



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

Report 59

November 2024

4



Portfolio Committee No. 4 - Regional NSW

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

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2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979

"November 2024"

Chair: Hon Mark Banasiak MLC



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## Terms of reference

1. That Portfolio Committee No. 4 – Regional NSW annually inquire into and report on the operation of the charitable organisations approved under s 34B of the *Prevention of Cruelty to Animals Act 1979*, and in particular:
  - (a) the matters contained in the annual reports of the approved charitable organisations, including their financial statements
  - (b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979*
  - (c) any other related matters.
2. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of the financial year.<sup>1</sup>

The terms of reference for the inquiry were self-referred by the committee on 9 June 2023.<sup>2</sup>

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<sup>1</sup> The original reporting date was by the end of the financial year (*Minutes*, NSW Legislative Council, 20 June 2023, p 188). The reporting date was later extended to 30 September 2024 (*Minutes*, NSW Legislative Council, 6 August 2024, p 1352).

<sup>2</sup> *Minutes*, NSW Legislative Council, 20 June 2023, p 188.

## Committee details

### Committee members

<b>Hon Mark Banasiak MLC</b>	Shooters, Fishers and Farmers Party	<i>Chair</i>
<b>Hon Emma Hurst MLC</b>	Animal Justice Party	<i>Deputy Chair</i>
<b>Ms Abigail Boyd MLC*</b>	The Greens	
<b>Hon Aileen MacDonald MLC*</b>	Liberal Party	
<b>Hon Emily Suvaal MLC*</b>	Australian Labor Party	
<b>Hon Greg Donnelly MLC</b>	Australian Labor Party	
<b>Hon Peter Primrose MLC</b>	Australian Labor Party	
<b>Hon Wes Fang MLC*</b>	The Nationals	

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\* Ms Abigail Boyd MLC was a participating member from 15 December 2023 for the duration of the inquiry.

\* The Hon Aileen MacDonald MLC replaced the Hon Taylor Martin MLC as a substantive member of the committee from 8 May 2024.

\* The Hon Wes Fang MLC substituted for the Hon Sarah Mitchell MLC from 6 May 2024.

\* The Hon Emily Suvaal MLC substituted for the Hon Cameron Murphy MLC from 7 August 2024 for the duration of the inquiry.

### Secretariat

Peta Leemen, Principal Council Officer

Reeti Pandharipande, Council/Administration Officer

Laura Ismay, Director

## Chair's foreword

This is Portfolio Committee no. 4's second inquiry into the operations of the two charitable organisations responsible for compliance and enforcement of the *Prevention of Cruelty to Animals Act 1979*.

The committee's first inquiry – the 2021 inquiry – noted the peculiar position that the RSPCA NSW and the Animal Welfare League NSW hold in the animal welfare system in New South Wales. As private charities, they perform an important law enforcement function, but have historically received very little funding from the NSW Government for this work. They have operated without the same degree of accountability or transparency as would be expected of government agencies, despite the public function they perform and the range of powers entrusted to them.

In 2021, this committee found that the low level of NSW Government funding for the inspectorates' law enforcement operations was limiting their ability to effectively enforce animal welfare law, and potentially creating work health and safety risks for inspectors. We recommended an urgent review of government funding to the two organisations with a view to covering the costs of compliance and enforcement. At the same time, we stipulated that any increased funding should be accompanied by greater rigour around acquittal, reporting and performance expectations.

Following the 2021 inquiry, government funding to the inspectorates increased significantly. In the lead-up to the 2023 election, the then NSW Government announced large grants for both organisations' inspectorates. Further grants were announced by the current government in November 2024. Unfortunately, the level of rigour and oversight of how the approved charitable organisations exercise their functions does not appear to have increased accordingly.

Throughout this inquiry, the committee has been frustrated as it sought to understand how the additional funding in 2023-24 was spent, and what was its impact on animal welfare outcomes. We have heard evidence that raised questions about the appropriateness of how some of that funding was spent. While recognising the charitable organisations' need for certainty regarding long term funding, we (again) call on the NSW Government to ensure that any recurrent government grants to approved charitable organisations are accompanied by greater rigour and oversight, including clear reporting obligations.

In this year's inquiry, we also heard ongoing concerns from stakeholders about the level of transparency and accountability of the charitable organisations' law enforcement operations under the Act. While recent amendments to the POCTA Act to increase transparency are welcome, we (again) call on the NSW Government to undertake a standardised annual reporting framework for approved charitable organisations, to ensure sufficient transparency and oversight.

Concerningly, through this year's inquiry, the committee has received a significant amount of confidential evidence about the workplace culture and governance of the RSPCA NSW inspectorate. We believe significant changes need to happen within the RSPCA NSW to make it a safe and attractive place to work, and to be able to deliver robust enforcement of animal cruelty laws. I hope and trust the RSPCA NSW will demonstrate their commitment to addressing these issues.

The committee notes the NSW Government's stated commitment to reform the animal welfare legislative framework and establish an independent Office of Animal Welfare. At present, there is uncertainty as to what impact this will have on the role and funding of the approved charitable organisations. We recommend that the NSW Government address issues that have been identified in this and previous inquiries as it develops its approach to animal welfare law reform, and consider the relationship and roles



of the independent Office of Animal Welfare and the approved charitable organisations to ensure proper enforcement of animal cruelty laws into the future.

Finally, I thank all the inquiry participants who took the time to contribute to this inquiry. Without your contributions, this inquiry would not be possible. I also thank my committee colleagues who have approached the inquiry in a considered and collaborative manner, and the secretariat.

The Hon Mark Banasiak MLC  
**Committee Chair**

# Findings

- Finding 1** 14  
The NSW Government should provide greater certainty regarding the ongoing funding and functions of the approved charitable organisations.
- Finding 2** 14  
Confidential evidence to this inquiry questioned the appropriateness of how the RSPCA NSW had spent the recent funding grant for the 2023-24 financial year of \$20.5 million, suggesting funds had been used outside community expectations of inspectorate activities.
- Finding 3** 14  
Decisions regarding ongoing funding for animal cruelty should have regard to the proposed animal welfare framework and evidence of the organisations' commitment to addressing the issues raised in this and previous inquiries.
- Finding 4** 20  
Despite progress since the 2021 inquiry, there remain significant work health and safety concerns for inspectors employed by the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.
- Finding 5** 29  
Evidence to this inquiry has indicated significant issues relating to the workplace culture, leadership and governance at the RSPCA NSW inspectorate and in particular procedures surrounding the management of conflicts of interest.
- Finding 6** 34  
Until recently the section 34B reports under the *Prevention of Cruelty to Animals Act 1979* were not required to be released, resulting in limited public oversight to the historic operations and expenditure of the approved charitable organisations in conducting their enforcement role under the Act.
- Finding 7** 35  
There remain deficiencies in the annual reports of the approved charitable organisations regarding their enforcement activities and financial statements, making it difficult to understand how animal welfare outcomes are achieved, and government funding and public donations are spent.
- Finding 8** 39  
There are ongoing stakeholder concerns about the role of charitable organisations in enforcing the *Prevention of Cruelty to Animals Act 1979*, and the complexity and overlapping nature of the legal framework for animal protection in New South Wales.

