help them recover from ill treatment or injury or whatever the case may be, the capacity to fund that medical work that it does with respect to the animals—the ability to make that go some way—is, I would have thought, dependent upon whether or not a threshold exists. If there was a threshold, that prima facie would mean that the money could be, dare I say, stretched over more animals if it was more open ended and left to what is essentially a value judgement, which I respect is made by experts. That is likely, prima facie, to mean that the money, in any 12-month period, may be less likely to go the same way as if it was more defined by a threshold. Do you have any comments on that?

STEPHEN ALBIN: It's not defined. This question was actually raised by a doctor who gives us significant funds. He talked about the ethics in hospitals and what we have in animal welfare as well. He was concerned that animal welfare didn't actually have the same sort of ethics as hospitals do in terms of costs. Our vets and people in shelters are not making decisions like in a hospital. There, typically, is no financial consideration. It's all about the quality of life of the animal.

The Hon. GREG DONNELLY: No financial consideration?

STEPHEN ALBIN: No, typically not.

The Hon. GREG DONNELLY: I'm trying to thrash this out.

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STEPHEN ALBIN: But if you made that decision based on—and this is us, right? We're different. We're not a local pound. We are not other organisations. It's all about the quality of life that the animal will have. That's what the decisions are primarily made on.

The Hon. GREG DONNELLY: Going back to the example of the \$23,000 or whatever the figure is, that's the primacy of the decision-making—in that, that's the primary consideration about what's going to be the potential outcome of the procedure, I presume.

STEPHEN ALBIN: And the likely success of that procedure.

The Hon. SCOTT BARRETT: Can I just get some clarity on—if this is inflammatory, I apologise. Why do we need the two organisations when they seem to be duplicative and fighting for the same pool of money?

STEPHEN ALBIN: I think it's always useful to have a competitive—if you had one organisation, the Government may not be getting value for money. It's always useful to have two, and it's almost like a contingency, as well, for the provision of this service. I would suggest that the Government is getting better value for money out of having the two organisations.

The CHAIR: Just on that, would you welcome a third entry into the market? It has been put to this Committee that WIRES seems to be reinventing itself to enter this space. Would you welcome a third competitor into the market?

STEPHEN ALBIN: The more the merrier. I wouldn't complain about it, no. I don't think AWL NSW or RSPCA should have a mortgage on providing these services, necessarily. If there is some other organisation that can do it to the same level that we do and has the same resources behind it—well, yes.

The Hon. SCOTT BARRETT: There have been lots of comparisons made between your organisation and your role and the police, for instance, and what they do on the human side. You wouldn't suggest that we'd have another law enforcement agency. There are two CEOs. That's a lot of inspectors that you could have out in the field and the different facilities if they were consolidated. That could make more money available to do other things. There have been grants provided which, effectively, seem to be funding an expansionist approach from the Animal Welfare League rather than focusing on the actual inspectorate.

STEPHEN ALBIN: No, we've certainly grown our inspectorate and the work that we've done. We've gone from an 8 per cent market share to more than one-third of the market. Effectively, what we're doing is we are investing in that part. I get what you're saying, but I still think that if the Government is giving money to external organisations, having two of those organisations probably gets them better value for money than just having one—and the police are actually part of the government.

The Hon. SARAH MITCHELL: I have quite a simple question, I guess. I live in Gunnedah and I have seen the truck around. We have some good local volunteers for your organisation there.

STEPHEN ALBIN: Yes, you do.

The Hon. SARAH MITCHELL: It has been at our showground before, with council. I'm just wondering how you work out where you send the truck. Do communities say, "We need you"? What does that planning look like?

STEPHEN ALBIN: What has happened with the truck is the Government have given us another six months funding for that truck. They've actually indicated that they'd be looking at funding it going forward, in terms of the enforcement grant. But we plan trips way out, and we'll also consult with vets in the local areas. We also do a lot of research into what places have vet clinics and what don't.

The Hon. SARAH MITCHELL: So you try to fill a gap if you can?

STEPHEN ALBIN: Yes, and it's only in rural and remote New South Wales.

The CHAIR: You indicated around the independent office of animal welfare that you hadn't really had any discussions with the Government as to what that looks like or how you're going to interact with it. Have you internally turned your mind to how you would like to see that relationship work? Are you able to share your thoughts with us as to what you would like to see?

STEPHEN ALBIN: We've been too busy looking at providing services, so we really haven't put our minds to it. Some of what we're aware of is discussions were taking place that it was going to be located within a department outside of DPI. But we don't—

The CHAIR: So it could be just that you report to this office rather than reporting to DPI?

STEPHEN ALBIN: Yes, it could, but who knows. I'll wait until there's an announcement—

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The CHAIR: Sounds revolutionary. That takes us pretty much right to time. You did take a few questions on notice, and the secretariat will be in touch regarding those and any supplementaries we may have. Thank you very much for your time.

(The witnesses withdrew.)

(Short adjournment)

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

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

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

Mr TIMOTHY CROSSMAN, President, SAFE Rehoming, affirmed and examined

The CHAIR: After that brief interlude, we now welcome our next witnesses. Would you like to make a short opening statement before we go to free-flow questions?

TIMOTHY CROSSMAN: In our submission to the inquiry on behalf of SAFE Rehoming, we flagged that transparency is something we would like to see a lot more of in these organisations—both for the public's expectation of where money flows to, some of which is given by the State Government, but also for the animals and what happens to the animals in care. We would like a more transparent understanding of why animals are euthanised and that type of thing. As a small organisation, we're obliged to give pretty detailed understandings of why we euthanise animals, but it doesn't seem that the same rules apply to some of the bigger organisations. That was our main thought process behind what we're seeing in some of the hard-to-understand annual reports and figures that we see from the big organisations.

MICHAEL DONNELLY: I have an opening statement, Chair. I also ask to table that statement, as we've also brought along some attachments that support both the statement and any further testimony from our submission.

The CHAIR: Sure.

MICHAEL DONNELLY: If we could do that, that would be fantastic. Good morning, everybody. First up is why. Since 2020 the purpose of these annual inquiries is to provide this Committee, stakeholders, the public and the Government an opportunity to hold the approved charitable organisations accountable for their actions and their ability to enforce POCTAA. In return, it provides the ACOs the opportunity to be transparent and highlight why they should continue in that role. So why in 2026 are we still providing testimony that raises more questions about that ability? We all continue to seek greater transparency and accountability. Over the past six years, submissions and testimony have been provided calling out the aggressive behaviour of RSPCA inspectors. There have been questions raised regarding the governance and internal dynamics of that same organisation.

More alarmingly, though, we've heard about the mistreatment of animals and the clear lack of knowledge and expertise of inspectors. Who can forget the statement "horses don't have a foaling season", or that the use of seven to 15, with an average of 11, shots at a galloping horse from a moving helicopter is a good welfare outcome? There are continually charges against individuals for not seeking veterinary care, despite the fact the animals were under veterinary supervision, and attempts by treating vets to speak with the RSPCA have been ignored or not followed up, all while numerous cases of injuries to animals during seizure and in RSPCA custody continue to occur.

Decisions and reports by police are ignored or overruled, such as the Great Dane seized less than 24 hours after a complaint being cleared by police. There was the more recent case where cross-contamination between the RSPCA and WIRES resulted in the euthanising of a kangaroo, with two additional kangaroos that were ready for release into the wild being seized and their whereabouts still unknown. Evidence in that case suggested that WIRES was the complainant and also closely involved in the enforcement action that followed, including providing the veterinarian involved when animals were seized. This raises legitimate questions regarding independence in the enforcement process, particularly where WIRES may also have borne a duty of care to the animal comparable to or exceeding that of the accused. As you would know, this case has resulted in an appeal against the original conviction being upheld with the aggressive behaviour of the RSPCA and WIRES highlighted by the court.

The relationships between the RSPCA and other parties is concerning. These examples raise a broader policy question for this Committee: Should criminal law enforcement powers continue to be exercised by charitable organisations rather than by the State itself? Animal Care Australia submits that the current enforcement model requires reform. Why does government—both past and present—continue to utilise the RSPCA? Why has very little changed in reporting formats, accountability or transparency? Why does government place budget costs over animal welfare? All of this is why Animal Care Australia recommends the establishment of an independent animal welfare commission responsible for investigation, enforcement and prosecution under the Act.

TARA WARD: A strong theme in the submissions to this inquiry is that the current system, with charitable organisations carrying out inspectorate functions, is undermined and marred by inherent conflicts of interests. This aspect of the current system was lamented by all sides of the animal use or animal protection

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spectrum. The conflicts can arise due to the charities' inescapable need to fundraise, creating a perception this need may even influence enforcement decisions, including decisions to prosecute, and can lead to competing with small, volunteer-run rescue organisations and individuals for the same "donor dollars", as one submission put it. This is unacceptable, as these grassroots and community rescuers are beyond crisis point and need all the help and support they can get.

Another theme was the lack of transparency and accountability in having private entities carry out public enforcement functions. This can lead to extremely questionable decisions to prosecute vulnerable members of the public such as wildlife carers devoting their lives and finances to caring for orphaned and injured wildlife, while ignoring activities such as rodeos where animals are routinely abused and harmed purely for entertainment. The prosecution of the experienced wildlife carer Tracy Dods, which has already been raised in this hearing, including by my fellow witnesses, is an example of the former. Since the ADO's written submissions, the District Court of New South Wales has overturned the Local Court's conviction of this carer in a decision that was scathing of the ACO and the wildlife organisation that brought the prosecution.

Although cleared of all wrongdoing, this dedicated carer is now reportedly hundreds of thousands of dollars in debt due to legal costs in defending herself. Her case is not isolated. The ADO is aware of several other carers targeted by heavy-handed enforcement action, which cannot reasonably be considered to be in the public interest. The only viable and effective solution would be to give compliance and monitoring functions to an independent entity and not to another conflicted entity such as the New South Wales department, as has been suggested—that would be the department of primary industries.

In the lead-up to the 2023 State election, the New South Wales Labor Party stated that it will "create a new independent office of animal welfare". It is vital that the New South Wales Government deliver on its election commitment. An independent entity would help achieve transparency, accountability and better monitoring, with appropriate routine or unannounced inspections where they are needed, such as at rodeos and other activities using and manipulating animals for entertainment or profit. It would also help achieve fairer use of inspectorate resources, not targeting vulnerable animal guardians such as voluntary wildlife carers, ideally working independently with the individuals who do the caring, rather than selected large and powerful organisations far removed from the on-the-ground caring of the animals we are all seeking to protect.

The CHAIR: Just a broad question from me to open this up to all of you—do you believe that ACOs can effectively both enforce the law and also do advocacy? Or is that an insurmountable conflict of interest?

SAM DAVIS: Animal Care Australia's view is that it's run its course. It might have been appropriate decades ago, but animal welfare now has got to a stage where, in terms of society, it requires the State. There's no other law that I'm aware of that's enforced by charity. Why should this be an exception? It's not working. I think that it is better to bite the bullet at some stage and say, "No, the State needs to take that on." I recommend, if members of this Committee haven't read it, to read our animal welfare commission proposal, that also includes a bill, to also spread the load across the entire State. We're essentially proposing that it would be local government. It might be that for a small LGA, they might only get, say, 0.2 or 0.3 of a full-time equivalent. For a large LGA, they may get a full-time person. In every LGA, there would be a fraction of an animal welfare person. Because, in our experience, it's local government that often sees these problems and under companion animals and other local laws they're enforcing this sort of stuff and they see welfare issues.

So you'd have those sorts of people that are there to help. They're not the ones that charge. And then you'd have some senior animal welfare officers employed by the State. Should that person get there and it's an obvious cruelty offence, for instance, or even if it's one where the person is not responding appropriately, then they call in the senior animal welfare officer, who then, like a normal policeman would, collects evidence, decides whether they're going to charge and discusses it with the local police prosecutor, or the DPP if necessary. That, to me, is the logical model for this area. At the moment, the reality is we're covering Sydney and Newcastle. I think you've probably already heard evidence from the CEOs of both the ACOs that they're really not covering rural areas in any real way. We need coverage of the whole State as well, and I think that sort of model can do that well.

The CHAIR: Mr Crossman or Ms Ward, have you got any thoughts?

TIMOTHY CROSSMAN: I would definitely agree with Mr Davis. I think it's a bridge too far now for those organisations to be doing what they should be doing in terms of that animal management and then, on top of that, trying to get through all of the cruelty cases and things like that. So I think separation would make a lot of sense.

The CHAIR: Ms Ward, any thoughts?

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TARA WARD: Yes. The Animal Defenders Office doesn't have a problem with the idea of being both an advocacy entity and also an enforcement entity. I think that those two can actually go together. Think of the ACCC, for example. The problem is having a private charity enforce criminal laws, as my fellow witnesses have already stated. That is the real problem. When you think about the origins of why we have private charities enforcing what are criminal laws, the first animal cruelty statute was introduced in the UK in the early 1800s. That was before London had a police force so, necessarily, to enforce it, those who brought about the Act had to create a body to enforce, including themselves going around and enforcing the Act. So in a sense it's an historical accident that we have private charities enforcing criminal laws. That may have been acceptable in the early 1800s, but in 2026 in Australia it's certainly not acceptable and we have to move beyond what was really just a temporary solution. It's having private entities, private charities, enforce criminal laws that creates all the problems due to the lack of transparency and accountability.

The CHAIR: I'll start with ACA. In your submission, you speak about RSPCA using enforcement as a fundraising or policy campaign tool. Have you got any specific examples where you think they've demonstrated what I see as an inherent conflict of using enforcement to promote and elicit donations?

MICHAEL DONNELLY: Without going into specifics, Chair—

The CHAIR: I'm happy for you to go into specifics, if you can?

MICHAEL DONNELLY: I'd rather take the specifics on notice, just to ensure that I get the specifics correct. But the first thing that does pop straight into my mind was the case of a dog breeder in rural New South Wales whose family had gone to local council to report that the two carers or owners of the puppies and the dogs that were on site were both suffering from the early stages of dementia. The relatives sought, through local council, some form of assistance to deal with those dogs. Council then contacted the RSPCA to come out and inspect the property and take the dogs, and suddenly we had nationwide and statewide, particularly, headlines that we've just taken in and closed down this massive puppy farm—dot, dot, dot—showing photographs of all of these dogs that had not been cared for or supposedly had not been cared for. Then, all of a sudden, right at the very bottom of all of their articles that shared that information—"If you'd like to see more of this, donate to the RSPCA today." I think, in itself, that kind of a statement underneath an announcement that we've just seized a whole load of dogs for potential animal cruelty is exactly what you're referring to, I'm assuming, Chair.

The CHAIR: Yes. Has any other witness seen examples where you think it crosses the line from just enforcement to soliciting donations?

TARA WARD: If I could just say that I think the problem here, in addition to the specifics, is the perception that that can occur. This is the problem of having a private charity that needs to raise funds in order to keep itself going—also with enforcement functions. That perception is there. It's inherent. That's what we have to deal with and, ideally, find a solution that can avoid that perception, because that perception is damaging.

The CHAIR: Mr Crossman, any thoughts?

TIMOTHY CROSSMAN: No.

The CHAIR: I will just stick with you. In your opening statement, you mentioned that you wanted to see greater transparency in terms of how animals are dealt with when they're in the care of the ACOs, and you talked about the level of detail that you need to disclose when you euthanise an animal. Can you just talk us through the level of detail that your organisation goes through in disclosing the reasons why and how you've treated or dealt with those animals compared to the ACOs?

TIMOTHY CROSSMAN: Yes. As a recognised rehoming organisation, we have to submit all of our figures to the OLG at the end of every financial year, and that includes adoption figures, number of deaths in care, number of euthanasias in care and all of those types of things. In fact, what it states that we do is, for every euthanasia that we do, we actually write a paragraph on why that euthanasia occurred, which ends up being an appendix to what we submit in terms of the actual raw figures. We generally would go into pretty significant detail, especially for cases that are potentially behaviour cases where we might have a dog that we have assessed and deemed dangerous. We go through all of the specifics as to how we've actually come to that point.

It's the same thing with the medical side of things. We talk about the vets and the lead-up to that decision. From what I can see on these organisations' side of things, they don't seem to have any type of transparency on that. They just put a figure somewhere in their annual report that is pretty vague and not all that clear about why or what happened. Obviously, their numbers are much more significant than what ours are as well. We aim for well below 10 per cent, and I think we've rarely ever come over 2 per cent of euthanasias through our whole intake versus euthanasia ratio, whereas theirs is significantly more. Obviously, they've got a larger volume, and they're dealing with a lot more serious stuff than what we do.

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But the flip side of that is that there's just no explanation on where or why these animals are euthanised. I think I mentioned in my submission that there seem to be two different categories sometimes, and those categories are very unclear as to what—one, I think, was feral cats or something like that. The other is fractious cats—I think was the word that they used. I can't really ascertain what the difference is. It's just curious to me that we go into all of these very extreme details. We're happy to do that, because we're transparent, but these organisations don't seem to need to have to do that. I think the public would be interested to know, and the public expectations on these things are probably higher than what we're actually getting at the moment.

The CHAIR: Would you like to see more species-specific outcomes in the ACOs' reports broken down that way?

TIMOTHY CROSSMAN: Yes, I think so. The more broken-down data that we can get, the better. That ends up leading us to figuring out why these things are happening, and then we can try and avoid too much euthanasia, if we can. It's not always going to be the case that we can do that, but knowing the data is very important because that leads us to these better outcomes.

MICHAEL DONNELLY: Chair, given that Animal Care Australia represents all of the different pet breeds across the realm, we would love to see an actual breakdown of the different animal species that are being treated, cared for and euthanised by both of the ACOs. When you look at the report, all it says is "small animals", and then there's this little tiny fine print underneath that lists a whole series of all different species that that accumulates to become. You've actually got to go looking at some of the inspectorate reports to find out any detail about what some of those small animals may have had wrong with them or may have been being treated. An actual full-on breakdown of the different species would be one good step, and then the reasons why all of these species are being euthanised far greater broken down and far greater explained than right now.

