

## 2023 Inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* – Government Response

#	Recommendation	Response
1	That the NSW Government take a stronger oversight role of the operational protocols and work health and safety standards of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979.	<p><b>Support</b></p> <p>The current Approved Charitable Organisation (ACO) funding agreements require the Department to be provided with current ACO policies and procedures including those related to operational protocols and work health and safety standards.</p>
2	That the NSW Government undertake a standardised annual reporting framework for approved charitable organisations, to ensure sufficient transparency and oversight, that has regard to: <ul style="list-style-type: none"> <li>• the reporting of cruelty offences</li> <li>• investigations and prosecutions</li> <li>• animal welfare outcomes, such as euthanasia rates</li> <li>• expenditure and use of public funds</li> <li>• operations of the inspectorate, such as inspectorate numbers.</li> </ul>	<p><b>Support</b></p> <p>The current ACO funding agreements require the Department to be provided with quarterly progress updates on annual reporting requirements.</p> <p>These requirements will ensure an appropriate level of rigor relating to government funding and provide transparency for stakeholders and the community about ACO enforcement operations.</p> <p>These reporting requirements are in addition to requirements under the <i>Prevention of Cruelty to Animals Act 1979</i> requiring the Department to be provided with an annual report outlining relevant operational information.</p>
3	That any recurrent government grants to approved charitable organisations be accompanied by greater rigour and oversight, including clear reporting obligations.	<p><b>Support</b></p> <p>Government funding for ACOs is administered with a high level of rigor and oversight aligned to NSW Grants Administration Guide requirements set out in the <i>Government Sector Finance Amendment (Grants) Act 2023</i>.</p>
4	That, as part of any future funding arrangements with the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, the NSW Government, via the Minister for Agriculture, consider the committee comments, findings, and	<p><b>Support</b></p> <p>Government funding for ACOs is considered as part of the NSW Government budget process and the administration of funding is aligned to NSW Grants Administration Guide requirements set out</p>

	<p>recommendations of this inquiry, and ensure that mechanisms for stronger government oversight in relation to their law enforcement role under the Act are put in place.</p>	<p>in the <i>Government Sector Finance Amendment (Grants) Act 2023</i>. Committee comments, findings, and recommendations will help to inform this work.</p> <p>The NSW Government is also considering the potential role and responsibilities of the future Independent Office of Animal Welfare as it relates to this recommendation.</p> <p>In 2024, the NSW Government delivered the <i>Prevention of Cruelty to Animals Amendments (Transparency and Fit and Proper Persons) Act 2024</i> to improve oversight of ACOs in their law enforcement role. The changes made by this Act included clarifying that ACOs are subject to the requirements of the <i>Government Information (Public Access) Act 2009</i> and ensuring ACOs are subject to an external complaints mechanism via the NSW Ombudsman.</p>
5	<p>That, as part of its review of the Prevention of Cruelty to Animals Act 1979, the NSW Government consider ways to improve efficiency, reduce complexity and clarify responsibilities to support approved charitable organisations' enforcement role under the Act.</p>	<p><b>Support in principle</b></p> <p>The NSW Government is considering the potential role and responsibilities of the future Independent Office of Animal Welfare as it relates to this recommendation.</p> <p>These issues will also be considered as part of the NSW Government's commitment to review the <i>Prevention of Cruelty to Animals Act 1979</i>.</p>
6	<p>That, in developing its approach to animal welfare law reform, the NSW Government consider and address the findings and issues raised in this committee's 2021 and 2023 inquiries as they remain relevant to the operations of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, noting in particular issues concerning the:</p> <ul style="list-style-type: none"> <li>• clarity of the legal framework for animal protection and responsibilities for law enforcement</li> <li>• adequacy of government funding for animal protection law enforcement</li> </ul>	<p><b>Support in principle</b></p> <p>The NSW Government is considering the potential role and responsibilities of the future Independent Office of Animal Welfare as it relates to this recommendation.</p> <p>These issues will also be considered as part of the NSW Government's commitment to review the <i>Prevention of Cruelty to Animals Act 1979</i>.</p>

	<ul style="list-style-type: none"> <li>• adequacy of transparency and accountability arrangements for organisations entrusted with law enforcement responsibilities, including financial and performance reporting and avenues for complaint resolution</li> <li>• adequacy of workplace health and safety measures for inspectors enforcing animal protection laws.</li> </ul>	Funding for ACOs is considered as part of the NSW Government budget process.
7	That, in reviewing the Prevention of Cruelty to Animals Act 1979, the NSW Government consider the relationship and roles of the Independent Office of Animal Welfare and the approved charitable organisations, and how ongoing funding will be allocated by the NSW Government to ensure the proper enforcement of animal cruelty laws into the future.	<p><b>Support in principle</b></p> <p>As part of the NSW Government's commitment to review the <i>Prevention of Cruelty to Animals Act 1979</i>, the NSW Government will consider issues and opportunities related to the NSW animal welfare enforcement framework.</p> <p>The NSW Government is also considering the potential role and responsibilities of the future Independent Office of Animal Welfare as it relates to this recommendation.</p> <p>Funding for ACOs is considered as part of the NSW Government budget process.</p>