## Recommendations

### Recommendation 1

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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*.

### Recommendation 2

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That the NSW Government undertake a standardised annual reporting framework for approved charitable organisations, to ensure sufficient transparency and oversight, that has regard to:

- the reporting of cruelty offences
- investigations and prosecutions
- animal welfare outcomes, such as euthanasia rates
- expenditure and use of public funds
- operations of the inspectorate, such as inspectorate numbers.

### Recommendation 3

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That any recurrent government grants to approved charitable organisations be accompanied by greater rigour and oversight, including clear reporting obligations.

### Recommendation 4

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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 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.

### Recommendation 5

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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.

### Recommendation 6

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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:

- clarity of the legal framework for animal protection and responsibilities for law enforcement
- adequacy of government funding for animal protection law enforcement
- adequacy of transparency and accountability arrangements for organisations entrusted with law enforcement responsibilities, including financial and performance reporting and avenues for complaint resolution
- adequacy of workplace health and safety measures for inspectors enforcing animal protection laws.

**Recommendation 7**

**41**

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.

## Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 9 June 2023.

The committee received 30 submissions and one supplementary submission.

The committee held three public hearings and four *in camera* hearings at Parliament House in Sydney.

The committee received 56 responses from individual participants to an online questionnaire.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents, correspondence, an online questionnaire report and answers to questions on notice and supplementary questions.

## Procedural issues

This inquiry received a significant proportion of evidence *in camera*, as several witnesses with close and recent working knowledge of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* were only willing to give evidence on a confidential basis. Several of these witnesses appeared under summons. The reasons for requesting confidentiality included concern about personal or professional ramifications of giving evidence in public, or breaching a form of non-disclosure agreement. Recognising these witnesses' concerns about being identified, the issues they raised are described in a general way through this report so as not to identify individual sources.

Some of the issues raised in *in camera* evidence were put to senior managers and board members of the RSPCA NSW for response at public hearings and through written questions. A final hearing with the RSPCA NSW was also held *in camera*. Some of the RSPCA NSW's *in camera* evidence is referred to in this report by resolution of the committee, after consultation with the RSPCA NSW.

# Chapter 1 Background

This chapter outlines the background to this inquiry, the committee's second inquiry into the operation of the charitable organisations under the *Prevention of Cruelty to Animals Act 1979*. It summarises key findings of the 2021 inquiry, before outlining changes to funding arrangements and legislation made since that inquiry reported.

## About this inquiry

- 1.1** Section 34B of the *Prevention of Cruelty to Animals Act 1979* (the POCTA Act) vests the power to investigate and prosecute offences under the Act in any charitable organisation (ACO) approved by the portfolio minister.<sup>3</sup> The two charitable organisations currently approved under the POCTA Act are the RSPCA NSW and the Animal Welfare League NSW.<sup>4</sup>
- 1.2** In 2020, the Select Committee on Animal Cruelty Laws in New South Wales recommended that the Upper House portfolio committee with primary responsibility for animal welfare be required to conduct a hearing each year with the charitable organisations approved under the POCTA Act.<sup>5</sup> The aim of this hearing was to provide the committee with an opportunity to examine the ACOs' compliance and enforcement responsibilities. As the Select Committee's report noted, the intention of this recommendation was to enhance transparency and accountability, and engender public confidence in these ACOs, by introducing parliamentary oversight of their operations.<sup>6</sup>
- 1.3** In line with that recommendation, the Legislative Council's Portfolio Committee no. 4 commenced the first inquiry into the approved charitable organisations under the Act in 2021, and reported in June 2022 ('the 2021 inquiry'). That inquiry's report sets out in more detail the background of the present inquiry, including the provisions of the POCTA Act, and the two charitable organisations approved to hold a compliance role under that Act.<sup>7</sup> A summary of the key findings of the 2021 inquiry and the government's response is below.

## The 2021 inquiry

- 1.4** Issues identified in the 2021 inquiry report included: the inadequacy of government funding for the enforcement functions of the ACOs; the low level of transparency and accountability over their operations; and concerns about the manner in which the ACOs exercise their compliance and enforcement responsibilities under the Act.

<sup>3</sup> See section 34B, *Prevention of Cruelty to Animals Act 1979*; Select Committee on Animal Cruelty Laws in New South Wales, NSW Legislative Council, *Animal Cruelty Laws in New South Wales* (2020), p 3.

<sup>4</sup> Portfolio Committee no. 4, NSW Legislative Council, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979* (2022), p 4.

<sup>5</sup> Select Committee on Animal Cruelty Laws in New South Wales, *Animal Cruelty Laws in New South Wales*, Recommendation 12, p 60.

<sup>6</sup> Select Committee on Animal Cruelty Laws in New South Wales, *Animal Cruelty Laws in New South Wales*, p 60.

<sup>7</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 1-12.

- 1.5** In examining the adequacy of funding for these organisations to conduct their enforcement responsibilities, the inquiry heard that:
- Recurrent grants from the NSW Government to assist with operational expenses were historically low for many years, and the ACOs were reliant on charitable donations for a large proportion of their enforcement and compliance work.<sup>8</sup>
  - Both ACOs were facing challenges in handling the large volume of cruelty complaints each year within available resources.<sup>9</sup>
  - Inadequate staffing levels were leading to unsafe work conditions, particularly inspectors attending call-outs alone.<sup>10</sup>
  - Stakeholders had concerns about funding for the role of the ACOs in disaster relief and mobile veterinary clinics.<sup>11</sup>
- 1.6** The committee found that the level of government funding provided at the time was ‘unacceptably low’. It recommended that the NSW Government urgently review funding, with a particular focus on establishing dedicated funding for compliance and enforcement activities.<sup>12</sup>
- 1.7** In relation to the transparency and accountability of the ACOs, the 2021 inquiry noted that:
- Annual reports from the ACOs to the Minister under section 34B of the Act were not made publicly available, and there was dissatisfaction among stakeholders with the level of detail in the charitable organisations’ public facing annual reports on the agencies’ inspectorate functions.<sup>13</sup>
  - While the ACOs have legal obligations in relation to financial reporting, there was insufficient transparency and independent oversight of funding received from the NSW Government.<sup>14</sup>
- 1.8** The 2021 inquiry also made a number of findings related to the quality of the ACOs’ public facing reports, recommending an improved reporting and oversight system should accompany any increase in funding from the NSW Government.<sup>15</sup> It also recommended that more rigour

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<sup>8</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 13-17.

<sup>9</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 17-20.

<sup>10</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 20-23.

<sup>11</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 23-26.

<sup>12</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 37-38.

<sup>13</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 26-28.

<sup>14</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 29-31.