The Hon. SARAH MITCHELL: As a follow-up, I was actually going to ask you about that, Ms Ward, because it's in your submission as well. You go to not just the number of animals but also complaints sometimes saying, "involves more than one animal", but there's no detail in terms of the number of animals seized and, again, no types or species. Did you want to make a comment about why you think the data is lacking and why we need it?

TARA WARD: Absolutely. I think the overall level of reporting has improved—thanks, no doubt, in large part, to this inquiry and its predecessors. But where it is certainly lacking is on this very issue: a breakdown of the animal species. We were focusing particularly on the inspectorate report. I think it's essential to have a breakdown of the animal types and species so that we can evaluate whether the enforcement action—and especially the prosecutorial action—is achieving the animal welfare goals that we want it to achieve. Are we just focusing on a specific or a very small subset of animals, or is enforcement action spread across the different animal types, animal uses and animal contexts? That's essential information if we're going to be able to evaluate the inspectorate actions that are being taken.

The Hon. SARAH MITCHELL: I'm happy for any or all of you to answer this question. In terms of looking at trends—which is a weird way to talk about animal welfare issues—if you notice that there are particular surges in numbers of certain animals being impacted, could you look or could government look more sensibly at what the preventative measures are? Is that part of the rationale too? Does that make sense?

MICHAEL DONNELLY: Mr Coleman gave testimony here this morning that he wanted to see the RSPCA more heavily involved in prevention. Even their own statistics wouldn't allow him to be able to do that under the current way that they're recorded, so absolutely.

The Hon. SARAH MITCHELL: If you're seeing a higher number of issues for one particular species or another, that might help to ensure that dollars are being spent where they're best able to support animals before it reaches the point where these things are occurring.

SAM DAVIS: I'm not sure who it was earlier, because we were listening in the car on the way in, who asked for a breakdown of how much money is actually spent on the inspectorate. From the RSPCA, we get this \$20 million thrown around all the time. I know that we've never seen a real breakdown of what that is. That, I think, is perhaps something that could be added to the—I think it's in the regulations, is it? For the inspectorate report that they've got to give each year, I think it would be useful to have a breakdown of that. How much is actually on inspectors' pay? How much is on their vehicles and on admin and prosecution and so on? That would absolutely be useful. It would be useful, in terms of this conversation, to know how much it is going to cost the Government to take on that role and to have an idea of actually how much it costs.

The charitable organisations, I guess they are trying to put their hand out and get as much money as they can, and I don't blame them. Everybody does the same when they write grant applications, don't they. You ask for double; you ask for \$20 million hoping that you'll get \$10 million. But we want to know what the real number is

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to actually do this, and I don't think we have it at the moment. Can I just comment that the thing that struck me about the inspectorate reports—particularly this is the RSPCA one—is, in terms of prosecutions, that in the order of 100-plus prosecutions that are finalised each year. There are only about six or so of them that are contested at all in court, so the majority are guilty pleas or guilty because a person didn't show up or they are shifted off as mental health issues.

That's a very small number, and there have only been, in the last four years, one not guilty, which was a livestock one, but which was contested and they were found not guilty. Then there's the recent Dods case, which I'd like to, at some stage while we're here, talk to in a little more detail. But that raises concerns to me and talking to other people in compliance that of those in the last four years—in the order of 500-odd cases that they brought—only one was found not guilty. I am involved in a lot of local government advocacy stuff. Maybe our councils are absolutely hopeless, but I can tell you now there's a lot more people found not guilty than one out of 500. I think that would generally be the case. That, to me, sort of highlights there's something going on.

From ACA's perspective, the reason is because it costs so much so people fall on their sword. They go to their local solicitor. He goes, "Yeah, mate, you're not guilty and you can go through the process if you want, but that will cost you. Probably the Local Court will find you guilty because they don't have time to really go into it in any detail. You'll then appeal to the District Court. You'll be out of pocket \$150 grand to \$200 grand, and even if you get costs, you're probably only get half of it back, so that'll cost you \$100 grand. Or you can fall on your sword, pay the \$1,000 or whatever you can negotiate with the RSPCA prosecutor, go and have a few beers tonight and get over it." What do people do? They take that option. We are not really doing credit to the law.

Similarly, in RSPCA's defence, they've got limited funding, so perhaps they're only choosing to progress cases where they think they've got pretty much a 100 per cent chance of finding someone guilty. I suggest there's probably a balance of those two things. On the one hand, people are just not pleading not guilty and defending for economic reasons and, I guess to be fair, RSPCA are not progressing cases where they don't think that they've got pretty much a 100 per cent chance of guilty. But that's an issue with having an ACO doing it, not the State doing it. We're not really enforcing the laws that you guys are putting in place the way that they are intended.

The CHAIR: Can I go back to the financial transparency topic? RSPCA spoke about having to submit monthly acquittal reports to the Government for the funding they received. Would you like to see something public facing where you get to see monthly or quarterly how their spending taxpayers' dollars doing the inspectorate work?

MICHAEL DONNELLY: Simple answer: Yes.

The CHAIR: Would you like it to incorporate the figures or the money that they say is being drawn from charitable donations as well?

MICHAEL DONNELLY: Absolutely. We've also got bequests that are constantly being handed over to them in the hundreds of thousands of dollars in just simple small sums of tens of thousands. They're hundreds of thousands of bequests.

The CHAIR: I'm sorry to interrupt, but it's not only bequests though, is it? RSPCA is a charity, but it is also a complex business network. They have partnerships with different—

MICHAEL DONNELLY: And it's also lotteries. They've got lotteries they're promoting on social media where they're actually running lotteries—"You can win a car if you donate to us between these two dates." What happens with all that money? Where does that money go? Even of a greater concern, how does that fit exactly within the charitable fundraising status and rules applied under the ACNC? I know charities can do that and run lotteries, but how is it that you've got a not-for-profit charitable organisation running a lottery in order to pay for dot, dot, dot, dot and we don't know what that dot, dot, dot, dot actually is, and they're still able to have that authority to do so.

SAM DAVIS: I think that the reports that I believe that they give to DPI, or whatever its acronym is these days—

MICHAEL DONNELLY: DPIRD.

SAM DAVIS: Yes. They could be released. But the other thing that we've noticed over the years, the connection between the State—in our case, RSPCA NSW—and the Federal RSPCA and their sponsoring eggs and all that kind of stuff, that's completely unclear to me. I don't think you guys have got at that connection, really, in any strong way. I don't know what the answer to that is; I just put it out there that that maybe needs to be considered somehow by the Committee.

The CHAIR: Ms Ward, did you have your hand up before I jumped in?

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TARA WARD: I did, but that was for the previous question going to animal types or species. If I could just quickly add that also why that information is essential is because it would highlight enforcement gaps. Where are we not enforcing our animal protection laws? A classic example that we're always mindful of is the harming or the shooting of wildlife out in the field. Another one is farmed animals, of course. We need to know where the laws are not being enforced so that we can deal with that issue. Just to have a broad statement, "This many prosecutions about this number of animals," doesn't tell us much.

MICHAEL DONNELLY: But, to that, that also allows for the flip over for greater education—where those things are occurring, where those incidents are arising. That goes back to Ms Mitchell's question about there being trends within different species. If there is a notable trend, you can educate. As a government, you can start to put more education out to turn that around and prevent some of that from occurring.

The Hon. EMMA HURST: To follow on from your answer there, Ms Ward, and in your submission and opening statement, you contrast the decision of the RSPCA to prosecute a WIRES carer versus the fact that the RSPCA does very few routine inspections of animal industries such as rodeos. Do you actually think that this reflects a misalignment of priorities in regard to investigations and prosecutions?

TARA WARD: I think the facts speak for themselves, yes. That you can have an experienced, dedicated wildlife carer prosecuted over five years is appalling. Then again, this is the problem: It's a private entity and they can exercise that discretion in whatever way they want. For members of the public such as ourselves to see an experienced wildlife carer, a local hero—or a national hero, she should be, dedicating her life and finances to the care and rehabilitation of the forgotten animals, the wildlife existing beyond what we see—and to have that person prosecuted, and yet many activities occur where all they've got to do is inspect.

They've just got to have someone out there to inspect, for example, rodeos. Rodeos are completely banned in the ACT on animal welfare grounds. This is not just a random example of an animal activity. Rodeos are cruel. They are banned on cruelty grounds in the ACT. Various events in rodeos are banned in other jurisdictions. They would be banned in New South Wales on animal cruelty grounds if it weren't for their specific exemptions under the Prevention of Cruelty to Animals Act. Here is an activity that is inherently cruel, yet where are the routine inspections? We need to have some kind of accountability as to the exercise of that discretion as to where they're going to exercise their compliance and enforcement powers.

The Hon. EMMA HURST: Are you finding that there are cases that are not prosecuted that you have heard of as a lawyer that you felt should have been prosecuted? At the same time, are there cases that are being prosecuted where you think, "Why has the charity stepped in here?"

TARA WARD: Yes, frequently.

MICHAEL DONNELLY: We'll back that up as well.

The Hon. EMMA HURST: I imagine Animal Care Australia might jump in.

TARA WARD: It is a recurring theme in one's dealings with this issue.

MICHAEL DONNELLY: It is.

TARA WARD: Again, like my fellow witnesses, I'd have to take any specifics on notice. But it is a constant source of concern and disappointment that this discretion to enforce the laws, or where to enforce the laws, is exercised in cases where it is clearly not in the public interest and clearly not going to any systemic reform or highlighting systemic issues and instead going after the vulnerable members of our community, where the "working with" approach would be far more appropriate.

The Hon. EMMA HURST: On notice, are you able to give me a couple of examples where you've come across this?

TARA WARD: Yes, Deputy Chair, I will.

The Hon. EMMA HURST: Mr Davis?

SAM DAVIS: I think we could probably do the same, actually, with some cases that we've got. I was just going to make the point that those statistics showing that there was only one case of somebody actually being found not guilty, to me, indicates that the cases that are being prosecuted, we are only prosecuting where they're virtually 100 per cent likely to be guilty. Also, the details of each of those cases really don't come to light when most people are simply pleading guilty before it even gets to court, which is where I think that this Tracy Dods case is particularly critical.

I accept that RSPCA may decide to defend the appeal, that's true, and costs haven't been awarded. Nevertheless, there's a lot of stuff in the transcript, which I've spent a couple of days reading, in the Local Court

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that brings out issues, I think, that maybe do require some legislative change to correct. I think it was clear, reading that transcript, that the Katoomba judge—whose name escapes me—was well aware that at no stage did Tracy have any intention at all to be cruel to that animal. That was clear, and yet she was charged and found guilty in the Local Court.

As Ms Ward said, that case hasn't been finalised. She was acquitted at appeal, and that's five years after the case. The actual details of it, I think, are really interesting, and the fact that we've got that court transcript is really valuable. If you've got the time, it may be worth reading through it. Can I just spend a few minutes to go through the things that I highlighted? ACA is aware of one acquittal, and that's this case, Dods versus RSPCA. It raises the issue of who was, effectively, directing enforcement action under POCTAA during that case. My understanding is that there was a Zoom meeting with WIRES, where the WIRES vet was present. Some three weeks later, they then arrived, both the WIRES vet and a WIRES officer, along with an RSPCA inspector, and WIRES were the complainant. All the evidence that was collected at that time was actually collected by WIRES, really.

By his own admission—and I don't doubt the expertise of the WIRES vet; I actually know him personally, so I don't doubt his expertise—he then decided on the way back, stopped, and says in his evidence that he consulted with the RSPCA inspector and decided to euthanise. When you read that transcript, it becomes clear that what was really happening was that WIRES was conducting that investigation, and the RSPCA inspector was essentially there to sign the seizure paperwork and also the aggravated cruelty charge. That, I think, is reasonably clear. One thing that bothers us is whether it was correct for Tracy Dods to be charged or not. She's a WIRES carer.

The WIRES people who were present have responsibility for those animals too. They're the ones that hold the permit to care for animals and to rehabilitate them. It's their vet that was in the Zoom meeting. It's their officers who were in the Zoom meeting. Why did RSPCA not see fit to charge WIRES? In fact, it seems most bizarre that they're the complainant. They're also the ones who, essentially, conducted the investigation. Yet they themselves, in our view, had at least as much responsibility and duty of care to those animals as did Tracy Dods. I don't understand why RSPCA did not investigate WIRES and charge WIRES throughout this whole thing. That's very strange.

To me, this case highlights real concerns about why WIRES investigated this case in the first place. Why didn't WIRES deal with the situation? Why did they call in the RSPCA? You've probably read a lot of other hearsay in the submissions that you got. Tracy was critical of the way they spent money, previously, after the bushfires—the \$100 million. I think we have as well, and many other people have been. So there's this innuendo that it was getting back at her, and perhaps that's the case.

Just summing it up, in terms of POCTAA, for the charge of cruelty generally, there are three items in the definitions. The third one is that you didn't offer vet care when you should have. I would say that for the third one specifically, there needs to be some intention or some recklessness involved in that so that the judge can then—because the judge in the Local Court found that, in hindsight, the animal did have a broken bone, it wasn't treatable and so on. Tracy wasn't to know that. The animal had been to a vet initially, then it was handed to her. She had concerns it wasn't healing enough. She took it to her local vet. She then had the Zoom meeting with WIRES—

MICHAEL DONNELLY: And a vet.

SAM DAVIS: And WIRES' vet was present. They didn't bring up that problem. It was at the point after the Zoom meeting that the period of time she didn't get vet treatment commenced, in terms of the charge. To me, WIRES were—there was an issue there. Their vet had seen photos of the animal during the Zoom meeting. They had sufficient concerns that they then, some weeks later, went up and did this investigation and obviously made the complaint to RSPCA, because the inspector was with them.

The problem is twofold. One is there's no intention from Tracy at all to cause problems. Why is that a crime, if she had no intention? Obviously, if she knew, she would have taken the animal back to the vet. She didn't know. It was only in hindsight. In fact, the break was only found during an autopsy after the animal had been euthanised. That's the first thing. Maybe POCTAA needs to be changed to have in it some intent or some recklessness on the part of the accused, before they can be charged. I highly recommend for that to be the case. Secondly, it does draw into question this whole ability of the ACOs to investigate and prosecute when obviously there was some weird integration between WIRES and the ACO during that particular case. I know it's only one case, but it's the only case we've got, because no other case has ever been acquitted.

The Hon. EMMA HURST: Can I jump in to get some thoughts from Ms Ward on the proposed changes to legislation. As a lawyer who works in the animal space—and I'm happy for you to take this on notice—do you think that the proposed changes would be good or sound changes to legislation?

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TARA WARD: Sorry, Deputy Chair, I'm not sure on the changes. Is it the change that Mr Davis mentioned about introducing a mental element to the—

The Hon. EMMA HURST: I don't think it was a mental element. I think it was a recklessness or intent in regard to failing to get veterinary treatment.

TARA WARD: Sorry, yes, that's what I meant. It's an interesting question. New South Wales is possibly on its own in not having a mental element going to the state of mind of the offender in either of its two cruelty charges—the charge of cruelty or of aggravated cruelty. By contrast, in the ACT for example, cruelty doesn't have a mental element—if I can call it that—but aggravated cruelty does. In New South Wales, no mental element is required for either charge. I'm not a prosecutor, so I'm unaware of the technical advantages of keeping it, not strict liability but closer to that, where just the physical elements of the offence need to be proven. It would certainly make it a lot more difficult to prove that offence if there's a mental element. I would say that, one, I would need to take that on notice but, two, it's a complex legal question and there are pros and cons with both approaches.

The Hon. EMMA HURST: If you can take it on notice, that would be great. I know there are other members with questions, so I'll just quickly throw this one to everyone. We've heard a lot that the enforcement of animal cruelty laws, no matter what model it is, is only half-funded and it's not quite functioning. Do you think that no matter what model we are using, there's a requirement to fully fund the enforcement of these laws, and obviously an assessment of those laws as they change through time, to ensure that this is all properly enforced? I'll probably start with you, Ms Ward.

TARA WARD: Sorry, Deputy Chair, was that a question as to whether the enforcement function of whatever entities should be funded, or properly funded—

The Hon. EMMA HURST: Yes, more fully funded, I suppose, rather than requiring any other kind of model. I guess just getting your thoughts on the fact that there's claims that we're kind of at 50 per cent funding of what is claimed to be required in this space, and getting your thoughts on that in regard to government responsibilities in this space and enforcement of cruelty.

TARA WARD: The Government is getting out of it far too lightly and far too cheaply. This is a government responsibility—it is enforcing criminal laws. We don't have any other context where we outsource that function. It needs to be fully funded by government. I think that's what the community expects, and especially when it comes to animal protection.

MICHAEL DONNELLY: I'll ditto what Ms Ward has just said—it has to be fully funded by government. It's not just a government responsibility; it's a full societal responsibility as well. Yes, the funding has to come from the Government, but the responsibility of animal care has to come from everyone.

TIMOTHY CROSSMAN: I would agree with the folks as well, and just add that I think if the Government's funding that side of it, it lets the charities take care of the animals, rather than having to worry about prosecuting and the laws and such—because, as everyone has said, that's the Government's job, ultimately.

TARA WARD: If I could just add that I think that's only some of the problem. The answer is not to fully fund the charities. The answer is to find or create a separate entity, and ideally an independent entity that would have most of these responsibilities, and then fund that entity.

MICHAEL DONNELLY: And let the charities go back to what they were doing.

TARA WARD: Exactly.

MICHAEL DONNELLY: Everywhere else bar that enforcement part of it.

The Hon. EMMA HURST: Can I just jump in there. How would that help you, Mr Crossman? We heard earlier this morning that the charities are kind of overflowing with enforcement animals. What impact does that have on rescue groups? If they're filled with enforcement animals and they're no longer rehoming animals, what does that mean for rehoming groups that get very little to almost no funding?

TIMOTHY CROSSMAN: I guess if the larger charities are having more capacity because they've got funds to go in different directions, including looking after the actual animals that they have in care, which is their primary focus—or should be their primary focus—that should then quell a bit of the problems that the smaller organisations are having, because at the moment we are overflowing. It's maybe not the case, but it does feel a lot of the time like these bigger organisations aren't pulling their weight in comparison to what the smaller organisations are doing.

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MICHAEL DONNELLY: If I could tack on to that, when you have a CEO of a major organisation who publicly states that they're no longer taking in surrenders and that it's now the responsibility of somebody else, and yet their charitable status is funded around that, that speaks for itself.

The Hon. SCOTT BARRETT: We've talked on the selective enforcement, the non-enforcement and not taking stuff to court unless we're going to win. Which way are we trending for that? Is it getting better or worse?

MICHAEL DONNELLY: I guess that would depend on who you ask.

The Hon. SCOTT BARRETT: I'm asking you.

MICHAEL DONNELLY: From our perspective, we agreed just a moment ago with the previous question that there are prosecutions that are progressing that shouldn't have and there are prosecutions that aren't progressing that should have, and somewhere in between all of that is the actual real answer to your question. But where that sits, we don't know, because we don't have the data, we don't have the statistics and we don't have the knowledge. What I would say to you is when you look at those statistics that we are presented with, and you look at the point that Mr Davis was making that there's only one appeal and all of the rest of those are guilty, there is nothing in any of those statistics that tells who these people are that are being brought before the courts, where they are from, what their socio-economic backgrounds are and what it is that may be driving some of this. Is it the fact that they are from a lower socio-economic background and therefore can't afford the animal care to its fullest extent?

Mr Coleman said this morning that one of their prevention methods probably should have been handing the \$300 vet fee over rather than just kind of fobbing it off or doing whatever else with the enforcement. That is all well and good. That sounds great. He did acknowledge that there was a socio-economic point to that, that they wouldn't be handing that \$300 to everybody, and yet they're not doing that. They're not acknowledging any of that. In fact, the RSPCA are doing the complete opposite. They've stopped a lot of their educational programs and they've taken up educational programs that are favourable in the moment, such as right at the moment there's a great debate about cat containment issues around the country.

Suddenly we have a home safe education program from RSPCA. Where are all the other education programs for all of the other species? They're not doing what he's claimed that they should be doing. I don't think there's one answer, to answer your question, and I don't think there is one input into that. There's a lot that needs to be looked at. But by having the Government funding, with all of the enforcement power that they then have, that can be done because you guys here can do that. Budget estimates can do that far better. Parliament can hold them more accountable. Who's holding the RSPCA accountable? The Government certainly isn't.

The Hon. SCOTT BARRETT: Ms Ward, do you feel that the effectiveness or the appropriateness of the enforcement is getting better or worse?

TARA WARD: I think it goes to our earlier point that the witnesses have been making, that we simply don't have the information to be able to answer that because we can't evaluate. To me, it's all about the animals, of course, but we really need to know what the prosecution activity is focused on. What animals is it helping? What is the fate of the animals? What sort of animal uses, animal species, animal types et cetera are benefiting from that, if they are benefiting? This is the problem: We can't evaluate how well or not our animal protection laws are working at the moment. So it's actually difficult to answer that question.

The Hon. SCOTT BARRETT: It is. Ms Ward, you touched earlier on the issues of fighting for the same donation pools and that sort of stuff. We heard from the Animal Welfare League about the benefits of having multiple agencies in this space. What do you see as the benefits of having more than one agency playing this role? Would you like to see that expanded, I guess for all of you, where we could see a role for you in this space as well?

TARA WARD: I'm sorry, could I just clarify what role in particular we are talking about?

The Hon. SCOTT BARRETT: To me, there's a duplication at the moment between having different agencies playing a very similar role. They're competing for donation funds. There are two CEOs at the table, where that could be a couple of extra inspectorates. There are a couple of different facilities that could be combined to make one better facility. I just wonder what your views are on the duplication that's happening. Is that advantageous or is that causing problems?

TARA WARD: If we look at other jurisdictions, I think, again, New South Wales may be unique in that it has two ACOs. Most other jurisdictions may have several enforcement bodies, but they have specific functions. So there's sort of a memorandum of understanding between them, but in terms of an ACO there's one. So I'm not sure why New South Wales ended up with two. It would appear that unless they had some kind of sharing of the

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functions, where we look after this region of the jurisdiction—that would make sense. But, at the moment, I'm not aware of any kind of justification in terms of achieving positive outcomes for animals in having two. Certainly, having an independent entity or a special unit within the Police Force, for example, that would be responsible for the actual enforcement I think would be a better use of the scarce enforcement dollars.

MICHAEL DONNELLY: And I'll take to that—we disagree with that previous answer from the AWL. There should not be charitable organisations doing this at all, let alone more than one, more than two or more than three. Charitable organisations do not fit in this space in any way, shape or form. What I would say to you is, the benefit—it has been obvious to Animal Care Australia—of these two ACOs is the different ethos that exists between those two ACOs. One's very law-enforcement, aggressive focused, and the other is far more animal care, animal education and then prosecution focused. If one was to claim that there has been a benefit in having two ACOs, that might be it.

SAM DAVIS: Can I just make the point—I'm involved in a lot of voluntary clubs that care for animals. ACA has numerous large organisations that represent dogs, cats and birds et cetera—for me, it's birds—and I've been in many other States. I know, in Victoria, there's Dogs Victoria, and I think there are a couple of other organisations that have been targeted. They do have a regulatory role in monitoring their members, and I find this—I've been dead against it in the bird area. It's a huge problem for RSPCA and AWL, where they've got this inspectorate function and, at the same time, they're supposed to be prevention of cruelty, which is really going in, helping people, educating them and directing them towards better care and that sort of thing. To me, for voluntary clubs to get involved in that, I've always been quite adamant that, no—okay, if we see one of our members that's doing something drastically wrong and we can't help them, then maybe it is time to lodge a complaint with whoever the authority is. But to actually be that authority—no, I think that's a real conflict of interest.

I think it's one of the major issues for RSPCA and AWL too, and it is if you even talk to an average copper. They go to a domestic violence thing. They get there and, somewhere along the line, it becomes, "I'm not just trying to break up a fight between two people. There's now a crime being committed, and I've got to switch my brain from trying to just resolve an argument peacefully to collecting evidence and potentially charging somebody." I think, for charitable organisations to have that sort of dual role is fraught with danger. It's even worse because they've in fact got inspectors whose job it is, essentially, to charge people or to give them section 24N notices and so on. That is their primary role. They've got a uniform and all the rest of it. That's what they're about. They're not really about preventing cruelty; they're about dealing with it once it has happened. It is a real conflict.

The Hon. SCOTT BARRETT: Mr Donnelly, back to your point about how they're only taking cases to court when they're 100 per cent convinced that they're going to happen and maybe also to the point that they're actively chasing cases they know are going to raise donation money, is that a surprise, given the fact that their funding has been cut in half in the past two or three years?

MICHAEL DONNELLY: No, it's actually the opposite. It's not a surprise because they continually get more funding through the charitable fundraising and through being able to put all of that out to the public and claim that they're helping more animals. It's not a surprise at all because it actually works in their favour, not against them. It works against the animals. It works against the people that own the animals. But it certainly doesn't—it's not a surprise.

SAM DAVIS: I've lost track of how many years ago it was when they got the \$20 million. I don't think that that changed these statistics dramatically. That's why I have this doubt about how much they are really spending on the inspectorate. I'm not really clear. I get it was only for a year, so maybe that's not significant, but I think we do need a proper accounting of how much the inspectorate actually costs in reality, because I think it's been, potentially, spread out.

MICHAEL DONNELLY: If I could add to that, notably, in those annual reports that came out, Ms Jurd highlighted that, with less funding, they actually succeeded with a higher number of prosecutions and a higher number of cases closed. Yet they were saying, on the same hand, they had far less funding. That doesn't balance either.

SAM DAVIS: The number of 24N notices has gone up substantially over the last two years. I think it was three years ago, was it not, that they got the \$20 million? I might be out by year there. There doesn't seem to be any correlation between—and I get it. That's not the full function of the inspectorate to just prosecute people. But they're the only numbers we've got. It doesn't look like there has been a drastic jump when there was more money. It's not clear.

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The CHAIR: That takes us perfectly to 12.30. I think there were some questions taken on notice. The secretariat will be in touch about those, and possibly also supplementary questions that we may have after considering the transcript. Thank you very much for your time and for all the work that your organisations do.

(The witnesses withdrew.)

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Mr ROB McINTOSH, Chair, NSW Farmers, sworn and examined

Mrs LIZZIE SARKS, Policy Director, Plant Industries, NSW Farmers, sworn and examined

The CHAIR: We now welcome our next witnesses. Would either of you like to make a short opening statement?

ROB McINTOSH: NSW Farmers would like to thank the Committee for the opportunity to speak to you today. NSW Farmers is Australia's largest State farming organisation, representing producers across livestock, grain and plant commodities. We advocate on a broad range of issues affecting agriculture, including animal welfare, biosecurity, trade, workforce and rural affairs. Our members are committed to best practice in animal husbandry and recognise that robust enforcement of POCTAA is essential to maintaining public trust in the animal welfare system.

Equally, it is critical that the enforcement is carried out by agencies that are impartial, transparent and accountable. NSW Farmers made a submission to this inquiry in October 2025, responding to the terms of reference items 1 (b) and (c). Therefore, we will not be making comments in relation to item 1 (a). Our two recommendations to this inquiry were that, firstly, enforcement powers should reside with an appropriate government agency, such as the Department of Primary Industries and Regional Development, that is accountable to Parliament and the public, not with organisations that set their own welfare policies and campaign for legislative change.

The second is that special constable status granted to the RSPCA of New South Wales and the Animal Welfare League of New South Wales should be revoked for the enforcement activities involving commercial livestock operations. NSW Farmers is concerned that POCTAA enforcement powers are delegated to charitable organisations that also act as advocacy bodies, creating an inherent conflict of interest particularly where those organisations advocate for funding and policy settings that they later enforce. Enforcement should instead sit with the government authority. The Department of Primary Industries and Regional Development is best placed, given its technical expertise, neutrality and established engagement with industry. The department would then need to be appropriately resourced. We'll make every effort to answer questions within our remit or take questions on notice to provide information back to this Committee.

The Hon. SARAH MITCHELL: Thank you to both of you for being here today to give evidence. This has come up already a little bit already this morning and it's in your submission as well—the issue around the conflict of interest in dual roles in having advocacy organisations and charities also doing the enforcement work. Could you talk to NSW Farmers' view on that? You've just said you think it should be with the department, but could you provide a little bit more detail around why your members, particularly, are saying that that should be the way things are?

ROB McINTOSH: Happy to try to help clarify our position on that. NSW Farmers, as a modern and active agricultural representative body, believes that charities should not be enforcement agencies. We advocate for a modern and transparent and impartial enforcement framework, both for animal welfare and for the agricultural sector. With charities serving as enforcement agencies, as prescribed in POCTAA, they have a dual conflict of interest. This is our firm belief. On the one hand, they are advocacy bodies which petition governments for funding and have certain regulatory settings based on their own internal positions; yet, on the other hand, they are then responsible for enforcing those settings that they sought government to adopt. This effectively undermines the integrity of the system.

One of the key issues that we've tried to establish within our agricultural boundaries, and especially in our livestock sectors, is to be focused on a science-based approach to the animal welfare space. Livestock and livestock operations are very unique. NSW Farmers is of the understanding that enforcement officers, especially with the RSPCA, are not necessarily well educated and experienced in handling large animals, and especially in the production space. There is therefore a risk that, without specific training and experience, the internal policies and the advocacy agendas of charities will fill the knowledge gap of these officers. This risks introducing bias in enforcement decisions. It is our view that enforcement must be grounded in science and focused on direct outcomes, not influenced by ideology or fundraising imperatives.

The Hon. SARAH MITCHELL: Do either yourself or Mrs Sarks have any feedback from your members that has helped inform that position, or has it just been a longstanding position of NSW Farmers that you think that separation is important?

ROB McINTOSH: It's not a new stance; it's a longstanding foundation for our members. Our members take very seriously the responsibility for not only food and fibre production, every day of the year, but also for the animal welfare state of the livestock that are in our charge. That's become increasingly more obvious as various

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livestock sectors become responsible for their own welfare management issues, such as sustainability programs, or standards and guidelines that operate now that are self initiated, but also we welcome the overview of POCTAA to help administer those.

LIZZIE SARKS: Adding to what Rob has just said, those standards and guidelines as well that industry often develop are then adopted in national guidelines across the country. So they're created and developed by industry, for industry, which creates a huge amount of buy-in, but they're also then recognised in Federal models that then filter down to the States as well. They don't just sit over there by themselves; they are recognised as being effective models as well. I think it helps provide that continued trust for producers and everyone else looking at the animal welfare system that it operates really robustly. As Rob indicated, that's really important to producers as well—that it is robust.

The Hon. SCOTT BARRETT: I wonder, with that suggestion of the enforcement coming in under the DPIRD, how would we then manage the relationship between farmers and that organisation when they then become the advisory body as well as the enforcement agency?

ROB McINTOSH: I take it your question is about POCTAA as the enforcement and the advisory body. The responsibility we find there is a vexed one in that POCTAA, we understand, are very much charged for a national overview of how they see the animal welfare space. We reinforce that and we would support the actions of POCTAA. However, we believe the real issue is how that is transferred into a situation where it can be practically dealt with on farm. As a farmer myself, we see this on a regular basis, where instrumentalities that don't understand the farming system can quite easily come in and confuse the issue very markedly for farmers. DPI is equipped to engage constructively in the industry, without doubt. There is a lot of confidence in that. There are a lot of bodies via the DPIRD that work very effectively with agriculture now, such as Local Land Services, in biosecurity—in a whole range of different sectors. The buy-in from our farmers, especially in livestock, is quite an easy transition for them and a level of confidence that we enjoy.

The Hon. SCOTT BARRETT: We've heard a bit this morning about the importance of the upriver side of things, where we're educating people about animal welfare standards and what they should be doing rather than having to put all the effort into enforcement. We've heard RSPCA and Animal Welfare League doing that around cats and dogs. Who is best placed to play that role in a livestock capacity?

ROB McINTOSH: Without doubt, we firmly believe that the Department of Primary Industry and Regional Development is best placed to service that role. They are long existing. They are well supported by government. They're also answerable to government and the public, which is a key issue for us. There's great experience there. In my own experience over many years in agriculture, I've seen them work tirelessly to make sure that our industry is not only nationally well recognised but internationally well recognised. I think there's that rapport and respect there initially that would save a multitude of finance and other structures to try to replace.

LIZZIE SARKS: The department already does a lot of really good work in education pieces. They have a lot of really good engagement with industry across the supply chain, whether that's farming, processing and beyond. The other thing to note is that industry, whatever industry that is related to livestock, is also really engaged in that space. They also provide an extensive amount of education materials, programming and so on to their producers. They then sort of work closely in with the department. They work well in there together.

The Hon. SCOTT BARRETT: We've also heard a bit this morning about this promise to have the independent office of animal welfare. What engagement have you had with the Minister about how this is going look?

ROB McINTOSH: Our firm stance on the independent office of animal welfare is that we don't believe it's necessary. It's a body that would sit well outside the Department of Primary Industry and Regional Development, which is very much our preferred sector to work with and has been over many years.

The Hon. SCOTT BARRETT: And your engagement with the Minister on this?

LIZZIE SARKS: Again, probably just reiterating, we have really strong policy that we don't support an independent office of animal welfare. Rob and I probably wouldn't be able to speak to the exact specifics of the nature of our engagement with the Ministers. That sits across other areas of our team, but happy to take that question on notice as well and provide some more details back to the Committee.

The CHAIR: With regard to the RSPCA, the Fair Work Commission actually determined that the RSPCA satisfies the requirement to be a trading entity given that 50 per cent of its income is derived from business. With that in mind, do you believe that they no longer fit the description of an ACO under the Act? I'm happy for you to take that on notice and perhaps get a—

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LIZZIE SARKS: If that's all right, we will take that on notice. We probably don't have all the information for you here today on that one.

The Hon. EMMA HURST: Can I ask when you last requested a meeting with the Minister and whether the Minister agreed to a meeting with you guys?

LIZZIE SARKS: If that's all right to take that one on notice—again, a lot of that information sits across layers of our organisation. I'd want to get the correct information to you.

The Hon. EMMA HURST: Please, and also how many times you may have requested meetings over the past, say, six months, if that's not too much work, and then how many—

LIZZIE SARKS: Sorry, Ms Hurst, in relation to—

The Hon. EMMA HURST: In relation to meeting with the Minister, in regard to any work that you have going forward with the Minister. I don't need to know the—

The Hon. SARAH MITCHELL: The president, or who from the organisation?

The Hon. EMMA HURST: Anyone from within the organisation—not specific, but anyone within the organisation that has requested a meeting and has had a meeting with the Minister as well and she has agreed to that. That would be great.

LIZZIE SARKS: We'll take that on notice.

The Hon. EMMA HURST: Your submission raises concern about lack of transparency around the enforcement activities of the two charities. Can you expand on your concerns around the lack of transparency? We've talked with other groups this morning about data and information sharing and some of that data not being clear. Is that some of the concerns that you have as well? Can you just expand a little bit more broadly on that?

ROB McINTOSH: With regard to transparency, particularly with RSPCA and Animal Welfare League, the experience that we've had is that, firstly, there's a lack of understanding sometimes of the production system and large animals, especially production animals. Their experience, especially of Animal Welfare League, is more a concentrated urban environment with pet animals—maybe even performance animals. RSPCA certainly has more experience with large animals. However, we're well aware that the training for officers of RSPCA is lacking with regard to large animals and the various nuances with regard to animal welfare needs and understandings that they have. When it comes to that transparency, I think it is a concern for us, especially in the light of some conflict of interest, as we alluded to earlier on.

The Hon. EMMA HURST: This morning, the RSPCA said that when they do go out to a farm, they work very closely with the LLS. They say they never really go out and take on cases unless they've done a lot of work with the stock welfare council or stock welfare committee—what are they?

The CHAIR: Panel.