<sup>15</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 35-37.

be required in terms of reporting and acquittal obligations, performance indicators, expectation of service levels and measurement of outcomes.<sup>16</sup>

- 1.9** In addition to the operational issues attributed to inadequate funding outlined above, the 2021 inquiry also heard a number of stakeholder concerns about the manner in which the charitable organisations exercised their compliance and enforcement functions. Some stakeholders suggested the investigation and enforcement approach of the RSPCA NSW in particular was ‘overzealous’, and called for the organisation to take a more educational approach, while other stakeholders expressed concerns about the RSPCA's low prosecution rates.<sup>17</sup>

### *Government response to the 2021 inquiry*

- 1.10** In its response to the 2021 inquiry, the then NSW Government indicated that the Department of Primary Industries was undertaking a review of funding provided to the two approved charitable organisations, and that this review was considering more formal arrangements for transparency and performance expectations as well as funding levels.<sup>18</sup> It also noted that there were provisions in the draft Animal Welfare Bill (then under consideration) to require enforcement reports to be tabled in both houses of Parliament, and to clarify that the ACOs are subject to transparency requirements of the *Government Information (Public Access) Act 2009* in respect of their law enforcement functions.<sup>19</sup>

### **Updates since the 2021 inquiry**

#### *Additional grant funding to the ACOs*

- 1.11** On 4 February 2023, the then-Government announced a ‘record’ investment of \$40.6 million to improve animal welfare in New South Wales, which included one-off grants (in 2023-24) of \$20.5 million to the RSPCA NSW and \$5.5 million to the Animal Welfare League to expand their role in the enforcement of animal cruelty laws.<sup>20</sup> There was little detail in the announcement, which occurred just before the 2023 NSW election, on the reporting or performance requirements relating to these grants.
- 1.12** In the 2024-25 Budget the NSW Government allocated a further \$21 million for animal welfare. The Minister indicated this funding was to be split between the ACOs with enforcement responsibilities under the Act and other government commitments in the animal welfare space,

<sup>16</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 38.

<sup>17</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 31-33.

<sup>18</sup> NSW Government Response to 2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, 12 September 2022.

<sup>19</sup> NSW Government Response to 2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, 12 September 2022. The draft Animal Welfare Bill referred to was released for public consultation in 2022, and considered by the Legislative Council's State Development Committee as part of its inquiry into Animal Welfare Policy, however was not introduced to Parliament.

<sup>20</sup> Media release, NSW Government, ‘Record Investment of \$40.6 Million for Animal Welfare and Rehoming’, 4 February 2023.



including setting up an independent office of animal welfare, reviewing the *Prevention of Cruelty to Animals Act* and ending puppy farming.<sup>21</sup>

- 1.13** As of late September 2024, no announcement had been made about the allocation of this funding to the RSPCA NSW and Animal Welfare League (discussed at paragraph 2.26). On 4 November 2024, the NSW Government announced that the RSPCA NSW would receive \$11.3 million, and the Animal Welfare League \$1.17 million in grants towards their enforcement and compliance activities for the 2024-25 financial year.<sup>22</sup>
- 1.14** At the beginning of the 2024-25 financial year, machinery of government changes saw the former Department of Primary Industries merge with the Department of Regional NSW to form the Department of Primary Industries and Regional Development. This is now the NSW Government agency responsible for administering the *Prevention of Cruelty to Animals Act*, and for managing funding to the approved charitable organisations.

### ***Amendments to the POCTA Act and concurrent Legislative Council inquiries***

- 1.15** While the 2022 draft Animal Welfare Bill did not proceed in the current parliament, three relevant bills amending the *Prevention of Cruelty to Animals Act* have been passed since the 2021 inquiry.
- 1.16** The *Prevention of Cruelty to Animals Amendment (Prohibitions for Convicted Persons) Act 2022* was agreed to by both Houses, and assented to on 25 November 2022. This amending Act prohibits a person convicted of certain cruelty offences from caring or working with animals.<sup>23</sup>
- 1.17** The *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024* was passed on 7 August 2024, and assented to on 15 August 2024.<sup>24</sup> It made a number of amendments to the POCTA Act relevant to this inquiry. Of particular note are provisions:
- specifying the appointment process for officers and inspectors, their terms of appointment and identification requirements
  - introducing penalties for appointed officers and inspectors failing to comply with directives related to the return of identification upon cessation of their role
  - extending the circumstances where a court must make a disqualification order to expand the fit and proper person regime
  - requiring annual reports of approved charitable organisations to be submitted to the Presiding Officer of each House of Parliament, with provisions for redacting sensitive information

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<sup>21</sup> *Hansard*, NSW Legislative Council, 19 June 2024, p 17 (Hon Tara Moriarty).

<sup>22</sup> Media release, Minister for Agriculture and Western NSW, '\$12.5 million funding to continue building stronger animal welfare enforcement across NSW', 4 November 2024.

<sup>23</sup> *Prevention of Cruelty to Animals Amendment (Prohibitions for Convicted Persons) Bill 2022*; see also Department of Primary Industries website, <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/animal-welfare-reform/prevention-of-cruelty-to-animals-amendment-prohibitions-for-convicted-persons-act-2022>

<sup>24</sup> Parliament of New South Wales website, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18602>.

- introducing new information sharing provisions between relevant agencies and new delegation powers for the Minister administering the POCTA Act
- classifying charitable organisations involved in animal welfare enforcement as public authorities under various regulations.<sup>25</sup>

**1.18** The Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024 was passed on 15 November 2024, strengthening puppy and dog welfare by establishing standards for dog breeding.<sup>26</sup>

**1.19** The current inquiry has also taken place concurrently with a number of other Legislative Council committee inquiries relating to the animal welfare sector. They include inquiries into the veterinary workforce shortage in New South Wales, the proposed aerial shooting of brumbies in Kosciusko National Park (‘the brumbies inquiry’), and pounds in New South Wales.

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<sup>25</sup> Parliament of New South Wales, Legislation Review Committee, *Legislation Review Digest 15/58*, 18 June 2024, p 62.

<sup>26</sup> Parliament of New South Wales website, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18602>.



## Chapter 2 Key issues

This chapter sets out the key issues considered during this inquiry. First, it considers effectiveness of the the government grants to the RSPCA NSW and Animal Welfare League NSW in 2023-24, noting evidence on how the funds were used. It also looks at the challenges posed to the approved charitable organisations (ACOs) of one-off rather than ongoing funding. It then considers progress on inspector work health and safety issues, noting evidence on inspector recruitment and training as well as work health and safety (WHS) practices. Next, it provides an overview of issues raised in this inquiry about workplace cultural issues at the RSPCA NSW. Finally, it considers progress on the range of transparency and accountability issues identified in the 2021 inquiry, and stakeholder views on the enforcement of the *Prevention of Cruelty to Animals Act 1979* (POCTA Act) by charitable organisations.

### Adequacy of government funding for the enforcement agencies

**2.1** As noted in Chapter 1, the 2021 inquiry identified considerable stakeholder support for increased government funding for the ACOs to improve their enforcement of the POCTA Act. In the 2023-24 financial year, the then NSW Government made significant one-off grants to both the RSPCA NSW (\$20.5 million) and Animal Welfare League (\$5.5 million) to support their inspectorate operations. The government's intention to make further grants for the 2024-25 financial year was announced in June 2024, although the quantum of grants to the ACOs was not announced until November 2024. The sections below explore stakeholder views on how effectively the government grants for 2023-24 were used, noting the 2024-25 grants were announced so recently it is not possible for the committee to comment on their adequacy or effectiveness.