The Hon. SCOTT BARRETT: Stock welfare panels.

The Hon. EMMA HURST: Panel; thank you. Your suggestion is that that's not good enough—that working with the LLS and working with the panel is not enough to create some sort of insurance?

LIZZIE SARKS: I think part of the position around transparency is that a charity could never have the same level of transparency. I don't think you could expect them to, as a government body or a government entity that has ministerial oversight, parliamentary oversight and reporting. Our position is, based on that, that clear transparency that a government agency has to provide is really important for animal welfare. When we say that there's not that level of transparency within a charity, as an example, that's why we recommend the Department of Primary Industries—

The Hon. EMMA HURST: But you are happy with the work that the RSPCA is doing with the LLS and the stock welfare panel?

LIZZIE SARKS: We don't have all the specific information on how and when they engage on that. Of course, a lot of what happens in stock welfare panels is private information. You wouldn't expect any of that detail to be involved and conflict with anyone's rights to privacy. I'd just leave it there. We don't receive that information.

The Hon. EMMA HURST: With the recent change, there were reforms brought in to make sure that the two charities had oversight with the NSW Ombudsman. Is that something that NSW Farmers were supportive of?

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LIZZIE SARKS: I'm happy to take that question on notice, if you'd like, and we'll come back with some more information for you.

The Hon. EMMA HURST: I want to understand a little bit more about the working relationship that NSW Farmers has with the two charities. Are there regular meetings that allow the organisations to work together?

LIZZIE SARKS: The focus of what we've prepared to talk to you about here today is that level of them as the enforcement agency under POCTAA. Our position remains that a charity should not be an enforcement agency under the Act.

The Hon. EMMA HURST: I understand the position. I'm just trying to understand whether the enforcement organisations, these two charities, have a working relationship with NSW Farmers as an organisation as well to work with other organisations, particularly within that enforcement role.

ROB McINTOSH: I think it's true, Emma, that NSW Farmers does have a working relationship, especially with RSPCA, on a range of different things within New South Wales across animal welfare issues and on animal production systems as well. There is a level of confidence that is assumed with RSPCA. However, we don't believe that they are in a position to—we're happy with the advocacy that they bring to the table, but the enforcement capability is something that we find is contradictory and a conflict of interest given they are enforcing the very policies that they're advocating for. To that end, it's an awkward situation that we don't believe is tenable in agriculture. However, they do work very well with a range of different agricultural sectors, especially in New South Wales. Nationally, if you ask me, I would say it's probably different.

The Hon. EMMA HURST: It was raised before that the ACCC and other organisations, such as child abuse organisations, have that dual role as well of both advocating for change and also overseeing it. This morning I raised with the RSPCA an issue that has come to my attention. This is outside of NSW Farmers' base, but I'm just using it as an example. When it's an extreme cruelty case and the RSPCA seizes a pregnant dog, once the puppies are born they've still returned them to the person who abused the mother dog. There are associated problems.

Their explanation for that example was that gaps within POCTAA require them to return those animals to the person who had abused the mother dog. So I asked them whether they have advocated to the Government to fix that problem within the Prevention of Cruelty to Animals Act so that they don't have this adverse outcome. They explained that they do that type of advocacy. If we have an enforcement agency that can't advocate for law changes even though they can see where there are gaps, doesn't that create other problems where the organisation enforcing the laws can see where the major problems are with how the laws are functioning but can't advocate for change?

ROB McINTOSH: I can't comment and I won't comment on a domestic animal situation.

The Hon. EMMA HURST: That was just an example.

ROB McINTOSH: We're talking about production animals. To that end, I would only answer questions that relate to production animals.

The Hon. EMMA HURST: My question is about production animals and is broadly about all parts of POCTAA. That was just one example of how they, as an enforcement agency, have come across a problem where the laws aren't working. If we cut them off from being able to advocate to fix those laws, then it falls into a bizarre hole, which it already seems to have fallen into, where that kind of situation already exists. I'm not asking you to comment on the issue of the dogs. I'm asking you to comment on what you said before, that they shouldn't be advocating for the law to change and they should just enforce it.

ROB McINTOSH: I'm not sure that we're advocating for them to enforce it at all. That's not our term.

The Hon. EMMA HURST: True, but you've said that the problem was that they can't do both. I just want to try to pick that apart a bit more.

ROB McINTOSH: That's true. Probably an example to you may be within the stock welfare panels, as you alluded to earlier. I have been a member of a stock welfare panel. In the case of absolute cruelty, obviously the RSPCA has a part to play. We believe strongly that those animals should never be returned back to the original owner if there's this extreme case, and that's a policy that we retain.

LIZZIE SARKS: If I can add to that, Ms Hurst, within those settings as well, if the Department of Primary Industries, as an example, were the enforcement agency and they spotted a gap in a regulation, they of course would not be precluded from discussing that and progressing that how they needed to, at all. The difference is that their position in being able to do that would be from a purely regulatory department sense, rather than being

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guided by their members or organisational positions, as an example. It certainly wouldn't preclude them from identifying those regulatory gaps and working with industry and other bodies to fix those.

The CHAIR: Just picking up on your comment that often the inspectors don't have that core knowledge they need around livestock animals—I know you don't want to see the RSPCA do the enforcement. But if that model doesn't change, would you like it written into their operating procedures that if they don't have that knowledge then they must defer to a vet for assessment—whether it's the farmer's vet or another vet—rather than making up their own arbitrary position on the condition of that animal?

ROB McINTOSH: I'm understanding that it's the advice of vet practice that you—

The CHAIR: Yes. If they don't have that knowledge, which many of them don't, would you like to see it written into the RSPCA's code of conduct or practice that they must defer a decision to a vet?

LIZZIE SARKS: Would you mind if we take that question on notice? NSW Farmers has a lot of different policies and layers that sit around that, so I just want to make sure we give you the right information on that.

The CHAIR: Sure, I'm happy for that.

ROB McINTOSH: Probably just one comment I would say is that, in a practical sense, referring to vets as a means of administering pain relief, for instance, or any sort of veterinary practice, is problematic.

The CHAIR: I wasn't talking administering of that; it was more about an assessment.

ROB McINTOSH: But even referencing vets—the experience of our farmers is that we just don't have enough vets around to do that sort of role.

The CHAIR: We've done another inquiry on that.

ROB McINTOSH: It's a difficult scenario, and we have to make sure we can cope with that.

The Hon. SCOTT BARRETT: Can I come back to the stock welfare panels. Someone suggested this morning contradictory views on what NSW Farmers thought of stock welfare panels. I just wondered if we could get a view from farmers, either now or on notice, about how that is working and how you see all the interactions as far as stock welfare panels are concerned.

ROB McINTOSH: I'm not sure what contradiction you're referring to, so I guess we'd have to take that on notice.

The Hon. SCOTT BARRETT: Yes, that's why I'm just asking what your views are on it—so we are clear what NSW Farmers thinks of the stock welfare panels.

ROB McINTOSH: I'm not sure that's relevant to what we're here for, so I'm happy to take that on notice and refer back to you.

The CHAIR: That concludes our time with you. You have taken a few of those questions on notice, and the secretariat will be in touch regarding them and any supplementary questions we have. Thank you very much for your time.

(The witnesses withdrew.)

(Luncheon adjournment)

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Mr STEVE COURTNEY, President, Professional Dog Trainers Australia, sworn and examined

The CHAIR: We now welcome our next witness. Would you like to make a short opening statement?

STEVE COURTNEY: The last time I was invited to provide evidence to this Committee, I informed the Committee that the RSPCA are putting almost seven out of every 10 dogs with behavioural problems to death. Their explanation is written in their own words that these dogs did not respond to RSPCA behaviour modification techniques. In simple terms, it means that what they're doing to rehabilitate dogs isn't working to the tune of 70 per cent failure. I want to first clarify that the definition of "euthanasia" is that euthanasia is the act of intentionally ending the life of an animal—or a person in a medical context—to relieve unavoidable suffering when recovery is not possible. Therefore, it's misleading and incorrect to use the term "euthanasia" when ending the life of a dog with behavioural problems.

Behavioural problems are the dog's maladaptive way—usually—of alleviating stress, pressure or threat. They're not unhappy and they're not suffering, so we can't call it euthanasia. They are not being saved from unavoidable suffering at all; they are being killed for financial gain and convenience. The RSPCA have now published statistics that do not provide the data to calculate the percentage. Back then it showed a pie graph where, of the dogs that would come in, just under 69 per cent of the dogs with behavioural problems were being put to sleep because they didn't respond to their methods.

All of the new statistics don't give all that data for us to recalculate that, but the hard facts are that in 2025, New South Wales RSPCA's dog intake was 2,575 and dogs killed was approximately 900. That's a kill rate of about 35 per cent of all dogs that come to them. The government funding was \$18 million. That wasn't over the financial year; that's over the normal calendar year. In 2022 the dog intake was 5,057. Dogs killed was approximately 1,200, and that was a kill rate of 24 per cent. The funding in that year was \$8 million. This tells us that, in the comparison, the funding increased by \$10 million—from \$8 million to \$18 million—the intake dropped by almost half, yet the kill rate went up by 11 percentage points, meaning that they're killing a higher percentage in a smaller number of dogs while receiving more than double the funding. That is the opposite to what increased funding is supposed to achieve.

The unavoidable conclusion is that when an organisation receives money and handles fewer dogs, yet kills a higher proportion, that raises serious questions about their efficiency, the use of public funds, transparency, animal welfare outcomes and whether the funding model incentivises the right behaviours. The Australian public generally has no idea how many dogs are being killed each year, despite them being healthy, treatable and capable of rehabilitation. These are not hopeless cases. They are not medically suffering. They are dogs who simply did not fit within the RSPCA's narrow behaviour framework. I, along with others in the professional training community, have repeatedly made offers to groups like the RSPCA, including them, to release even one dog that they have deemed to be euthanised due to behavioural problems that did not improve under their methods. I've offered to take the dog at no cost, rehabilitate the dog at no cost and return the dog to the community as a safe, adoptable companion, demonstrating publicly that the dog did not need to be killed. This offer has never been accepted—not once.

I took action myself recently. A dog in a council facility not too far from us was scheduled for euthanasia after four months of behaviour modification in that facility. The dog was around three-and-a-bit years old—a purebred, gorgeous dog—and he had not improved at all in that time. I took him and my team assessed him. We retrained him and placed him with a family. That family now report that he's the best dog they have ever owned, out of many dogs. This dog would have died on that day if I had not intervened—a three-year-old, purebred, gorgeous, young and healthy dog. He's not the exception. He's an example of a pattern in a broken system. That's why the misuse of the word "euthanasia" matters. We can't be calling it euthanasia when it's for other reasons.

External oversight is essential. The RSPCA currently has the freedom to assess the dog, attempt training or not, declare the dog untrainable and kill the dog, all without any external review. This should stop. This is a judge, jury and executioner situation, and this is not what the Australian public wants their tax dollars funding. The Government may or may not know about what happens here, but if we keep giving them money—close to \$18 million a year—to come up with these results, at some stage of the game, people will be aware that's exactly what's occurring, and the blame will spread to the people who are funding this situation.

A practical, accountable solution that we would have is that dogs deemed untrainable by the RSPCA must be externally assessed by a qualified member of something like our organisation—someone with demonstrated experience in behavioural rehabilitation and solutions. If the dog is deemed trainable, that dog should be sent to an external trainer with the rehabilitation funded by some of the RSPCA funds that they get from the Government. This would ensure transparency, accountability, genuine welfare outcomes and the best life chance for the dog.

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The core issue, which I mentioned last time, is that I'm not an expert on enforcement of what the RSPCA do. It's not my lane, and I try to stay only within the lane that I'm experienced in. But I don't believe that, in the shelter situation, retraining and rehabilitation, the primary focus is on saving these dogs. The strict adherence to a failed behavioural ideology appears designed to maintain an image that attracts more donations rather than achieve the best welfare outcomes for animals in their care. The public believes their donations and taxes are saving animals.

In reality, many dogs are being killed because they did not conform to a training system that does not work for them. The PDTA can form a group of assessors from their highly experienced, successful and qualified personnel. Dogs set aside that are not trainable can be assessed by this group, with reports written and recommendations actioned by one of our members—the dog assessed. At the completion of the program, if the dog is suitable, the dog can then be rehomed. This will see, I guarantee, at least a reduction of 50 per cent in the animals being killed for no purpose.

I run a business called K9 Pro, and people bring us dogs all the time. Our core business is rehabilitation. We get referred, arguably, the worst behaved, most maladjusted dogs—that are highly aggressive—of anybody I know in this country. They come from all over the State and other States. We've even had them from other countries. We rehabilitate the dogs in a short period of time, observing their welfare. We teach them how to behave properly. We teach them things that they should have learned when they were young. We teach them how to regulate their emotions and behave better, and we teach the owners how to manage them going forward. When that happens, we have an extremely high success rate. If I was to advertise a success rate of 30 per cent, I wouldn't have a business. Nobody would come to me. That's the end of that part of that presentation. We just need to do a lot better.

The CHAIR: I might start off with a couple of questions before I throw to my colleagues. If euthanasia is not the correct term—and I accept from your introductory comments that it probably is not—what should we be calling it if RSPCA is unnecessarily doing this to animals that could be saved through proper behavioural modification training?

STEVE COURTNEY: The politically correct answer would be "the death penalty", because there's no reason for it, and we know that.

The CHAIR: You said that RSPCA have changed how they're reporting those rates. Do you think they've done that deliberately to avoid you discovering or the public discovering what you outlined in previous inquiries—that those death penalty rates are through the roof?

STEVE COURTNEY: Yes. When I was here last time, I linked a website in our submission—the RSPCA website. It was a back page that has no links that we were able to find. That's where the statistics were published. It showed pie graphs and explanations and all the rest of it. After I put that link in our submission, that link was deleted from the website. It doesn't exist any longer. They rebutted some of the things I said last time. They said that I was incorrect because it's only 70 per cent of the dogs with behaviour problems. They were assuming that I thought it was all the dogs that they get. I was never assuming it was all the dogs they get. Now it tells you how many dogs are being euthanised for behaviour reasons, but it doesn't tell you how many were saved with behaviour reasons.

It tells you how many there were total and how many dogs were put to sleep because of medical, legal and other reasons and for behavioural euthanasia, but it doesn't separate if a dog comes in with a behavioural problem that could be as simple as jumping up on your leg. Those ones, I imagine, are the three out of 10 that will get saved. But if the dog is displaying any type of aggression or risk behaviour, those ones probably not. We don't know how many dogs are being rehabilitated and how many of those are failing anymore. Those statistics are unavailable. When that tends to happen, that is where we've had to go and say the total number of dogs that they're getting in and the total number of dogs for behavioural euthanasia. That's how I came up with those figures.

The CHAIR: Is it a failure of their behavioural program in part, or is it also in part that it's cheaper to just euthanise or give them the death penalty rather than spend the time and investment or outsource the behavioural modification to a company like yours that knows what they're doing?

STEVE COURTNEY: I think that generally, around the world, there is an ideology value where people wish to train dogs in certain ways, and those ways might only be based around positive reinforcement. It's technically impossible to do that. That's number one with any dog. Number two is that it may not provide enough reliability. The second part is that we might not necessarily be talking about training or teaching a behaviour. We might be talking about modifying an existing behaviour. If we're modifying existing behaviour, the science tells us that we have four quadrants to use in a system which is going to provide progress in behaviour modification changes to a dog. We can reinforce those and move forward.

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Sometimes what will occur is that people, if you were trying to promote yourself as the nicest person on the block, will say, "At some stage of the game, he said, 'don't do this', to the dog or the dog found something that it was doing was unpleasant", and people may not want that to happen. Generally, if I was to branch out—again, this is out of my wheelhouse—to make an analogy that someone of religious belief came to them when they were sick and they were told that by praying, that person would get better, I think we've proven that's not going to work. The argument might be that if we start using prescriptive medicines, those medicines have side effects. The side effect of no medicine might be death. That's what we're facing here. It might be really important to look at what type of training methods actually provide results and whether or not those types of methods are causing a lack of welfare in the dogs. We don't see that.

We train the dogs in front of people. They pay to bring their dogs to us. When we do a private consult with myself or any of my trainers, those people are in the room with the dog, watching us train the dog. They love this dog. They're at their wits' end. They've been to, sometimes, many other trainers. There has been no success and no progress. They're scared the dog will hurt them or somebody else. This is happening. We do a lot of legal cases, too. I think at the moment we're about 1,800 dog bites per quarter in New South Wales. People don't have effective control of their animals. When they come to us, we show them how that happens. The dog is not scared of us. It's never intimidated. It improves its behaviour and its confidence and so on. It understands how to regulate emotions a little better so that it doesn't enter into those behaviours that are dangerous for others.

The Hon. EMMA HURST: I find it really interesting when you talk about the difference between what euthanasia really is. In a former inquiry we did, we heard from some fairly chief veterinary experts who gave the same explanation. They were talking about the stress of being a vet. They said that euthanising an animal that is sick or is suffering does not add to the stress because you're actually helping that animal. But the vets said that what does cause the huge turnover in vets that we see in the industry and the stress for those people working in that industry—we've got one of the highest suicide rates in the veterinary industry, and one of the explanations was this killing of healthy animals. They agree with your explanation that it's not euthanasia. They said that this is killing animals.

STEVE COURTNEY: Correct.

The Hon. EMMA HURST: We had a discussion with some other groups earlier today about that data reporting. Do you think it's as simple as requiring a list that says "euthanised animals" and definitions of "euthanasia"—I think the one that you gave was pretty good—and then "killed for behavioural problems", and that would be nice and clear within that data reporting?

STEVE COURTNEY: I think that it would be better to understand exactly what's happening so that we can then determine—when you're saying "euthanasia", I think that switches compassion on in people and they think, "Obviously, there was no other options. The poor thing." This is not true most of the time. The dog is not suffering at all. He's having a great time chasing that cat. It's his best life. Someone has stopped him from doing it and taken his life away. If you try to spotlight this and go—if we said that's what's going to happen, we're going to report on it. The RSPCA has to then contract someone from outside to come and, let's say, sign off that you're right—this dog is not going to be safe in the community, or something, with any reasonable amount of training. Then we say, "Okay, that's fine". Is that going to solve all our problems? No, it's a bigger problem than that.

The problem, basically, probably starts—and our group has worked a lot on this. We probably need to at some stage, moving forward, move to temperament assessments with dogs as puppies. We do this when people want to buy a puppy and they contact me and say, "I like this litter. Could you temperament-assess these dogs? Is this going to be suitable for my outcome?" We'll look at them at seven weeks and we can tell quite a lot about their behaviour. If we get a very nice puppy from that litter and we raise it correctly—I have a team of 30 performance people that do extremely well in the performance circuit around Australia. They've selected puppies in this way and we've raised them in the system. We're talking about hundreds of dogs, and not one dog has turned out with a behavioural problem. It's very doable, and these people aren't experts.

If we see this going on—what occurs is, the Australian person grew up with dogs in their lives and they love them. They go, "My dad had one of these, so I want one." The problem is that their dad lived in a different culture than we do now. The idea is that the dogs are living inside the house. They're cohabitating with people. They probably lived outside before. Inside is good for the dog—he should be part of the family—but we need rules and boundaries. People would replace—they think that a rule and a boundary is putting 17 baby gates around their house. They aren't rules and boundaries; they are barriers. Barriers frustrate dogs and sometimes increase aggression.

A rule and boundary—when I was a kid, we wanted to bring the dogs in the house and my parents said no. We continued to plague them and, eventually, they said, "All right, but they can only be on the timber floors, not the carpet." We only had one room with carpet. What would happen is, the dog would come in the house and

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he was delighted. He'd go to walk on the carpet and everyone would go, "Hey, don't do that!" He'd go, "All right", and within no time at all he learned to come to that line of the carpet and lean over, but he would never enter that room. He benefited by having access all year round to 90 per cent of the house except for one room with carpet. I wasn't allowed in that carpeted room all the time either.

The Hon. GREG DONNELLY: Hopefully for different reasons.

STEVE COURTNEY: At the end of the day, when that happened, it was a benefit. Even though someone raised their voice at the dog, we weren't angry at the dog. We said, "You're not allowed to do that." He said, "I understand. I won't do that anymore." And when he didn't do that, he had all of the benefits. When we're talking about using complete training methodologies, what we're doing is we're not relying on punishment to just say, "Don't, don't, don't" all the time. We're actually teaching the dog what they should do. That's my work policy. They come in saying, "My dog likes to bite people on Tuesdays." I say, "Would you rather him do it Tuesday at lunchtime?" And they say, "Not bite people".

The only way you can achieve that is through punishment. But, in actual fact, we can't reinforce the dog not biting a person because not biting isn't a behaviour. What we can reinforce is him sitting down, him walking along loose leash, and him going over and following the greeting protocols that we've taught the dog. He walks over, he stands there, you pat him two times on the head and he comes back. He doesn't love the people. He doesn't hate them. It's just like a handshake, and he comes back. The behaviours are gone and we're just using those ones. We guide him on those.

The Hon. EMMA HURST: I just wanted to ask about something else that we heard today as well and something that I'm concerned about. We heard about dogs, for example, being seized in a cruelty case and then being institutionalised and in kennels for sometimes between six to nine months while a court case is ongoing.

STEVE COURTNEY: Correct.

The Hon. EMMA HURST: There are complexities within the laws about adopting that animal out or having them in a foster care situation. I am sure you understand a lot about kennel rage and the behavioural difficulties that can come into dogs that are in these kennels for extended periods of time. Would your organisation be supportive of changes within the laws to ensure that that's not the outcome for those dogs that have been seized in cruelty cases?

STEVE COURTNEY: It's a timeline where I'd say that the first word that I have to question is cruelty. What is it? If you're in a situation where you're applying, let's say, pain to an animal, that's cruel, right? Except if you're a vet giving it a needle, it's okay then. If you're putting a microchip in its neck, that's okay. People get accused of cruelty when they have no intention of harming the animal, and they have best intentions at heart.

The Hon. EMMA HURST: Sure.

STEVE COURTNEY: If we're talking about someone abusing an animal—kicking it, hitting it, starving it, torturing it—they should never get the dog back, of course, or any in the future.

The Hon. EMMA HURST: I guess the problem here is it's in front of the courts to make that decision, and it could be anything. Under POCTAA, it could be intense neglect, for example, which wasn't necessarily intentional.

STEVE COURTNEY: Sure.

The Hon. EMMA HURST: It might be somebody with a cost-of-living crisis with major veterinary needs for that animal, or it could be somebody bashing that animal. The complexity is that that animal then becomes institutionalised because the court cases that are running are so slow. I guess my other concern really is this: What will happen to the behaviour of that animal if they're stuck in a kennel for nine months? Is there something that we can do within the regulations to ensure that that animal can be in a good foster care situation to protect those behavioural problems?

STEVE COURTNEY: I agree. One thing I would say is, when people talk about kennel madness and kennel rage and those things, these are layman's terms. They're not actually psychological, proven outcomes. Generally, what would occur is that we're talking about a dog that receives less enrichment than is ideal. It's not mad or crazy or insane; it's probably frustrated. The idea is, in that case I adopted that dog from that facility, based on the fact that in this particular area, they will not take surrenders anymore and this is cause for people just to let their dogs out on the street, and then the pound collects them. In surrenders, you pay to put your dog in; but if you let it out the front, they collect it for free. It's sort of crazy, really.

And then, given the number of dogs they have, the dog would get somewhere around five or six minutes in an exercise yard per day. This will then create frustration, lack of enrichment, and that would certainly design

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other behaviours through things like extinction bursts and so on. The dog would become so desperate for reinforcement, depending on the breed and its temperament, that it might start behaving outside of its normal behaviour patterns. There might be people who, for instance, are not paying for train rides at the moment because fuel is so expensive or stealing things because of the cost of living. They might not necessarily be criminals but they're faced with, "I need to do this for genuine reasons, but I can't make that happen." Well, dogs will be exactly the same.

Those long periods of those sorts of things would require more carers, where the dog would then get treatment, exercise, stimulation and enrichment based on the dog's individual needs. There are some dogs that would be happy to lay in the kennel 23 hours and 59 minutes a day, and at the end of the day there are going to be others that just would not be able to cope with that very well. They will bite kennel runs, break their teeth, even go to self-harming situations. So for those long periods, or even when a dog is taken from someone through an event where the dog may have bitten someone and gets put into a facility, it's very unlikely that the dog's behaviour will be exemplary in that facility. He's out of his home; he's displaced. It might give a false sense of what goes on.

The Hon. SARAH MITCHELL: I just have one question. Thank you for being here today, Mr Courtney, and for your evidence. You've touched on this a little bit, but you speak in your submission about expansion of behaviour-capable foster care and incentives for people to take dogs with behavioural challenges, access to professional trainers, and supporting foster homes as well. I wonder if you could talk to us a bit more about why you think that would help. Also, does that happen anywhere else better than in New South Wales? Are there any other States that do anything in that space, or internationally, that might be a better model of that support?

STEVE COURTNEY: Definitely overseas. There are situations where, in certain countries, they won't let you keep getting dogs and then abandoning them—taking them to pounds and things like that. There are other places where training is mandatory. There's the old thing that scares people: dog licences. That's because currently people own dogs and they think, "There's nothing wrong with my dog, and now I'm going to have to go and pass some licence test that I might not pass." I go, "It doesn't necessarily have to be that way." My thoughts would be, there are rescue groups that target dogs with behaviour problems, and then they have a number of resources—including us—that help them with rehabilitation.

There are other rescue groups that will go there and try to pick a dog that doesn't have any problems, and it's purebred and desexed already. They will rescue that dog. I'm not really sure it's too much of a risk, but they'll rescue that style of dog. A lot of them will have—with these problem dogs—homes with purpose-built dog runs that the dog can't escape from, more experienced people, foster carers and a network of those people that they can rely upon to save those dogs that do have issues through no fault of their own. My thoughts, realistically, is that the dog bite statistics are climbing every year. In Queensland a little while ago, they said there are 124 maulings per week, which means a person is badly attacked and has to go to hospital for extensive—

The Hon. SARAH MITCHELL: Did you say 124?

STEVE COURTNEY: Per week in Queensland. Yes, that's what they said. At the end of the day, this has been increasing for quite some time. Why these things occur is that, generally, there'd be an extremely small percentage of those dogs where their owners knew the dog was dangerous and were just irresponsible. They usually don't know. The reason is because they don't know maybe what the dog was originally bred for, its genetics and so on like that. Our principles would be something like what we would offer to just our clients would be. It would become a government initiative. We would go, "You get a puppy—it doesn't matter where you get it from—and you bring it in for a temperament test at about three months." It's probably pretty cheap—\$30 or \$40. It's not an obedience test. It's just having a look at the dog's psychological profile—a very simple set of tests. You tick this on an app or something. It's great. Come back in six months, nine months and 14 months. It gets four ticks. Give them free registration for life.

Dogs that bite people cost the Government a fortune so, at the end of the day, it would be better that way. If it doesn't pass any one of those, recommendations are given of how the dog could, in future, pass. If those aren't followed, the dog becomes a restricted dog. The dog would then have to wear a muzzle in public and it won't be biting anybody. This is all proactive stuff. It doesn't apply to your dog at home; it applies to puppies from now on in. If you've got a 10-year-old dog, we're not going to be temperament testing him. He's fine. Do whatever you've been doing. But when we get new dogs, we're doing this. Then what will occur is that people will go, "What should I do?" And I go, "If you don't want to start having temperament issues, potentially start engaging with professionals before you choose the dog to make sure that's it." Certain dogs that are backyard bred or crossbred or accidental matings, whatever it may be, will probably not pass these tests as well, which means they'll become less valuable. They'll be less part of the community, and the bites will drop.

The Hon. SARAH MITCHELL: It seems very sensible to me.

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STEVE COURTNEY: It's always breed-specific legislation. They always go, "We've got to get rid of this breed." You go, "Okay. If you get rid of that breed, the people who own that breed go and get another breed." Then their lack of knowledge, experience, ignorance—whatever it may be—will allow that dog to display those behaviour problems too. Then eventually they'll have next to no breeds, so it's not the solution. It has been tried in Victoria, where they said, "We're going to ban certain breeds." It actually didn't work and they had to undo it. Many countries around the world have found no success in trying to blame a breed for a lack of education and socialisation.

The Hon. GREG DONNELLY: Welcome back. It was good to have you last time and it's good to have you this time, too, and your professional advice and consideration about dogs. I have a couple of questions. The matter of the behavioural framework that's used by the RSPCA and the Animal Welfare League—this morning we had them in as witnesses. You may or may not have heard the evidence. With respect to the RSPCA at least, on the matters of euthanasia, they provided some evidence—and you can read the Hansard transcript when it becomes available in due course—on the basis that, with respect to the euthanising of dogs, there's essentially a dichotomy of decision-making about whether or not medical or behavioural reasons are in play to provide the underpinning basis to proceed with the euthanising of the animal.

I pressed the witness about it, gently. I said, "Listen, there have been claims made in the media and the community, and more broadly speaking, that there's euthanising taking place because you've just got too many to look after," so to speak. The response was that, no, that's not the case. I'm not contesting that; that was the evidence. I'd like to return to this dichotomy between behavioural and medical. With respect to the definition of behavioural reasons that would provide a reasonable basis—when I say "reasonable", there will always be some contest about any definition, but I'm talking specifically about your view and what would be perhaps considered reasonable. Would the RSPCA and the Animal Welfare League have a definition of what the behavioural reason encompasses to justify and underpin their decision to end the life of the dog? I'm trying to understand the criteria. The context was I was pressing to understand, on the grounds of medical reasons, how that decision was made. We got some useful evidence about that. But on the behavioural grounds, would they have a definition or would it be some sort of—

STEVE COURTNEY: I guess it's going to come down to an opinion based on what your ability is to change that behaviour in what time. There's a phrase I've used for a number of years called "a reasonable amount of time". If you had a dog that was aggressive and when you walk down the street he's trying to bite people or dogs, and someone goes, "If I give him some food and positive reinforcement, will he get better?" I'd go, "Maybe, but the problem is how long might that take?" If it took two years, there's a great risk that in those two years he harms someone. The reasonable amount of time is before the dog ends up by doing something that then stops him receiving further help. We have to euthanise him now because he has bitten somebody. We're in a legal problem. So a reasonable amount of time is really important.

Our particular programs—we have lots of them, but generally there are two standard ones. When people send us the dogs that live at our facility 24/7 for rehabilitation, they're there for five weeks or eight weeks. There are some custom programs for assistance dogs and other things, but generally that's what it will be. Now, we have milestones that we need to be able to teach them certain things in a certain amount of time so that we can do this. Generally, we want to reserve the last two of the five weeks, for example, so that we have taken these dogs into public—to Bunnings, to cafes and to all the places that the owners will be taking them. We are then observing and proving that their dog is no longer dangerous, doesn't trigger on those triggers anymore and he can move forward. He's not completely rehabilitated. He still has maybe some feelings, but his actions have changed.

We then run courses for the owner, and we say to them, "You come to us. We'll spend 10 hours showing you how to work with this." When this starts to occur, they go home, and we pretty much give them endless support after that—and it works. There's a question where someone says, "Look, that dog is aggressive. There's something wrong with him." I go, "Okay. I guess experts and professionals don't return things"—like, something is wrong with—or I can just tell these have no factual basis, or I think this is better or that. What will occur is that behaviours generally run in psychology, including all sentient beings, through a set of steps that can be looked up pretty easily.

It's called the ABCs of behaviour. It stands for "antecedent, behaviour, and consequence". Of those three steps, the antecedent is just a big word for something that naturally occurs for something else. Let's call it a trigger, a cue piece of information or a piece of advice. If you had a dog at home and you said to him, "Sit", that's the antecedent. If he sits, that's the behaviour. If that finishes when you give him a piece of food, that's the consequence. If he's likely to think, "I like that food," that's positive reinforcement. Science says that if I get positive reinforcement, I'm likely to repeat the behaviour again. In that circumstance, he would do it.

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When someone says, "The dog has not been traumatised and there's nothing wrong. He just bites people and he doesn't even know why," that would be a dog that we would deem as having idiopathic aggression. Idiopathic is a fancy word for saying we don't know what causes that but it might be medical—such as a tumour—or a thyroid problem or imbalance. I will see a dog like that probably in the vicinity of one per thousand; it's extremely rare. The others have learned to behave this way through inadequate education when they were young, problem with genetics or some traumatic event. When this starts to happen in the first 12 months of their life, they're likely—just like a human being who's experienced traumatic events—to start acting in an avoidant or defensive manner. That's why we get those behaviours.

If someone says something is medical, years ago, when someone took their dog to the vet and the bill was going to be very big, they might put the dog to sleep because people couldn't afford it. That means it's a medical reason, but it's actually also more of a financial reason. These days, if we were talking about the RSPCA, they might say, "If that dog is ill, can we cure the problem?" At the end of the day they might ask, "Is it not curable because it's terminal?" the answer might be, "No, it's not terminal but it might have a bad mouthful of teeth and vet dentistry is expensive." There could be a budget per dog or whatever. The world goes around, and I get that. It could be that or it could be time frames. The rehabilitation period is a really long time. Would someone want to adopt the dog at the end of that anyway? So some of the questions are not "Is it impossible?" but a situation of "Is it viable?"

We don't have those options with people. If someone comes along and it's going to cost a lot of money to fix their teeth, they will hear, "We can't put you to sleep." They won't let that happen. I said that my personal business has got a phrase called "expect results". RSPCA wrote back and said that we can't run a results-based operation. I see no point in having any operation that is not results based. That's a really important factor. It needs to be results based. When that's occurring, when you have results, you can go along and determine if they're good enough. If they're not good enough, you need to change your principles.

The CHAIR: We have run a little bit over time, but you've provided some really valuable evidence. I don't believe you took any questions on notice, but we may have some supplementary questions for you. Once again, we thank you for your time.

STEVE COURTNEY: I'd like to table this if I could. I can email it to the secretariat.

The CHAIR: Yes, it'd be great if you could do that.

(The witness withdrew.)

CORRECTED

Ms RACHEL CONNELL, Deputy Secretary Agriculture and Biosecurity, Department of Primary Industries and Regional Development, affirmed and examined

Mr PETER DAY, Executive Director Strategy and Regulatory Policy, Department of Primary Industries and Regional Development, affirmed and examined

The CHAIR: We welcome our next witnesses. Would either of you like to make a short opening statement before we go to questions?

RACHEL CONNELL: Firstly, thank you for the opportunity to appear before the Committee today. I'd like to begin by acknowledging the strong and enduring community expectation in New South Wales that animals are treated humanely and that our animal welfare system is fair, effective and accountable. That expectation sits at the heart of the Prevention of Cruelty to Animals Act and also underpins the role of government in administering and continuously improving that framework. We've heard the feedback from previous inquiries requesting improvement, and there's been recognition of where the framework has served the State well and where, over time, it's needed to evolve to reflect contemporary standards, operational realities and community confidence.

That's been the focus for the Government and the department through a staged and steady approach, informed by consultation. Amendments have been undertaken to the Prevention of Cruelty to Animals Act and the regulation over the last two years. They've been designed to modernise the framework, improve administration and strengthen, importantly, animal welfare outcomes, while also ensuring that enforcement and the funding of it is supported by clearer powers, clearer expectations and stronger accountability. A key part of that work has been improving how enforcement operates, and the Government recognises that animal welfare enforcement is a difficult and challenging space.

Inspectors often work in complex, emotive and high-risk situations. But as we know, that responsibility sits primarily with approved charitable organisations—obviously, the RSPCA and Animal Welfare League, who have given evidence today. I'd note that the RSPCA New South Wales in particular has been undertaking animal welfare enforcement in this State for many, many decades, and that depth of experience continues to inform how enforcement is carried out today. The Government and the department value the experience of these organisations, but, at the same time, we're conscious of our responsibility to ensure that the statutory framework, governance arrangements and funding mechanisms that sit around enforcement remain strong, transparent and fit for purpose.