#### Use of government grants

##### *2023-24 grant received by the RSPCA NSW*

**2.2** At this inquiry's first hearing in April, Mr William Beerden, General Manager of Regulation and Business Services at RSPCA NSW, advised that the organisation had spent nearly all of the \$20.5 million additional funding granted for the 2023-24 financial year.<sup>27</sup> Explaining how the grant had been used, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, stated that it had provided 'operational funding for a significantly increased inspectorate for one financial year, while a review is completed ahead of this year's June budget'.<sup>28</sup> He told the committee that the extra funding 'goes directly towards the inspectorate' to mitigate safety risks by 'promoting as many opportunities for inspectors to be working two out as possible', and also to fund the veterinary and sheltering costs of animals brought in.<sup>29</sup>

<sup>27</sup> Evidence, Mr William Beerden, General Manager of Regulation and Business Services, RSPCA NSW, 26 April 2024, pp 43 and 54.

<sup>28</sup> Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 26 April 2024, p 42.

<sup>29</sup> Evidence, Mr Coleman, 26 April 2024, p 44.

- 2.3** Mr Beerden elaborated that the funding had provided for 37 full-time staff, including inspectors and digital officers, and enabled a 24-hour call centre, as well as being used for capital expenditure for motor vehicles and other equipment.<sup>30</sup>
- 2.4** Mr Coleman noted that, while it is only one of three organisations with enforcement powers under the POCTA Act, more than 99 per cent of the public engage with the Act through the RSPCA NSW.<sup>31</sup> He advised that in 2022-3 (prior to the additional funding) the RSPCA NSW had answered 74,507 calls, of which 21,801 were cruelty calls and 13,883 led to cruelty complaints. RSPCA NSW inspectors brought 1,861 animals to shelters, initiated 108 prosecutions, issued 799 written directions, 18 official cautions and 111 penalty infringement notices. He added that the RSPCA NSW had commenced ‘more prosecutions than ever for four consecutive years’, with ‘a prima facie success rate of 100 per cent’.<sup>32</sup>
- 2.5** Mr Beerden advised that in the 2022-23 financial year the RSPCA NSW had conducted 18,680 inspections, whereas in the first 9 months of the 2023-24 financial year they had already completed 17,749. He also noted an increase in complaints received.<sup>33</sup> However, he also noted the policy of working ‘two out’ (discussed at paragraph 2.39 below) had decreased the average number of complaints handled per day from 53.3 to 42.8.<sup>34</sup>
- 2.6** A number of confidential inquiry witnesses questioned the appropriateness of how the RSPCA NSW had spent this grant. Some described money being spent on capital works and equipment, which they felt was not best calculated to address the inspector safety issues that had been a key driver for the additional government funding. It was also suggested that the funds were being used to offset deficits, and to fund development of the new software package that RSPCA NSW had commissioned to replace the organisation's previous management software. The committee was also told that the call centre was not effectively operating 24 hours, as there is no response capability after 7 pm.
- 2.7** The Committee noted that there had been six occasions where employees retained a vehicle as part of their separation package over a period of thirteen months. Five of the vehicles were 2023/2024 Toyota Hiluxes, with the RSPCA putting forward the view that the vehicles had a net value ranging from \$35,000 to \$42,000, each.<sup>35</sup>
- 2.8** Other external stakeholders asserted that the current approach to annual reports and financial statements made it difficult for members of the public to understand exactly how both government funding and public donations are being spent.<sup>36</sup> (In addition, stakeholders raised related concerns around a lack of transparency from the ACOs on the reporting of the exercise of their prosecutorial and enforcement functions, discussed further at 2.101).

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<sup>30</sup> Evidence Mr Beerden, 26 April 2026, p 43.

<sup>31</sup> Evidence, Mr Coleman, 26 April 2024, p 42.

<sup>32</sup> Evidence, Mr Coleman, 26 April 2024, p 42.

<sup>33</sup> Evidence Mr Beerden, 26 April 2026, p 43.

<sup>34</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 5.

<sup>35</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, pp 1-2, published by resolution of the committee.

<sup>36</sup> Evidence, Mr Michael Donnelly, President, Animal Care Australia, 26 April 2024, p 15; Submission 22, Animal Care Australia, p 4; Evidence, Mr Sam Davis Vice President, Animal Care Australia, 26 April 2024, pp 15-16.

**2.9** Department of Primary Industry representatives agreed there is a deficiency in terms of detailed reporting of how the charitable organisations had spent government funds.<sup>37</sup> Dr Kim Filmer, Chief Animal Welfare Officer, Department of Primary Industries, suggested that, rather than having a Memorandum of Understanding with the charitable organisations, the government could have a service-level agreement, which would require greater information on revenue and spending and outcomes.<sup>38</sup> She noted this is being considered as part of the review process.<sup>39</sup>

**2.10** When asked about this, Mr Beerden said that the funding is accounted for and acquitted on a quarterly basis to government.<sup>40</sup> He gave the following breakdown of expenditure from 1 July 2023 to 30 March 2024:

- Inspectorate - \$12.678 million
- Shelters and clinics - \$3.956 million
- Call centre - \$1.138 million
- Legal - \$0.571 million
- Domestic violence outreach program - \$0.343 million
- Overheads - \$1.492 million.<sup>41</sup>

**2.11** Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, gave evidence that animal care and rehabilitation costs are a significant part of the RSPCA NSW's inspectorate costs:

Let's say the inspectors go and do a seizure of a property with 30 dogs. Of those dogs, you might have all 30 of them in a very bad way, and so that's going to have veterinary treatment and then ongoing rehabilitation. But, for as long as that case is proceeding, they have to get held, effectively, as property. So it wouldn't be until the case has concluded that they could either be going back to the person, if they are found innocent—but we've got a very, very high success rate, and they would then get titled to RSPCA, who would then be able to rehome them, if suitable.

A case can go on for a couple of years. You have really high levels of care being given to some of the most neglected and cruelly treated animals that you've ever heard of in all kinds of situations and often on very large volumes. That is very expensive, both in the vet treatment and the rehab and the care components of that. The rough figures I was going to before did point out that about \$6.4 million last financial year was on animal care costs out of the \$21.2 million. It's a really significant portion and it's not one which we can obfuscate, either. We legally have to hold and care for the animals.<sup>42</sup>

<sup>37</sup> Evidence, Dr Kim Filmer, Chief Animal Welfare Officer, Department of Primary Industries, 26 April 2024, p 63.

<sup>38</sup> Evidence, Dr Filmer, 26 April 2024, p 63.

<sup>39</sup> Evidence, Dr Filmer, 26 April 2024, p 63.

<sup>40</sup> Evidence, Mr Beerden, 26 April 2026, p 54.

<sup>41</sup> Evidence, Mr Beerden, 26 April 2026, p 54.

<sup>42</sup> Evidence, Mr Troy Wilkie, Senior Manager Government Relations, RSPCA NSW, 18 July 2024, p 12.

**2.12** Responding to a request for more detail on how this money had been spent, the RSPCA NSW provided this committee with its submission to the 2024 state budget process.<sup>43</sup> The submission noted this committee's previous calls for a standardised public reporting framework to ensure sufficient transparency and oversight of taxpayer and donor funding. It suggested that, following improvements to RSPCA NSW's administration and data capture capabilities, 'RSPCA NSW has uplifted its annual and reporting standards to prove, with a high degree of certainty, how taxpayer and donor funds are utilised'.<sup>44</sup> It included a detailed business case for ongoing additional funding, with costed options. However, it did not contain a detailed acquittal of how the 2023-24 grant was spent.<sup>45</sup>

### *2023-24 grant received by the Animal Welfare League*

**2.13** The Animal Welfare League NSW received a \$5.5 million grant in 2023-24 to expand enforcement of animal cruelty laws, and a further \$1.9 million to for its mobile animal care services.<sup>46</sup> Chief Executive Officer of the Animal Welfare League NSW, Mr Stephen Albin, noted that the 2023-24 grants were the first time in its history the Animal Welfare League NSW had received significant government grants.<sup>47</sup> Mr Albin said that, until 2023, the organisation had only received \$70,000 per year from the NSW Government to run its inspectorate, which costs around \$1 million per year to operate.<sup>48</sup>

**2.14** The Animal Welfare League NSW advised that, to 30 June 2024, \$1.671 million of the \$5.5 million grant had been spent. Of this amount:

- \$1.152 million was for operating expenses
- \$0.518 million was for capital works (for a planned animal care precinct in West Hoxton), with a further \$2.276 million committed for capital works.

**2.15** The Animal Welfare League NSW advised that in the 2022-23 financial year (prior to the additional funding), it had received 1,133 cruelty complaints and attended 1,678 cases, with most relating to neglect rather than cruelty. Mr Albin, the CEO, advised that the Animal Welfare League NSW had seized 136 animals and a further 187 were surrendered.<sup>49</sup>

**2.16** Mr Albin advised that the increase in personnel enabled by additional funding had allowed a significant increase in inspectorate activity within the organisation – 'almost double the number originally anticipated'.<sup>50</sup> Ms Amanda Gray, Chief Inspector of the Animal Welfare League NSW, agreed that with more staff the inspectorate is able to respond to more complaints, and also to

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<sup>43</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 5.

<sup>44</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 12.

<sup>45</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, pp 7, 12 and 57..

<sup>46</sup> Media release, NSW Government, 'Record Investment of \$40.6 Million for Animal Welfare and Rehoming', 4 February 2023.

<sup>47</sup> Evidence, Mr Stephen Albin, Chief Executive Officer, Animal Welfare League NSW, 26 April 2024, p 30.

<sup>48</sup> Evidence, Mr Albin, 26 April 2024, p 30.

<sup>49</sup> Evidence, Mr Albin, 26 April 2024, p 30.

<sup>50</sup> Evidence, Mr Albin, 26 April 2024, p 30.

undertake more proactive inspections.<sup>51</sup> In particular, she said that regional inspectors are currently undertaking proactive inspections of businesses that hold animals such as pet shops, boarding facilities, breeders and horse agistment places.<sup>52</sup>

- 2.17** At the time the Animal Welfare League NSW provided evidence in July, \$1.553 million of the grant remained unspent, and was allocated to operating expenses and contingencies.<sup>53</sup>
- 2.18** In confidential testimony, some witnesses questioned the Animal Welfare League NSW's capacity to spend grant money intended for the inspectorate in the short term, noting difficulties with progressing the capital works planned for the West Hoxton site, and issues with establishing regional inspectors in places without a sufficient existing presence to support them.
- 2.19** In addition to the \$5.5 million grant for its inspectorate services, the Animal Welfare League NSW also received a \$1.9 million grant in 2023-24 for mobile animal care services.<sup>54</sup> Mr Albin advised that this funding 'has enabled Animal Welfare League NSW to provide animal check-ups and vaccinations in regional and remote areas to households who wouldn't typically have the money to visit a vet'.<sup>55</sup> He informed the committee of modifications made to the mobile veterinary clinic and its operations to make it more mobile and cost-effective, and that in its first year, more than 2,800 animals were seen at 28 locations.

### ***Adequacy of government funding for enforcement of the *Prevention of Cruelty to Animals Act 1979****

- 2.20** As noted in the 2021 report, historical levels of direct government funding to the ACOs were not considered sufficient to meet community expectations on animal welfare promotion and enforcement of animal cruelty laws. The government grants in the 2023-4 financial year were a one-off, pending a review of future financial arrangements. Therefore, the sustainability of the ACOs' operations under the POCTA Act remain a key concern.
- 2.21** In April 2024, RSPCA NSW representatives expressed concern about the sustainability of their current operating levels should government funding at similar levels to that provided in 2023-24 not be forthcoming in the next financial year. Mr Beerden noted that the \$20.5 million grant had already been spent and reported that, with inflation, the amount required to maintain the existing level of service would be about \$100 million over 4 years.<sup>56</sup> Without sufficient funding, the RSPCA NSW explained that staff recruited using the \$20.5 million grant would need to be made redundant, resulting in a reduction in complaint response rates and a decrease in the capacity to conduct proactive inspections.<sup>57</sup>

<sup>51</sup> Evidence, Ms Amanda Gray, Chief Inspector, Animal Welfare League NSW, 26 April 2024, pp 30 and 37.

<sup>52</sup> Evidence, Ms Gray, 26 April 2024, p 30.

<sup>53</sup> Answers to questions on notice, Animal Welfare League, 4 July 2024, p 1.

<sup>54</sup> Evidence, Mr Albin, 26 April 2024, p 30.

<sup>55</sup> Evidence, Mr Albin, 26 April 2024, p 30.

<sup>56</sup> Evidence Mr Beerden, 26 April 2024, p 43.

<sup>57</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 5.



- 2.22** Both public and confidential evidence provided to the committee confirmed that the uncertainty of ongoing inspector positions and the potential for redundancies was a significant source of stress for many staff.<sup>58</sup> Mr Godfrey Moase, Executive Director, Allied Industries, United Workers Union, reported that RSPCA NSW management had told staff that 31 inspectors would need to be laid off if further government funding was not secured.<sup>59</sup> He noted concern about discrepancy in RSPCA NSW management's communications about the number of additional inspectors employed as a result of extra government funding, and potential for decisions about redundancies to be 'weaponised internally' should additional funding not be forthcoming.<sup>60</sup> He suggested that structural factors, including the quality of leadership, that the RSPCA NSW needs to focus on would make the most difference to animal welfare outcomes.<sup>61</sup>
- 2.23** The Animal Welfare League NSW had not used the grant to increase its number of inspectors to the same extent as the RSPCA NSW. It had funded an additional two inspectors, to a total of seven.
- 2.24** While the Animal Welfare League did not express the same degree of concern about levels of ongoing government funding during this inquiry, Mr Stephen Albin, CEO, acknowledged that the organisation had been through a 'tumultuous' three years in which it had incurred significant loss of funds due to operations during the bushfires and floods and through COVID. Mr Albin advised that the organisation had been about \$2.5 million in debt, though had managed to 'claw a fair bit of that back'.<sup>62</sup>
- 2.25** Asked about what it would cost to expand the Animal Welfare League's inspectorate so that inspectors could work 'two out' for safety reasons (discussed below), Mr Albin estimated the cost of an additional seven inspectors each year would be about \$1.258 million.<sup>63</sup>
- 2.26** The 2024-25 NSW Budget announced in June allocated \$21 million to animal welfare.<sup>64</sup> The Minister for Agriculture, the Hon Tara Moriarty MLC, advised the House that this \$21 million would be split between:
- funding for ACOs
  - the establishment of an independent office of animal welfare
  - ongoing work to review the POCTA Act
  - delivering the government's commitment to end puppy farming.<sup>65</sup>

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<sup>58</sup> Answers to supplementary questions, Mr Godfrey Moase, Executive Director, Allied Services, United Workers Union, 11 June 2024, p 9.