Improvements to governance, oversight and accountability were made to POCTAA in 2024. These changes strengthened mandatory annual reporting requirements for the ACOs, improving transparency and enforcement outcomes. Changes were also made to enable complaints about the RSPCA and Animal Welfare League to be raised with the NSW Ombudsman, as well as requiring the agencies to comply with GIPAA requests. The reforms enhanced information sharing arrangements, enabling the Government to maintain better oversight of how the framework operates in practice. The Government has also strengthened the way public funding is administered. The grant process to the ACOs must now comply with the Government's grants administration process, which was introduced in 2024. Funding deeds with the enforcement agencies have been strengthened over the last two years as well, and these deeds replaced the previous MOU arrangements.

Funding deeds with the ACOs now set out to find service and delivery levels, and are supported by more regular and structured reporting requirements. They help ensure that the Government, under the grant administration guidelines, is achieving value for money for its contribution to the enforcement effort and provide performance measures that the ACOs are working towards. Strong governance and clear expectations help the RSPCA and Animal Welfare League also demonstrate the value of their work, the professionalism of their inspectors and the outcomes they deliver for animal welfare across New South Wales. Equally important is how these arrangements are developed and refined.

The department works closely with the RSPCA and Animal Welfare League through the grant process, seeking collaborative feedback and dialogue on how improvements can be made. We acknowledge we've heard some of the evidence this morning that there can be some improvement in the funding arrangements in the way those deeds are put in place. In closing, I'd like to say the Government sees its role as one of stewardship and partnership. We're committed to working with the enforcement agencies to continually strengthen the framework, not at just one point in time, but on an ongoing basis. Thank you, and we welcome the Committee's questions.

The Hon. SCOTT BARRETT: Good to see you both. I'd like to come straight to those funding arrangements if I can, Ms Connor. We heard this morning from the RSPCA, who suggested that in terms of this current financial year's funding—which, I think, is \$9.8 million—they had a discussion in October to say that that money would be about that amount, which I think aligned with what you said in budget estimates. I think you said November, but October-November—that's fine. At that time they were told, though, that their funding would be

CORRECTED

the same as last year plus indexation, which would be upwards of \$11 million, yet in February they signed a deed for \$9 million. I just wonder what happened to that \$2 million in those couple of months.

RACHEL CONNELL: As I said in the opening statement, funding now takes place under the New South Wales grant administration guideline process. The steps that agencies are required to go through in terms of complying with that framework are clearly articulated on our website. As part of that process, we open the application period. The application period formally opened on 18 August 2025. As part of that process, we provide a document to the RSPCA and Animal Welfare League setting out what the grant process is, talking about the requirement to achieve value for money and clearly setting out the steps in the process to determine what the grant amount is going to be, then the next step is obviously the receipt of an application from the bodies.

Applications closed on 12 September, and we received an application from the RSPCA during that period. Then, under the grants administration guidelines, you're required to undertake a process of assessing the application against the criteria for the grant, so that happened. There's a committee that's established to do that. The committee provides advice to the decision-maker, and the Minister made the decision on the basis of the advice from the committee that the funding should—I think I might pass to Mr Day for the specific amounts, but I think it was \$9.4 million for the RSPCA and about \$2.9 million for the Animal Welfare League.

PETER DAY: It was \$9.86 million for the RSPCA and \$2.94 million for AWL.

The Hon. SCOTT BARRETT: So to apply for funding to fund the organisation for the financial year 2025-26, the application was in September for the 2025-26 financial year?

RACHEL CONNELL: The period for potential grant recipients to apply was between 18 August and 12 September. I'm quite sure that that information is available on our website as well.

The Hon. SCOTT BARRETT: Who was expected then to perform that function from July until that grant was awarded, or given, in February?

RACHEL CONNELL: The terms of the funding and the criteria for the funding made it quite clear. I think it has been consistent for many, many years—probably almost 20—that the State Government's contribution is a contribution towards the exercise of the enforcement and compliance functions. So, yes, it's a contribution to that activity.

The Hon. SARAH MITCHELL: Just on the process to do it through that grants administration, has that been in place for some time as well, or did you say that's relatively new?

RACHEL CONNELL: This is the second year that that process has taken place.

The Hon. SARAH MITCHELL: Why was the decision made to move to change the rate?

RACHEL CONNELL: It was a reform across the New South Wales government in terms of the way—you might be aware, I think, there was a review that was undertaken about grant processes. There was quite a considerable effort that went into tightening the process by which government agencies provide funds to third parties and the New South Wales grants administration guidelines.

The Hon. SARAH MITCHELL: So the whole-of-government approach.

RACHEL CONNELL: Yes, it's a whole-of-government initiative.

The Hon. SARAH MITCHELL: For that process, obviously there are the two organisations, being RSPCA and Animal Welfare League. Are they the only two that apply through that? I think WIRES has been spoken about earlier today. Is it a limited grant process only for the two existing enforcement agencies?

RACHEL CONNELL: That's right. There are different classes of grant process, and this grant process was a constrained process targeting—

The Hon. SARAH MITCHELL: It's only the two who are applying, but they've still got to go through the process?

RACHEL CONNELL: That's right.

The Hon. SCOTT BARRETT: I imagine then that RSPCA and Animal Welfare League had signed a deed to operate as enforcement agencies for the 2024-25 financial year.

RACHEL CONNELL: No, I'd correct you on that one. They signed deeds to receive funding to contribute to them exercising their enforcement obligations under the legislation.

The Hon. SCOTT BARRETT: How long is that deed in place for?

CORRECTED

RACHEL CONNELL: It's the deed for this financial year.

The Hon. SCOTT BARRETT: So they had a deed for 2024-25.

RACHEL CONNELL: That's right.

The Hon. SCOTT BARRETT: That came with the \$11.89 million, I think you said.

PETER DAY: For 2024-25 RSPCA were given \$11.3 million.

The Hon. SCOTT BARRETT: For that financial year?

PETER DAY: For that financial year.

The Hon. SCOTT BARRETT: That expired at the end of that financial year.

PETER DAY: That's correct.

The Hon. SCOTT BARRETT: What deed was in place for an ACO between the end of that financial year and when the following deed was signed in February this year?

RACHEL CONNELL: The ACO status happens under the Acts—the legislative framework—so the distinction is that the deed is for funding to contribute to the ACOs exercising their functions under the Act.

PETER DAY: Both agencies retain their status as an approved charitable organisation under the Act until it's rescinded or handed back in.

The Hon. SCOTT BARRETT: Is there an explanation why that amount was reduced?

PETER DAY: If you look at the actual overall total from the year before, in 2024-25 both ACOs were given a total of \$12.5 million. In 2025-26 they were given a total of \$12.8 million, the difference there being the indexation rate. Then, basically, as part of the process, the panel looks at that and looks at a range of factors around both agencies—around what they can deliver with what they offer in terms of their application for the grant process, in terms of the number of inspectors, the complaints they intend to deal with and other cost factors as well.

The Hon. SCOTT BARRETT: Based on that process, RSPCA's funding went down and Animal Welfare League's funding went up.

PETER DAY: That's correct.

The Hon. SCOTT BARRETT: But the bucket remained the same. More of it went to Animal Welfare League.

PETER DAY: The bucket slightly increased to recognise indexation from the previous year.

The Hon. SCOTT BARRETT: Did the KPIs of the RSPCA reduce with the reduced funding?

PETER DAY: The previous year's deed didn't really stipulate service delivery standards. This year did articulate expectations around specific numbers of inspectors and investigations. For RSPCA, we're looking at 40 inspectors, and that recognises also that there will be some times when they're either above or below that because of recruitment processes. We recognise that. Likewise, AWL, as part of their deed, must maintain an inspectorate of 14 inspectors. RSPCA must undertake a minimum of 10,000 investigations and AWL 5,000. Then RSPCA must do 450 proactive inspections and 250 for AWL. That's their service delivery standards.

The Hon. SCOTT BARRETT: Can I confirm that it is an expectation from government that this is just a contribution towards that role and that these organisations are also expected to do their own fundraising and investments to fulfil the role expected by government?

RACHEL CONNELL: I think it's fair to say, Mr Barrett, that's not new. It's been the case for almost a couple of decades now. But I would note that there has been a not insignificant increase in funding from the New South Wales Government over the past three years, in particular, for the decade prior to 2022-23.

The Hon. SCOTT BARRETT: Yes, there was an inquiry.

RACHEL CONNELL: There was a funding contribution from the New South Wales Government to the RSPCA. I think it was about \$420,000.

PETER DAY: It was \$499,000 to RSPCA and AWL, and that commenced in 2007 and 2008.

The Hon. SCOTT BARRETT: There was a big boost in that funding in 2023-24, when it went up to \$20 million. We heard in budget estimates that the bulk of this money was spent on infrastructure and different

CORRECTED

projects. That was pretty strongly refuted by the RSPCA this morning. Do you stand by that statement from the Minister in budget estimates?

RACHEL CONNELL: I understand the RSPCA gave evidence this morning about what that grant was used for. I would note that that grant was provided through the Local Government portfolio and not through the Agriculture portfolio. But my understanding is that it funded a range of activities, including enforcement and compliance.

The Hon. SCOTT BARRETT: What about infrastructure? Was it used for infrastructure?

RACHEL CONNELL: My understanding—but I don't have the benefit of the deed in front of me—is that there was some used for capital and perhaps infrastructure. I will take that on notice to confirm it. I actually think we've received a supplementary question on that as well.

The Hon. SCOTT BARRETT: Can I quickly come to stock welfare panels. How is conflict of interest managed when selecting participants in a stock welfare panel?

PETER DAY: The panel operators need to go through a process of declarations. If they were aware of that, they would raise that issue if they were aware of the party. The legislation provides that there are some mandatory members in terms of a Local Land Services vet, a DPIRD officer with livestock experience, a POCTAA inspector as well, and also a vet if we don't get a Local Land Services officer there. It would be very unusual for a Farmers Association rep not to be part of a welfare panel, and that's generally the case. If there is any conflict then we would require them to declare that as part of that panel process. We retain a pool of panel members for that reason.

The Hon. SCOTT BARRETT: Have you had any conflicts of interest on these panels over the last three years?

PETER DAY: For the three-year period, I would have to take that on notice. I'm not aware of it, but I would take that on notice if I could, please.

The CHAIR: The recent change that came out of the legislation where complaints could be made to the NSW Ombudsman—how many complaints have we had since that change has been introduced?

RACHEL CONNELL: We don't necessarily have visibility of complaints that are made to the Ombudsman. I'll take it on notice, but I expect it may be a question that has to be directed to the Ombudsman.

The CHAIR: How was this new initiative or new reform communicated to the public? Were they told at all, or were they just supposed to understand through osmosis?

RACHEL CONNELL: There has been, from memory, quite a bit of communication about those reforms that were made to the legislation in 2024, through media and other sources. But I would have to take on notice what particular social media and other channels we use for those specific changes.

The CHAIR: If you could, that would be great. To be fair, the general public doesn't generally read ministerial press releases. You're lucky if half the people in this Parliament read ministerial press releases.

The Hon. GREG DONNELLY: They should.

The CHAIR: They should. If you could give us some indication as to what are the communication channels that are used, that would be great. I'll go to the ACOs themselves. In terms of the RSPCA being a charitable organisation, the Fair Work Commission recently determined that the RSPCA satisfies the definition of "trading entity" because more than 50 per cent of its income is derived from business activities. Under the POCTAA, does that then alter or change the Government's view as to whether it still is a charitable organisation, given that it has been determined by a commission that it's a trading entity and more of a business rather than a charity?

RACHEL CONNELL: I would have to take advice on that. That status of a charity is under the New South Wales charitable legislation that we don't administer. But I'll take it on notice and we can provide information on that to the Committee.

PETER DAY: To answer the question around the Ombudsman matter, we're aware that one complaint was received from the Ombudsman's office from the RSPCA in their 2024-25 report that they provide to us.

The CHAIR: But no detail as to whether that complaint was resolved or is still ongoing? There's no real vision of what that complaint was?

CORRECTED

PETER DAY: The outcome we've got there is that, following an investigation from the Ombudsman, a request was made asking the inspector to contact the complainant, which was undertaken. No further action was taken on this complaint, but I don't have any actual details of that complaint itself.

The Hon. EMMA HURST: Ms Connell, you've mentioned a little bit already about the fact that it's seen as a contribution towards the enforcement of State laws rather than the State Government funding the enforcement of State laws. I understand you said this is very historical within the department. There's been a lot of suggestions today that the State Government should be fully funding the enforcement of State laws. Has there ever been an internal process that looks into and considers a shift from a contribution to the enforcement of State laws to the funding of State laws?

RACHEL CONNELL: You're probably aware the Government committed, as part of its election commitments, to review funding to the ACOs. That predates my time in this position, so I understand there was analysis done of trends over time and what happens in other jurisdictions. We seek consultation with the bodies themselves, which informs budget submissions; or if we are not at liberty to provide any additional information, given it's Cabinet in confidence.

The Hon. EMMA HURST: I understand it was before your time, so I'm happy for you to take this on notice, but I guess what I'm trying to understand is was there ever any consideration to this quite bizarre situation we've got where there's one piece of State legislation that has only contributed towards upholding it, whereas every other piece of State legislation is funded for enforcement to its fullest degree possible. Given there's just this one criminal piece of legislation that's only contributed towards, was there anything within that particular review that looked at that model specifically and whether there would be recommendations to the Minister or the Government in regards to whether it should be a contribution or whether it should be funded?

RACHEL CONNELL: I'm happy to take that on notice. It is, obviously, a unique model, but it's not a model that is unique to New South Wales. The RSPCA in particular, as you are aware, has been around for—I think the New South Wales branch started in the 1920s. I think the important thing to note is we talk about in modern regulatory practice the regulatory triangle, and education is always a really strong component of improving outcomes in whatever space you're regulating. It's not just about enforcement and compliance. One of the strengths of the ACOs is the work that they do broadly across the community on a range of fronts, including strong education campaigns. I think that comes through in the annual reports, which are already the subject of this inquiry, and the work they do in schools, with the general public and with Indigenous communities.

The Hon. EMMA HURST: Just for absolute clarity, I guess my question isn't so much about, in this specific instance, whether the charity should be doing that work but whether or not the State Government has any kind of responsibility to fund the upholding of State laws that are written by the Parliament, or whether that should be something that is outsourced and fundraised to uphold the legislation that we write. I'd be keen to know whether that came up in the review or any other sort of previous reviews or other work that's been done within the department to inform the Minister or the Government as to whether that's really an appropriate model going forward. I understand there is a long historical use of that, and I understand it's not just New South Wales.

The RSPCA talked about some of the shortfalls that they are experiencing because of the current contribution of funding towards enforcement laws. Some of those that were quite concerning was some the stuff that we have raised in previous inquiries, and that is that inspectors aren't going two out. That was a major safety issue that's come up previously within these inquiries, particularly given we know there's a link between human and animal violence, and so often inspectors, as much as they try to work with the police to understand if they're walking into a dangerous situation, there's many cases which wouldn't necessarily be alerted to the police.

I remember DPI inspectors previously had said that they would never go one out; they would always go two out, but the RSPCA only had the funding for one. They're still not able to go two out unless they specifically know it's a dangerous situation. The other aspect that came up was that they've had to get rid of the 24/7 cruelty hotline. If there's a major cruelty case that happens at nine o'clock at night or one o'clock in the morning, the only option, then, is the police. Has that been given any consideration within these panels in regard to the funding that is given to these charities as the contribution towards that—the human safety risk and the major shortfalls in regard to being able to report animal cruelty in emergency situations?

PETER DAY: If you go back to the question around the two-out system, I'm aware RSPCA adopted that program. We certainly would acknowledge it and support that around the safety provision. That followed a major review they did into their operations there. We look at that. That comes into a bit of a broader area with compliance around how they triage, how they prioritise their complaint receivable and what they look at. I think we're aware that, for them going out with the two-out system as well, there would probably be a reduction in overall complaints being investigated. To date, looking at the figures provided so far around the complaints, it doesn't look like it has had a big impact on their numbers. They've done over 10,000 investigations.

CORRECTED

The Hon. EMMA HURST: To interrupt you there, the reason why it hasn't had a big impact is that they reported this morning that they're not going two out because they can't do that. They're only actually going two out if they've been alerted by the police that this is an extremely dangerous situation. The reason why you're not seeing a change in the figures is that they're still not going two out because they can't afford to do so. My question was, is that something that comes under consideration within the department when the funding's decided—that human safety risk that still exists within the RSPCA, and that one inspector is going to many of these jobs?

PETER DAY: As part of their application for their deed for this current financial year, their consideration was the number of inspectors they had. They were pretty clear to us that they were utilising the two-out system, so the panel took that into consideration at the time.

The Hon. EMMA HURST: Are you saying the evidence that they gave this morning was incorrect or just different to what you've heard?

PETER DAY: I'm saying they might vary that in terms of how they're operating. What I'm saying is the application they made for the deed was referencing the 40 inspectors, the number of investigations they would be able to do with that model and that they were moving to that two-out system.

The Hon. EMMA HURST: But the model that they were proposing to you was for \$20 million, and they were only given half of that funding. I'm assuming that, if the RSPCA was in the room, they'd say, "Yes, but that was based on getting twice as much money as we did. We got half of that, therefore we can't afford to go two out." Was that a consideration with the department in regard to making a decision to give them half of what they were asking for—that there would be that human safety risk?

PETER DAY: No, the consideration was really around the funding envelope we had to provide to both organisations based on the number of inspectors and what they anticipated to be able to deliver with that money based on their application.

The Hon. EMMA HURST: I guess the decision, then, within the department was a recognition that what these charities were asking for would have to be halved, essentially—if we're just taking the RSPCA, for example—and that, whatever they propose to you, if they get half of that, everything would be halved. The question is then, if the department has a responsibility for the legal enforcement of animal welfare laws, how does the department then reconcile that with the fact that these charities will only be able to do half of the work that they say they need to be able to do in regard to the enforcement requirements?