<sup>59</sup> Answers to supplementary questions, Mr Moase, 11 June 2024, p 9.

<sup>60</sup> Answers to supplementary questions, Mr Moase, 11 June 2024, p 9; Evidence, Mr Godfrey Moase, Executive Director, Allied Industries, United Workers' Union, 27 May 2024, p 4.

<sup>61</sup> Evidence, Mr Moase, 27 May 2024, p 4.

<sup>62</sup> Evidence, Mr Albin, 26 April 2024, p 37.

<sup>63</sup> Answers to questions on notice, Animal Welfare League, p 2.

<sup>64</sup> *Hansard*, NSW Legislative Council, 19 June 2024, p 17 (Hon Tara Moriarty).

<sup>65</sup> *Hansard*, NSW Legislative Council, 19 June 2024, p 17 (Hon Tara Moriarty).

- 2.27** In August 2024, Minister Moriarty advised the House that the government was still considering how much of the \$21 million would be provided to the ACOs.<sup>66</sup> She stated that, while determining the appropriate amount was a priority, the funds would need to be distributed in accordance with the mandatory requirements of the New South Wales Grants Administration Guide.<sup>67</sup>
- 2.28** As of September 2024, the RSPCA NSW had not been informed of how much it would receive from the government for the 2024-25 financial year. RSPCA NSW representatives told the committee that the lack of certainty over future levels of recurrent government funding is a significant concern for the board and organisation, and is impacting the RSPCA NSW's ability to recruit and retain inspectors.<sup>68</sup>
- 2.29** On 4 November 2024, the NSW Government announced that the RSPCA NSW will receive \$11.3 million, and the Animal Welfare League NSW \$1.17 million for their compliance and enforcement activities for the current (2024-25) financial year.<sup>69</sup> It is not clear from the public announcement whether any commitment has been made to the ACOs regarding funding in future years.

#### **Committee comment**

- 2.30** The committee recognises the important and difficult position that ACOs occupy under the POCTA Act. As charitable organisations, they play a key role in engaging the community in promoting animal welfare through networks of volunteers and supporters, and providing services such as veterinary care, shelter and rehoming. In addition, they have been given the important responsibility for enforcement of animal cruelty laws, including investigating and prosecuting offences. The committee appreciates the challenging and at times dangerous work carried out by the inspectorates, and commends the passion and commitment of inspectorate staff.
- 2.31** Recognising the historic underfunding of these charitable organisations to carry out what is essentially a public function, this committee's 2021 report called on the NSW Government to urgently review their funding arrangements. A key part of this recommendation was the establishment of a funding stream that would cover the ongoing costs of running the inspectorates, as well as their potential expansion, so they could operate without reliance on charitable donations, as well as improve work health and safety for inspectors. This was accompanied by a recommendation that the organisations be more transparent about their use of this funding through clearer reporting and acquittal obligations, as well as increased monitoring and transparency of performance standards and outcomes.
- 2.32** Instead of establishing an ongoing funding stream, in February 2023 the then NSW Government announced large one-off government grants to both ACOs for their enforcement work in the 2023-24 financial year. There was little public information about these grants, or

<sup>66</sup> *Hansard*, NSW Legislative Council, 6 August 2024, p 48 (Hon Tara Moriarty).

<sup>67</sup> *Hansard*, NSW Legislative Council, 6 August 2024, p 48 (Hon Tara Moriarty).

<sup>68</sup> *In camera* evidence, Mr Mark Steele, Vice President and Mr Steve Coleman, Chief Executive Officer, RSPCA NSW, 23 September 2024, pp 22-24, published by resolution of the committee.

<sup>69</sup> Media Release, Minister for Agriculture and Western NSW, '\$12.5 million funding to continue building stronger animal welfare enforcement across NSW', 4 November 2024.

whether they were linked to any specific performance or accountability requirements. The committee appreciates the evidence to this inquiry from both ACOs about how the money was spent, but is frustrated at the overall lack of transparency and apparent strategy regarding the NSW Government's funding of this important law enforcement function. The committee notes concerns raised in confidential evidence questioning the appropriateness of how the RSPCA NSW had spent the \$20.5 million grant.

- 2.33** We recognise that the ACOs have a legitimate need for certainty regarding ongoing funding levels from the NSW Government, and that ongoing uncertainty can have a deleterious effect on their operations to enforce the POCTA Act. We note the government's commitment to develop a new framework for animal welfare, the \$21 million for animal welfare announced in the NSW budget in June 2024, and the (albeit late) announcement of grants to the ACOs for the 2024-25 financial year in the amount of \$11.13 million for the RSPCA NSW and \$1.17 million for the Animal Welfare League NSW. The committee notes that this is significantly less than the RSPCA NSW indicated it required to fully fund its enforcement operations.
- 2.34** Given the concerns that will be discussed in this report regarding governance, workplace culture and transparency of the ACOs, the committee considers that decisions regarding ongoing funding should be made in the context of the proposed animal welfare framework, and evidence of the ACOs' commitment to addressing the issues raised in this and previous inquiries. We would support establishment of a service level agreement to improve ensure greater accountability and transparency in the acquittal of government funds.
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### **Finding 1**

The NSW Government should provide greater certainty regarding the ongoing funding and functions of the approved charitable organisations.

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### **Finding 2**

Confidential evidence to this inquiry questioned the appropriateness of how the RSPCA NSW had spent the recent funding grant for the 2023-24 financial year of \$20.5 million, suggesting funds had been used outside community expectations of inspectorate activities.

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### **Finding 3**

Decisions regarding ongoing funding for animal cruelty should have regard to the proposed animal welfare framework and evidence of the organisations' commitment to addressing the issues raised in this and previous inquiries.