RACHEL CONNELL: I think this goes back to the issue we've just been working through in that the grant process and the funding deed both made it clear that the Government contribution was a contribution towards the enforcement and compliance costs. The funding deed includes a clause to say it's funding to support the resourcing of the powers and functions. I think a copy of the deed was tabled this morning, so you've probably got the benefit of that now. The other issue we've been discussing this afternoon as well is the model has, for many years, been based on the New South Wales Government contributing part of the resourcing. That has increased significantly over the last three years. Yet we note—and I think it's clear from the financial statements of both bodies—that they draw on other sources of funding to contribute to those costs.

The Hon. EMMA HURST: I guess that goes back to my questions that you've taken on notice.

RACHEL CONNELL: Yes.

PETER DAY: I might just add that from their application they made for the deed this year, they stipulated that they will maintain approximately 40 full-time inspectors. In response to the New South Wales parliamentary inquiry into POCTAA enforcement, RSPCA NSW has continued to implement the two-up inspectorate model for field investigations, which we fully implemented in 2025-26 financial year.

The Hon. EMMA HURST: Yes, my understanding is that they did put that in place when they got the \$20 million funding, but since the funding has significantly reduced, they aren't able to do that anymore. That's the evidence that they gave this morning, and I understand the submission is based on trying to get back to \$20 million. Without that, my understanding is that that's not able to be done. I have a couple more questions. One other thing that they raised this morning was the increased amount of work that's put onto the RSPCA with the different changes to prevention of cruelty to animals laws. They particularly talked about the new puppy farming legislation and their requirement to inspect facilities that have been put up for exemptions, for example. Is that something that has been given consideration to in regard to the increased workload that's being given by the New South Wales Parliament, in regard to at least the contribution that is given?

PETER DAY: I guess that mirrors very much the increase in funding that has been provided over the last couple of years, as opposed to the recurrent model that was given since 2007 and 2008 for both agencies.

CORRECTED

The Hon. EMMA HURST: I'm talking about more recent legislation. Obviously, the amount of funding that they received in 2007 and 2008 was really ridiculous; I think we can all agree to that. That went nowhere near where it should have been, and it has taken a lot of work to get even to where we are now. I think we're all on the same page with that. I guess the question now is even since the \$20 million that went to them from OLG, we've changed a lot of significant laws, and one of the largest ones for the RSPCA is the puppy farming legislation, which is very recent legislation. Was the increased amount of work on the RSPCA from the puppy farming legislation considered in regard to the grant that they were provided?

RACHEL CONNELL: We'd have to check that it was specifically raised in their application. The process encompassed them exercising the powers and functions that they have under the Prevention of Cruelty to Animals Act and, obviously, the puppy reforms are part of that. To the extent that the funding is to implement the POCTAA legislation, yes, that's obviously a key part of what they're now doing.

PETER DAY: My understanding was there was a taskforce stood up for a while to focus on that. Generally, that's now wound back into business-as-usual activities. Part of the deed process is the emphasis on—

The Hon. EMMA HURST: Wasn't that taskforce was set up by Adam Marshall prior to that, a long time before the puppy farm legislation was passed?

PETER DAY: Yes, but I'm talking about in terms of workloads and that type of thing. It was targeting the issues with the puppy farms out there. Where we'd now focus on is the attention on proactive inspections. Hence, the deed, in consultation with those two agencies, works out a factor of recognising the benefits of a proactive approach. It's not just reactive to cruelty complaints, but also has a proactive approach around high-risk operations, rodeos, saleyards, breeding facilities—that type of thing as well.

The Hon. EMMA HURST: I want to quickly touch on something that came up this morning around the RSPCA returning puppies. When they've seized a pregnant dog from a cruelty case and puppies are born, they are weaned at the RSPCA and then returned to the person that was the person currently being charged with animal cruelty. They said that there were loopholes within the POCTAA legislation that meant that they had to return those dogs to situations that are extremely vulnerable for those puppies. Is that something being considered within DPIRD for the upcoming legislation—to close those loopholes so that vulnerable animals aren't returned into dangerous situations?

PETER DAY: We're aware of their submission. We are considering their points as part of the broader consultation we're making in terms of the POCTAA review.

The Hon. EMMA HURST: They did mention that they weren't sure if it was in the submission, so I just want to double-check whether DPIRD is aware of that specific issue and if you're looking into that specifically.

PETER DAY: Yes, we are.

Ms ABIGAIL BOYD: I have a couple of questions. Firstly, what's happening with the independent office of animal welfare?

RACHEL CONNELL: That's obviously a matter for the Government.

Ms ABIGAIL BOYD: So the department's not been involved in any sort of consultation process?

RACHEL CONNELL: We've looked at different options and scenarios and provided advice on potential different models. But, ultimately, it's a matter for the Government.

Ms ABIGAIL BOYD: Nothing's happening, then, is what I'm hearing. Surely you'd be aware. If there was draft legislation or something about to be proposed, there'd be some sort of input sought from yourselves, wouldn't there?

RACHEL CONNELL: Yes, but as you'd appreciate, it's standard practice for departments to be involved in providing advice on options for legislative reform. But, ultimately, it's a matter for the Government to determine whether it introduces legislation. I will just return to my previous answer.

Ms ABIGAIL BOYD: When was the last time your advice was sought in relation to this?

RACHEL CONNELL: I'd have to take that on notice.

Ms ABIGAIL BOYD: Was it this year?

RACHEL CONNELL: Yes, I can recall we've provided some information as recently as this year.

Ms ABIGAIL BOYD: Yes, maybe take it on notice. But you're certainly not aware of any public or stakeholder consultations?

CORRECTED

RACHEL CONNELL: Not at this stage, but I'll take it on notice so we can provide clear information back to the Committee. I know we've done some targeted engagement last year, but I'll check. I'll take it on notice.

Ms ABIGAIL BOYD: What does targeted engagement mean? Does that mean having a meeting with somebody?

The Hon. GREG DONNELLY: Point of order: The witness is doing her best to answer the questions posed to her. She's made it very clear, though, about the position that she's in. I understand the line of questioning, and it can continue, but the witness has expressed her position on what she needs and how far she can go to answer this question. It's reasonable for that need to be taken into account. I understand the question is being pressed. That's fine. But if the witness needs to take this on notice, she should be allowed to take it on notice. The ongoing pressing starts to become a bit difficult for the witness.

Ms ABIGAIL BOYD: To the point of order: I will move on. I'm not sure 100 per cent agree. I think I was asking different questions.

The CHAIR: I was going to rule in your favour anyway, Ms Boyd. The witness is capable of handling these questions. If a question steps over the line, where she can't answer it because it's a matter for government or it's Cabinet in confidence or whatever, she is adept at being able to make that distinction. I don't think the pressing has got to Ms Connell too badly.

The Hon. GREG DONNELLY: I appreciate she's very competent in answering but I just make that note.

RACHEL CONNELL: The additional point I was going to make is animal welfare reform has obviously been a key focus for the Government and the department over the last couple of years. We've progressed the staged repeal of the regulation. There were amendments made to the principal legislation in 2004. The Minister has made it clear that there's work underway in relation to additional amendments to the POCTA Act; there was a statement in January. We meet with a broad range of stakeholders through those processes. Quite a few of the submissions in those processes have raised different views on an independent office of animal welfare. It's not uncommon for it to come up in those engagements that we have with a broad range of stakeholders.

Ms ABIGAIL BOYD: Okay. I do respect that you're between a rock and a hard place, so I will leave it there. Some submissions have suggested that the enforcement activities currently undertaken by the ACOs would be better off being undertaken directly by the department. Do you think the department has the resources and expertise to fulfil that function?

RACHEL CONNELL: Really, that's requiring us to express an opinion, which obviously is not something we'd feel comfortable doing. The one thing I would note is—I would just refer back to the comment I made earlier—modern compliance and enforcement or regulatory practice, we kind of summarise it in terms of a regulatory triangle. You've got prosecutions at the peak of the triangle, the pointy end, and education is a key component of any effective compliance and enforcement framework. We note that the ACOs both undertake really effective education campaigns and ongoing work in relation to the importance of animal welfare outcomes in New South Wales. Some of that work comes through really quite strongly in their annual reports. I can't recall the name of it, but I note the RSPCA has a new initiative this year based on preventative action and, obviously, reducing the numbers at the pointy end. There's a lot of evidence in all kinds of regulatory frameworks that prevention can be a much more effective tool.

Ms ABIGAIL BOYD: Sure. But again you've pointed to the RSPCA and the AWL as being the ones who currently do that work as well. You've got the ACOs doing the enforcement work and the prevention work and everything else, but then they are completely reliant on what has been inadequate funding from the Government. If the alternative is that they go under and you have to suddenly take that up, is that something that the department is capable of doing?

RACHEL CONNELL: I think that again is pushing us to express an opinion on a hypothetical situation. But I would note we also undertake some really great education work. We've got a stall out at the Royal Easter Show at the moment on the puppy farming reforms, so if anybody's heading to the show over the next week or two, we'd encourage you to go and visit our staff there.

Ms ABIGAIL BOYD: Perhaps you'll consider the kitten farming part of that as well. Has there been any work done? I think we've had this this conversation many times in these committees that when people were calling for an end to puppy farming, they were also calling for an end to kitten farming, but that was conveniently left out by the Government. Has there been any further consultation in relation to ending kitten farms?

PETER DAY: The focus of the work to date has been on the dog breeding facilities, and we're currently working at the moment on the breeding code as well. That's our priority in terms of our current framework.

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The CHAIR: I'm going to test Mr Donnelly's resolve and just press slightly on the office of animal welfare. You talked about presenting options to government. Are you able to tell us how many options you have presented to government? Just a number. I don't need the details of what those options are.

The Hon. GREG DONNELLY: He's very good at this.

The CHAIR: I've been here before.

RACHEL CONNELL: I'd have to take that on notice. I think it's probably about four. That's common in policy development.

The CHAIR: Yes, you throw a few out and see which one the Government wants to take a bite at.

RACHEL CONNELL: Yes. You present the status quo, and then you present a small, medium and broader range option. That's pretty standard policy practice in government.

The CHAIR: Just going back to our previous inquiry's report, we made a recommendation that the Government undertake a standardised annual reporting framework for the ACOs to ensure sufficient transparency and oversight, and the Government kindly supported that and said that the ACO's funding agreements require the department to provide quarterly progress updates on annual reporting requirements. Are you able to provide any more granular detail as to what the ACOs provide in those quarterly reports? Because we heard evidence today that RSPCA are now hiding their euthanasia rates in their annual reports and inspectorate statements. We've also had calls for a greater level of detail in terms of inspectorate activities, so going down to a species level rather than grouping small animals and large animals. People want to see how many cats are you dealing with and how many dogs, rabbits et cetera. What exactly is the level of detail that you receive in those quarterly reports?

RACHEL CONNELL: There are probably two elements to answering that question. I'll let Mr Day deal with the second half, but obviously the first half is what the deed sets out that we require. I think you've got the benefit of that deed now. There's a specific chapter on reporting and monitoring.

The CHAIR: I don't think we've actually seen the deed. They took it on notice, so it'll be 21 days before we get to see it.

RACHEL CONNELL: I'm happy to walk the Committee through the elements of the deed. The deed has three clauses that are focused on reporting and monitoring. Clause 14 requires them to produce progress reports. Clause 15 focuses on financial information and clause 16 on evaluation. But as to what we receive in those reports, that's probably a bit of a separate answer, so I'll pass to Mr Day.

PETER DAY: We basically receive three levels of reporting. The monthly reporting under the deed really provides the operational data in terms of complaints received and investigations and proactive inspections against the deed numbers. The quarterly report is really around the financials around the enforcement expenditure. That's been acquitted against the grant funds to date. That then allows the provision of payment of the invoice as part of that deed arrangement. Then, at the end of the financial year, they've got time to submit what we call the 34B report under the legislation, which basically outlines a whole range of activities. It's quite a comprehensive report that outlines seizures, actions taken, the actual type of matters they've investigated, what the breach is related to—a whole range of activities from that.

The CHAIR: But not species level?

PETER DAY: Not species level. That's recognising that I think some of the witnesses—and I may be wrong here—were talking about euthanasia in shelters and pounds, which would refer to requirements or information under the Companion Animals Act back to the OLG.

The CHAIR: They were comparing that level of transparency to what I think RSPCA—

PETER DAY: We're talking about just seizures but, no, it's just numbers of seizures at the moment.

The CHAIR: It was put to us by a previous witness that seemingly, from the data, the RSPCA are carrying very few cases through to prosecution, and the majority of the investigations into animal cruelty are stopping at people just accepting a guilty plea because they can't afford to go to court and defend themselves. They're just copping the guilty plea and copping the fine and that's where it stops. Do you have any data that you could present to us that would highlight that and refute that? Is that the intended outcome of the Act—that people plead guilty just because they're not going to have enough money to defend themselves?

PETER DAY: The number of PINs or fines issued versus prosecutions—if you look at the RSPCA in the last financial year, they had 156 prosecutions commenced, which was an increase from 96 the year before.

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The CHAIR: How many of them went to court rather than just taking a guilty plea? Do you have that level of data?

PETER DAY: No, I'd have to take that one on notice.

The CHAIR: If you could, that'd be great.

The Hon. SCOTT BARRETT: There's a current deed in place for 2025-26. As of 1 July, who is the New South Wales Government funding to enforce POCTAA?

PETER DAY: In terms of 1 July, there are two ACOs, which are AWL and RSPCA.

The Hon. SCOTT BARRETT: Will they be funded on 1 July?

PETER DAY: The funding is a different matter in terms of the actual contribution towards their activities, but they are recognised and operate as approved charitable organisations under POCTAA for the purposes of enforcement.

The Hon. SCOTT BARRETT: But they won't be funded at that point by government.

PETER DAY: There will be a gap until the new deed comes into effect, but their powers and activities would continue as they have for numerous years.

The Hon. SCOTT BARRETT: Are they under any obligation to enforce POCTAA at that point?

PETER DAY: They're empowered and have responsibilities under the Act, in terms of their functions, to investigate matters if they want to retain the responsibility as an ACO under that Act.

The Hon. SCOTT BARRETT: So they do have an obligation.

PETER DAY: They're recognised as an ACO under the Act. That's their purpose, in terms of that authorisation as an officer under POCTAA, and we would expect that they would maintain that until they lost their ACO status in terms of their responsibilities under that legislation.

The Hon. SCOTT BARRETT: Even without funding from the Government to perform that role.

PETER DAY: But that goes back to the other point: They receive funding from a range of sources. The funding alone from us does not cover all of their costs in terms of enforcement or regulatory operations.

The Hon. SCOTT BARRETT: When does the new grant application begin?

PETER DAY: We hope to be commencing that. Obviously, we'll be advised of a budget envelope in due course, and then we'll be engaging with the ACOs through that process. Hopefully, in about April we'll start that process for the next financial year.

The Hon. SCOTT BARRETT: What are the benefits of the competition between the two ACOs?

The Hon. GREG DONNELLY: You could always take that on notice.

PETER DAY: We look at it from a point of view—we don't look at it as a benefit. We look at it as a totality of number of inspectors. I guess, if we look at the number of inspectors over the years, the State has retained, on average, about 55 inspectors all up from both organisations. I guess it provides a bit of diversity in terms of geographic spread as well, recognising that RSPCA probably has broader coverage than AWL. But AWL, as an organisation with responsibilities, has certainly grown and expanded its number of inspectors and its functions as performed. From a service point of view, I guess we're satisfied that both agencies are fulfilling their needs in terms of ACOs under the Act.

The Hon. SARAH MITCHELL: Can I ask a follow-on from that? Some of the other evidence we heard today were concerns from organisations about the dual roles of them being enforcement agencies and advocacy or charitable organisations. They did mention—I think RSPCA, particularly, said that they work closely with your department. Do you see any conflict in them having both roles, or do you think that's managed well in your engagement with them as a government agency?

RACHEL CONNELL: We've talked quite a bit, in the opening statement in particular, on how, obviously, there were some key recommendations out of previous inquiries about improving transparency in relation to the way the organisations operate. There's been legislative reform to deal with that. They're now subject to the Ombudsman Act and the GIPAA legislation. I would note that it's quite standard practice for compliance agencies or entities to provide advice to policymakers about which aspects of a compliance framework are working well and which aspects need improvement or for which there are issues or challenges. It's not unusual.

The CHAIR: That concludes our time with you.

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PETER DAY: Chair, one thing that I think we took on notice around the provision of information around the ability to refer complaints to the Ombudsman's office. I'm just advising that that information is on our website under the animal welfare section under POCTAA. People can access that as well.

The CHAIR: Thank you for that.

The Hon. SCOTT BARRETT: Ms Connell, did you say you would table that deed for us? Because the others took it on notice, I presume, to check with you before they tabled it.

RACHEL CONNELL: What I will say is, I think it's part of the supplementary questions for our previous estimates hearing. Those responses are due, I think, next week.

The CHAIR: Thank you for your time this afternoon. You did take some questions on notice, and there may be some supplementary questions that come through. The secretariat will be in touch regarding those. Enjoy your Easter break.

(The witnesses withdrew.)

(Short adjournment)

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Ms MARY MACKEN, Private Individual, sworn and examined

The CHAIR: We now welcome our next witness. Thank you for making time to give evidence today, Ms Macken. I note that you are appearing under a summons issued by this Committee, pursuant to section 42 of the Parliamentary Evidence Act 1901. Would you like to make a short opening statement before we go to questions?

MARY MACKEN: Thank you, Chair and Committee members. I appear today as a wildlife rescuer. I'm a member of a wildlife rescue organisation, WIRES, and I had a director role on that organisation from 2021 to 2025. The RSPCA performs an important role, but it should have a more limited role with wildlife carers. The police are the only ones with appropriate expertise to deal with such issues; however, the police will not have the resources to deal with wildlife. Accordingly, RSPCA could be left to deal with allegations of cruelty, but only if it reviews and disconnects from its reliance on WIRES. That is, the RSPCA must rely entirely on its own investigations to pursue a wildlife carer. It must also train its officers heavily in procedural fairness and it ought to be put under an oversight body, such as the Law Enforcement Conduct Commission.