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## **Work health and safety for inspectors**

- 2.35** The following section considers progress on work health and safety issues for inspectors, given that safety risks due to under-resourcing was one of the rationales for this committee recommending increasing funding to the ACOs under the POCTA Act.
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### Inspector numbers and safety issues

- 2.36** During the 2021 inquiry, an argument for increased government funding for ACOs was to improve inspector work health and safety by increasing inspector numbers so that working in pairs, known as working ‘two-out’, could be standard practice.<sup>70</sup> Evidence to this committee suggests that inspector safety remains an ongoing concern, with the RSPCA NSW highlighting an increased risk of interpersonal violence for inspectors during the course of their work.<sup>71</sup>
- 2.37** Confidential sources raised several ongoing concerns about inspector safety, particularly involving the RSPCA NSW. Witnesses described instances where inspector safety was compromised, and questioned the adequacy of the safety measures the RSPCA NSW management said are in place. They also noted that SafeWork NSW had recently been engaged on workplace safety issues at the RSPCA NSW. Specific issues put to the committee included:
- inspectors working alone more often than not, rather than the preferred 'two-out'
  - inadequate induction and training for new staff (discussed at para 2.49)
  - outdated or inappropriate standard operating procedures
  - failure to provide essential training on safety equipment, such as batons and handcuffs, in a timely way
  - ineffectiveness of safety measures such as communications and GPS tracking, with instances where communication equipment has not worked, and inspectors feeling that GPS trackers were used as a tool to oversee them rather than protect their safety
  - inadequate risk assessment of particular jobs due to issues with the new AnimalOS software not providing alerts regarding previous offenders or potentially violent persons of interest
  - high staff turnover in the inspectorate, resulting in a significant number of inexperienced inspectors with insufficient initial training
  - inadequate record keeping of work health and safety issues, contrary to legal obligations
  - psychosocial risks being inadequately managed (considered from paragraph 2.61 below).
- 2.38** The committee was informed that SafeWork NSW had attended the RSPCA on two occasions in 2024, leading to the issuing of improvement notices. The RSPCA NSW confirmed that it had ‘been working with SafeWork over a number of matters’ in early 2024, and received two improvement notices on 5 March 2024.<sup>72</sup> One related to management of psychological risk, the other to risk of injury due to workplace violence (baton and handcuffs training, see paragraph

<sup>70</sup> Portfolio Committee no. 4, NSW Legislative Council, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, (June 2022), pp 36-37.

<sup>71</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 12.

<sup>72</sup> Evidence, Mr Beerden, 26 April 2024, pp 48-49; Answers to questions on notice, RSPCA NSW, 20 May 2024, pp 6-8.

2.51 below).<sup>73</sup> Although asked to provide the workplace improvement notices to the committee, the RSPCA NSW instead provided summaries.<sup>74</sup>

### *Inspector numbers and the practice of working 'two-out'*

- 2.39** Both ACOs advised that inspector numbers had increased with the additional funding, and more jobs are being attended in pairs, however neither organisation suggested that working 'two-out' was universal, as it is not considered necessary for all types of jobs.
- 2.40** The RSPCA NSW advised that, with the additional funding, inspector numbers had increased to 53, with 33 in regional areas and 18 in the metropolitan area.<sup>75</sup> These additional inspectors have allowed 'the team of inspectors to regularly operate in pairs, with two-out jobs becoming standard more often as recruitment and training have taken place'.<sup>76</sup> However, the organisation suggested that while the policy of working 'two out' had improved inspector safety, it has also decreased the efficiency of operations, reducing the average number of complaints handled per day from 53.3 to 42.8.<sup>77</sup>
- 2.41** In response to questions about its safety practices, the RSPCA NSW acknowledged that managers were aware of the risks encountered by staff and advised that there had been three assaults/serious incidents and two 'near misses' involving inspectors over the past two years.<sup>78</sup> The RSPCA NSW also advised that there are certain jobs with a low risk profile that inspectors will attend solo, and that experienced inspectors are capable of making risk assessments as to those jobs that require an additional inspector.<sup>79</sup> The RSPCA NSW advised that a standard operating procedure for working two-out was being finalised as of June 2024, to supplement verbal instructions to staff.<sup>80</sup> They also stated that other safety measures, such as GPS tracking of inspectors, body-worn devices, radio communications, and contact with other agencies including the police, are used in conjunction with two-out operation.<sup>81</sup>
- 2.42** The RSPCA NSW also provided a copy of its standard operating procedures for inspectors on a confidential basis to this committee, noting that, as of May 2024 they had been under review for 'some months'.<sup>82</sup>
- 2.43** The Animal Welfare League NSW has a much smaller inspectorate than the RSPCA NSW overall. Mr Albin, the organisation's CEO, advised that the Animal Welfare League NSW now has seven inspectors in total.<sup>83</sup> According to Ms Amanda Grey, Chief Inspector, this includes

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<sup>73</sup> Evidence, Mr Beerden, 26 April 2024, pp 48-49; Answers to questions on notice, RSPCA NSW, pp 6-8.

<sup>74</sup> Answers to questions on notice, RSPCA NSW, 20 May 2024, pp 6-8.

<sup>75</sup> Evidence, Mr Beerden, 26 April 2026, p 43.

<sup>76</sup> Answers to questions on notice, RSPCA NSW, 20 May 2024, p 11.

<sup>77</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 5.

<sup>78</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 12.

<sup>79</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 6.

<sup>80</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 11.

<sup>81</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, pp 11-12.

<sup>82</sup> Correspondence from Mr Steve Coleman, Chief Executive Officer, RSPCA NSW to Chair, 24 May 2024.

<sup>83</sup> Evidence, Mr Albin, 26 April 2024, p 30.

four inspectors in metropolitan areas, and three new regional inspectors.<sup>84</sup> This is a net increase of two inspectors since 2021, noting that some inspectors had left in the interim.<sup>85</sup> Like the RSPCA NSW, Mr Albin believed an increase in Animal Welfare League NSW inspectors would be beneficial, stating that seven inspectors is ‘almost a critical mass’ to service complaints around Sydney and that ‘if we had double the number of inspectors, it would be even better.’<sup>86</sup>

**2.44** Mr Albin indicated that, before the 2023 grant, Animal Welfare League NSW inspectors had worked solo, and investment had been made in technology to ensure that the organisation could track inspectors, including emergency alarms and alerts.<sup>87</sup> Ms Gray indicated that, while it would be preferable for staff safety, Animal Welfare League NSW inspectors do not always work in pairs. She stated that the Animal Welfare League NSW is aware of certain areas that are risky, and that there are times when the RSPCA NSW or NSW Police share information about potentially dangerous people. However, she indicated that ‘most of the time, our inspectors are all by themselves when they go out to attendances’.<sup>88</sup>

**2.45** Mr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, did not consider it necessary for inspectors to always work in pairs, but noted that it would depend on the level of work and circumstances of a particular case, as officers can go out alone for an audit or standard inspection.<sup>89</sup> Dr Kim Filmer, Chief Animal Welfare Officer, Department of Primary Industries indicated that, while the Department has copies of the ACOs’ standard operating procedures, the Department would not engage on their content, as ‘it is not our role to be oversighting their operational matters’.<sup>90</sup>

**2.46** Department representatives indicated that they may discuss general risk issues with the ACOs at quarterly meetings, but specific inspector safety issues (such as the SafeWork NSW improvement notices received by the RSPCA NSW) were operational matters for the ACOs to manage themselves.<sup>91</sup>

### *Inspector recruitment, qualifications and training*

**2.47** Both ACOs’ evidence to the 2021 inquiry highlighted the importance of training for inspectors as a workplace safety measure.<sup>92</sup> Given the increase in new inspectors in both organisations since 2023, this committee sought to understand the training available to support them to enforce the POCTA Act effectively and safely.