That said, wildfire cruelty by carers is very rare. Wildlife carers invest time, sit through training and invest their own money. Why would volunteers spend time and money registering, training, fundraising, food gathering and getting up during the night to be intentionally cruel to wildlife? The RSPCA should have no work to do in actions against wildlife carers because these are wrongly captured by the POCTA Act. The POCTA Act is an old Act from an old time. It is a 1979 Act, when the wildlife sector was misguidedly captured without sufficient thought. Section 3 of the Act wrongly draws wildlife carers into the clutches of the Act if they don't take their animal to a vet immediately.

On most occasions, a carer should be given training and mentoring. Currently, investigations or briefs are put together by WIRES and given to RSPCA. Occasionally, flawed briefs are sent out to external lawyers who make recommendations on briefs they do not realise are flawed. The RSPCA should do its own investigations. Because of current and historical relationships between RSPCA officers and WIRES officers, there is an unhealthy interface and reliance by RSPCA on material supplied by WIRES. WIRES should just do a referral, as should anybody else who thinks that there has been cruelty to animals. WIRES objects are only about animals and their welfare, not about enforcement. To me, RSPCA objects appear to be wider, but equally not particularly about enforcement. But I'm not an RSPCA expert.

For both of the Acts, the Biodiversity Conservation Act and the Prevention of Cruelty to Animals Act, the penalties are horrendous. For breach of POCTAA, a carer can receive a criminal prison term of two years imprisonment or four years for aggravated cruelty. Tracy Dods was a recent case in the media where a carer was charged with aggravated cruelty and had to spend her own money to appeal that. She was successful in her appeal. Heavy financial penalties can also be laid on the carer, up to \$110,000. Penalties for breach of the BCA are also enormous. Equally as bad, you can't operate a sanctuary anymore if you are charged with breaches of those Acts. The animal that you have nurtured is seized and generally destroyed.

The briefs given by WIRES to the enforcement agencies can be infected by bias through lack of expertise in this area. They lack neutrality. They do not contain all, or indeed any, exculpatory material. The brief might be headed "legal brief", giving the impression that a qualified legal person has had input, when no legal practitioner has had input into the brief. In any small organisation with limited, if any, legal expertise or oversight by an independent body such as LECC, investigations can be used opportunistically to get rid of people with a differing agenda or for political reasons.

Any prosecutions, or threatened prosecutions, that have already occurred or are currently ongoing based on flawed briefs should be reassessed. The RSPCA needs oversight on enforcement to ensure it injects the golden thread of procedural fairness into its processes. Donors and testators give their money to both WIRES and the RSPCA expecting it to be spent on animal welfare—that is, caring for the animal, providing it with food and shelter. They don't expect the money that they give—and choose to not give to their grandchildren, for example—to be spent on enforcement proceedings.

If there are legal delegations to the RSPCA or WIRES, these should be public so that the public is fully apprised of what the actual process is. It's very difficult for the public to work out which department is in charge and, indeed, which department head has the carriage of the delegations given to the officers and where those delegations can be found. Both animals and the carers are extremely vulnerable. Flawed investigations lead to flawed outcomes. Even if there is no actual prosecution that results, carers can be threatened with proceedings. There's no-one helping them. The threat of a prosecution ruins the life of a vulnerable person, who themselves are looking after a vulnerable animal. The most disempowered are those that are harmed. Both animals and carers are

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disempowered. Both fall within the gap in oversight. Neither WIRES nor the RSPCA has sufficient oversight, yet they perform a role that has grave, life-changing consequences for both people and the wildlife they care for.

With your indulgence, I'll just give some recommendations for consideration: POCTAA should be reviewed so it cannot be applied to already compromised wildlife. Section 5 of POCTAA needs to be amended so that failure to engage a veterinary practitioner does not cover wildlife carers who have consulted with an experienced fauna rehabilitator; that is, section 5 should reflect the New South Wales codes of practices to the effect that an experienced fauna rehabilitator can assess wildlife. Ergo, not taking an animal to a vet is not act of cruelty if the animal has been taken to an experienced wildlife rehabilitator. The inquiry could also look at the RSPCA's relationship with WIRES, which has resulted in a flawed enforcement role for the RSPCA. There is increased pressure on vets caused as a consequence of the RSPCA enforcing the POCTAA when carers cannot comply with the insistence that animals see a vet rather than a fauna rehabilitation specialist. Often, there are geographical reasons why we cannot get a kangaroo to a vet immediately, or indeed every day.

The CHAIR: The Committee has agreed to have free-flow questions. They will come from anywhere. I might kick off. You talked about unhealthy relationships between WIRES and RSPCA. Are you able to give us any more detail on that? Is it because former inspectors have left RSPCA and are now working in WIRES, or vice versa? Where is this unhealthy relationship felt?

MARY MACKEN: Perhaps that was a bit too pejorative, but there are a lot of RSPCA inspectors working in WIRES. The CEO's a former RSPCA employee. I'm not sure what her role was. The former head of the welfare team was an RSPCA employee inspector. I'm aware of two other employees, who either are or were at WIRES, who are RSPCA inspectors. I just feel that the enforcement body needs to be entirely independent so that the legal process follows the golden thread of procedural fairness.

The CHAIR: You mentioned the Tracy Dods case. Obviously, that has come up a bit in this inquiry, not only today but in submissions. Do you believe WIRES overstepped its role in that case in terms of its involvement in providing information to RSPCA, or being present at the entering of Ms Dods' property? Do you think they overstepped?

MARY MACKEN: I think, yes. I think, from what I've read, Ms Dods was not aware that, when there was a Zoom call, she was going to be the subject of something that could lead to criminal prosecution. A lot of WIRES carers are in that position, because they sign conditions of membership where they consent to immediate inspections, not realising that, really, a search warrant or consent should be obtained if you want to inspect people's facilities. But to answer your actual question, Chair, I don't think it was appropriate.

The CHAIR: Do you think this case will possibly have a chilling effect on people putting their hand up or continuing to want to be wildlife carers, having seen what Tracy has gone through?

MARY MACKEN: I think the first-instance case would definitely have had that effect, because Ms Dods was found guilty. She was sentenced to four years for aggravated cruelty and, as far as I understand, she couldn't have her pet dog live with her any longer and had various other personally upsetting things happen as a result of the guilty conviction. I'm not sure how it will play out in the sector with volunteers, because they're aware that her appeal was successful. But I think the whole grey area around what wildlife carers' rights are and the incredibly horrendous penalties that can attach if an allegation of a breach of one of these Acts is made is a very unsettling and dissuasive factor for wildlife carers.

The CHAIR: I've thought of this analogy before. It might not be directly applicable but, when a human performs first aid on another human, they're covered under the good Samaritans Act. They tried their best. Successful or not successful, they can't necessarily be prosecuted for at least having a go to try to provide care. Why don't we protect wildlife carers such as WIRES carers in a similar way—that they do their best, noting that you're not going to be able to save every single animal. As long as it can be shown that they've done their best, they shouldn't be subject to the treatment that Ms Dods was. Is that something that should be worth considering?

MARY MACKEN: Indeed, Chair. I think these carers just want to do the best for their animal. They stop at the side of the road when they see injured animals. They don't drive by and they don't look the other way. They endanger their reputation, their finances—their whole world—when they take an animal into care, if they are accused of not doing the right thing. So I think it's a gap. There's a gap.

The CHAIR: One final question from me, and apologies if it makes you feel a bit uncomfortable given your former position in WIRES. We've had submissions put to us that WIRES are restructuring their organisation to take on more of an enforcement role. Perhaps Tracy Dods' case was the first foray into that realm. Formerly being in a significant position in WIRES, is there any evidence to suggest that that may be the case, from your perspective?

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MARY MACKEN: There were recently some attempts to change the constitution and some of the objects. There are currently 11 objects in the existing constitution, and they're entirely to do with rescue and rehabilitation of native fauna. The new constitution that was proposed did have an extra object—or maybe two extra objects—that did seem like there was a new pathway there, potentially, for enforcement.

The CHAIR: On notice, are you able to provide us the details of those two or three changes?

MARY MACKEN: Extra objects? Yes.

The Hon. EMMA HURST: Thank you so much for your time to give evidence today. I imagine it's quite difficult to come before a committee and to talk about these sorts of things. We really appreciate you coming forward. I've got a question in regard to the reimbursement of veterinary costs for wildlife carers and whether wildlife carers are ever really required to pay for some of that veterinary cost over and above all the other costs that they're actually experiencing when they take in those animals; and, on top of veterinary cost, what kinds of costs a private or volunteer rescuer is already taking on when they take in one of these animals and is trying to rehabilitate them.

MARY MACKEN: The vets are supposed to do wildlife work for free, and that's a burden for them, as much as they want to do it, because in Sydney it prevents them dealing with their paid clientele. The vet costs are reimbursed by WIRES, but there's a lag, and there are all sorts of difficulties with them, and it's a fairly fraught area. Carers can get reimbursed for food. As long as they can find a vet who will deal with wildlife, the vet should get paid by WIRES. But I do know of many instances where people have just paid.

The Hon. EMMA HURST: Is that because the system is so complex to work around?

MARY MACKEN: Yes.

The Hon. EMMA HURST: I work with quite a few wildlife carers myself, and the ones that I know are out there doing so much work are often skipping meals because of the cost of actually taking in these animals and trying to help them; they may not necessarily be WIRES volunteers. Is that sort of the situation that you see—that many of these people are bearing a lot of those costs on themselves?

MARY MACKEN: People always go the extra mile and have an extra aviary or pay for something themselves. Generally, they do put themselves out a lot. Also, if you're looking after what is called pinkies, the young neonatal—well, just born or nearly adolescents—then you're getting up every three hours to feed them and that sort of thing. There's an enormous amount of self-sacrifice by the wildlife carers.

The Hon. EMMA HURST: I asked a question earlier today of a lawyer with the Animal Defenders Office, Ms Tara Ward, because she raised this case in her submission as well. We talked about this concern she has that there are cases that should be taken on and prosecuted that aren't, and cases that are suddenly being taken on with full force and dragged through the court for a very long period of time that they think shouldn't be. Is this the first case that you have seen where that seems to be the case? Do you back her evidence that there seems to be a bit of a pattern here where you've got a private charity that can pick and choose which cases that they take, and they're not always necessarily picking the cases that are in the best public interest?

MARY MACKEN: There are other public cases. There's the case of Coral Johnson, there's the case of Kerrie Sicard and there's the case of Adriana Turk. There are other public cases which are similar to Tracy Dods but in different fora. It's a small organisation, and in any organisation where you don't have someone who's well legally trained, there's going to be a lack of procedural fairness, which means—I mean, everyone has got biases. Yes is the answer to your question.

The Hon. EMMA HURST: The charge of aggravated cruelty is quite a high-level offence for the RSPCA to choose, and there have been suggestions from previous witnesses that Ms Dods was targeted specifically. I'm just wondering if you have any further information about that or if you're able to talk about those claims that we've seen in some of these submissions.

MARY MACKEN: I think the Tracy Dods case largely predated my experience. I only know what I've read in the papers and what I've seen—sorry, Deputy Chair, I've lost the question.

The Hon. EMMA HURST: That's okay. I'm happy to put it again. I mentioned that aggravated cruelty is quite an extreme offence. We've got cruelty to animals as an offence, which is neglect, for example. Then we've got aggravated and serious cruelty, and they're much higher level offences to be prosecuting. There's been suggestions in some of the submissions and some of the evidence given earlier today that this particular individual was targeted for this particular prosecution and it was particularly unfair. She may have been targeted in some kind of unfair way. I wonder if you had heard that as well and if there's anything you can share with us about those claims.

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MARY MACKEN: I am aware that there's a zealotry with which one side of the camp believes that Dolores the kangaroo was mistreated and just will not see that the kangaroo was taken to very experienced fauna rehabilitators. There's a complete impasse between—the prosecuting-minded camp will not see that there's any other way to look at that. But I'm not aware of any targeting.

The Hon. EMMA HURST: You mentioned in your opening statement that you'd like to see a recognition within the legislation, particularly in the wildlife space, that somebody has taken that animal to a dedicated wildlife expert. Can you help us understand how we would define a dedicated wildlife expert, as in regard to the level of experience or level of training? If there was to be a difference in the legislation so that people could prove easily that they got the care needed for a specific animal, what do you think that would look like?

MARY MACKEN: My understanding is that in the code of practice—which I think has some sort of quasi legislative force or is at least the subject of a ministerial order—an experienced fauna rehabilitator is defined. It's defined as someone, I think, who's recognised within the sector as such, to the extent that they're a successful fauna rehabilitator. There's already a definition in the code of practice, so you could get someone independent to further define that. It's in the code of practice, and it's supposed to be applied to section 5 of POCTAA but, as you're aware, section 5 of POCTAA says a person must take the animal to a vet or be under the vet's direction. It's the situation that that is interpreted narrowly by both the RSPCA and WIRES; they give a very narrow interpretation to that. In the current cases that we're looking at, I don't think there was any interpretation in favour of the code of practice interpretation.

The CHAIR: You rattled off a few other cases that you said were similar to the Tracy Dods case. Were they cases where WIRES were reporting complaints to RSPCA?

MARY MACKEN: Yes—no. They're all public cases. One is Coral Johnson, a 50-year wildlife carer who picked up a possum in the middle of a typhoon. It was reported to RSPCA. The charges were ultimately dropped, but it was a similar unfortunate unfolding of events where the carer just did her very best. She was 80. She couldn't get the possum to a vet immediately because of a typhoon and got reported to RSPCA.

The CHAIR: In all those cases that you rattled off, was it a situation where WIRES attended with the RSPCA in the raid? I know Mr Coleman won't like me calling it a raid, but that's the best way to describe it.

MARY MACKEN: I'd have to check.

The CHAIR: It seems highly unusual that a complainant, in this case being WIRES in the Tracy Dods case, would then go along and actively participate in the investigation of one of their members and not step back because they're not actually an ACO. It seems like they took it upon themselves to insert themselves as a quasi-ACO.

MARY MACKEN: I'd have to check what the exact circumstances were.

The Hon. GREG DONNELLY: Thank you very much for coming on this afternoon. I appreciate the circumstances upon which you're appearing, and I'm sure you appreciate that parliamentary privilege applies to the evidence you're providing to the Committee this afternoon. In light of that evidence, in your opening statement about the matter of briefs—I think you used the term "flawed briefs" from WIRES, or the existence of what you judged to be potentially flawed briefs—is it your evidence or your position that all current briefs prepared by WIRES and in the possession of the RSPCA or AWL or any other organisation should be reviewed before reliance is placed on those briefs to proceed with a prosecution or other action?

MARY MACKEN: That's actually a really good idea. But WIRES itself has no enforcement rights whatsoever. These objects don't give it any enforcement powers, so it should just be like any other citizen. If there's cruelty perceived to have occurred, it should just refer it on to RSPCA. But even when RSPCA does an investigation or a brief, I'm not sure what they do with it. But they should do their own, and it would be great if it was reviewed by somebody the way normal criminal briefs are reviewed.

The Hon. GREG DONNELLY: Following on, to the extent that the RSPCA or AWL or anyone else might have in their possession a document which is headed "WIRES brief" or "WIRES background statement" or whatever, those documents, to the extent that they exist, need to be read and looked at and understood with a degree of caution and careful consideration before they're used for any purpose?

MARY MACKEN: Yes, very much so.

The Hon. GREG DONNELLY: Following on from that, would it be your evidence, or your position, that the RSPCA, AWL or other organisations—I think you've actually answered this, but I'll just repeat it—should no longer be relying on or accepting these document briefs produced by WIRES for the potential utilisation in actions?

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MARY MACKEN: Yes.

The Hon. GREG DONNELLY: My final one is a broad Dorothy Dixier. Given that you're here—and, in the circumstances, we are most grateful for you coming along to provide us the opportunity to ask you questions and achieve some elaboration on the points that you've made—are there any matters that you want to put on the record that haven't been caught by the questions that we've asked that you specifically may have hoped to or intended to make some particular points on this afternoon? We have offered questions to elucidate that opportunity. Is there anything else that you wanted to say specifically?

MARY MACKEN: I'm a humble property lawyer. In my professional career, I've done wills for people. Both RSPCA and WIRES get a lot of money both from people who donate money, but they also get money from people who choose not to leave it to their granddaughter, but they give it to the charitable organisation. They do that understanding that the organisation is using the money for the objects in its constitution. They might not really read the objects in the constitution, but if they've gone to their lawyer, their lawyer will have gone, "Yes, it looks okay." They'll have confidence and believe that the money is being applied towards the wildlife that they see—the beautiful pictures about the beautiful rescued possum.

I think it's really important that when people leave their money in a will and WIRES gets about \$5 million a year—I'd have to check, but approximately. That's a lot of people leaving money hoping that it will be applied towards the welfare of an animal, and not necessarily towards enforcement proceedings against the people who care for animals. There might be some argument that you can do things that are ancillary to your objects, and therefore the occasional enforcement procedure is ancillary—the occasional one—but not as almost everyday business, that you have enforcements going on and going on and going on. It's really just something that you would do as an exemplar—you pick an egregious one and it's in the public interest to pursue. I don't think people expect that their donated money, or the money they leave the charitable organisations in their wills, is going for that type of pursuit, which is not allowed in the objects. I think that's the same for all the charities.

The Hon. GREG DONNELLY: Once again, thank you very much for your evidence.

The CHAIR: Ms Macken, that concludes our time with you. We thank you very much for coming and giving evidence today. I don't believe you took any questions on notice. You may have. We may have some supplementary questions that we may put to you in writing, but the secretariat will be in touch.

MARY MACKEN: I think, Chair, you asked me for the two objects.

The CHAIR: That's correct. Sorry, I forget my own work. Thank you very much for your time. That concludes today's hearing.

(The witness withdrew.)

The Committee adjourned at 16:00.