<sup>84</sup> Evidence, Ms Amanda Gray, Chief Inspector, Animal Welfare League NSW, 26 April 2024, pp 30-31.

<sup>85</sup> Evidence, Ms Gray, 26 April 2024, pp 30-31.

<sup>86</sup> Evidence, Mr Albin, 26 April 2024, p 31.

<sup>87</sup> Evidence, Mr Albin, 26 April 2024, p 32.

<sup>88</sup> Evidence, Ms Gray, 26 April 2024, p 30.

<sup>89</sup> Evidence, Mr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, Friday 26 April 2024, p 59.

<sup>90</sup> Evidence, Dr Filmer, 26 April 2024, p 62.

<sup>91</sup> Evidence, Dr Filmer, 26 April 2024, pp 58-59.

<sup>92</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 20.

- 2.48** The RSPCA NSW advised that newly recruited inspectors ‘undergo rigorous training programs to equip them with the necessary knowledge and skills to carry out their responsibilities effectively’, with the following courses offered:
- Certificate IV in Government Investigations
  - safe stock handling
  - dangerous/aggressive dog handling
  - tactical defence training
  - verbal tactics
  - humane euthanasia training
  - legal training.<sup>93</sup>
- 2.49** Several confidential witnesses questioned both the rigour and availability of training provided by the RSPCA NSW, particularly for inspectors who have recently joined the organisation. Some asserted that there was very little training being provided to new inspectors, creating both safety issues, as well as potentially leading to errors in enforcement of the POCTA Act. Other evidence claimed that new recruits not yet authorised as inspectors have been encouraged to present themselves as if they are authorised inspectors when on jobs.
- 2.50** There was also some confidential evidence that both ACOs are having difficulty recruiting and training inspectors to the level that they can be authorised, with contributing factors including the expansion of the inspectorates, financial uncertainty in the sector, and recent high levels of staff turnover.<sup>94</sup>
- 2.51** On further questioning, the RSPCA NSW advised that not all inspectors undergo all of the above training before going out on jobs, and that new inspectors will often shadow more senior officers as part of their training.<sup>95</sup> They also noted that inspectors who already had extensive law enforcement background would not necessarily need to complete some training such as the Certificate IV in Government Investigations.<sup>96</sup> However, Mr Beerden, RSPCA NSW, acknowledged that there had been a gap in training on defensive tactics such as the use of batons and handcuffs.<sup>97</sup> This was one of the concerns identified by SafeWork NSW, which had issued an improvement notice to the inspectorate related to baton and handcuffs training.<sup>98</sup>
- 2.52** Ms Amanda Gray, Chief Inspector, Animal Welfare League NSW, advised that the League does not have specific minimum qualifications for new inspectors, but generally looks to recruit people with animal handling experience, preferably a Certificate II in Animal Studies or a background in veterinary nursing.<sup>99</sup> She noted that the Animal Welfare League NSW has some inspectors from enforcement backgrounds such as policing, but requires them to have animal

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<sup>93</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, pp 1-2.

<sup>94</sup> *In camera* evidence, Mr Steele, 23 September 2024, p 19-20, published by resolution of the committee.

<sup>95</sup> Answers to questions on notice, RSPCA NSW, 22 May 2024, p 4.

<sup>96</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 4.

<sup>97</sup> Evidence, Mr Beerden, 26 April 2024, p 52.

<sup>98</sup> Evidence, Mr Beerden, 26 April 2024, p 53.

<sup>99</sup> Evidence, Ms Gray, 26 April 2024, p 38.

experience as well.<sup>100</sup> She described the certificate in government investigations as a ‘bonus’, noting that it is not vital for an inspector to have that qualification as they would learn and be trained on the job by other inspectors.<sup>101</sup>

- 2.53** Ms Gray noted that, although the ACOs hire the inspectors, it is the Department of Primary Industries that authorises them – a process that takes between four and eight weeks. During that period, a new inspector is not allowed to go out by themselves, and would shadow another inspector.<sup>102</sup>
- 2.54** The *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024* contained provisions designed to ‘streamline’ authorisation of new inspectors by the Minister. The Minister explained to the House that the Bill established provisions under the POCTA Act creating ‘appropriate controls and oversight’ of inspector appointments.<sup>103</sup>

### **Committee comment**

- 2.55** This committee understands the sensitive and at times dangerous nature of the law enforcement work undertaken by inspectors. In its 2021 inquiry, the committee commented that the workplace safety procedures and protocols of the ACOs were out of step with comparable government agencies that conduct investigations and compliance activities. The imperative to improve work health and safety standards for inspectors was one driver for calling for increased government funding to the ACO inspectorates.
- 2.56** We appreciate the evidence from both ACOs that they are addressing inspector safety issues through a range of measures including investment in equipment and training, and increased practice of working ‘two-out’ as inspector numbers increased. However, we are concerned by what we heard confidentially that inspector safety is potentially being compromised by inadequate or outdated workplace safety protocols and culture, that the practice of working ‘two out’ is not as common as reported by management, and that inspectors may be going into dangerous situations with inadequate training or equipment.
- 2.57** While we are not in a position to examine specific claims in detail due to the confidential nature of the evidence, we consider that there remain significant work health and safety concerns for inspectors employed by the ACOs. It is critical that the ACOs’ senior managers demonstrate their commitment to ongoing improvement of their inspectorates’ operating protocols and work health and safety practices and culture, and foster a safe work environment for all inspectors.

<sup>100</sup> Evidence, Ms Gray, 26 April 2024, p 38.

<sup>101</sup> Evidence, Ms Gray, 26 April 2024, p 38.

<sup>102</sup> Evidence, Ms Gray, 26 April 2024, p 38.

<sup>103</sup> *Hansard*, NSW Legislative Council, 6 June 2024, p 48 (Hon Tara Moriarty).



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**Finding 4**

Despite progress since the 2021 inquiry, there remain significant work health and safety concerns for inspectors employed by the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

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- 2.58** The committee notes that a reduction in government funding to the ACOs could lead to an enforcement-related increase in work health and safety issues in the future and asks the NSW Government to be mindful of this in relation to funding decisions.
- 2.59** We also suggest that the NSW government should take a stronger oversight role of the ACO inspectorates' operational protocols and work health and safety standards.
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**Recommendation 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*.

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**Workplace culture issues at the RSPCA NSW**

- 2.60** This inquiry received a significant volume of confidential evidence relating to the workplace culture of the RSPCA NSW in particular. The sections below canvass the main themes of this evidence, and some specific examples. While representatives of the RSPCA NSW were not privy to the confidential evidence, they were provided the opportunity to respond to the general issues through questions asked in hearings and supplementary questions.

**Allegations of bullying and harassment**

- 2.61** As noted above, one of the SafeWork improvement notices issued to the RSPCA in March 2023 related to 'psychological risk'. In confidential evidence, the committee heard that there have been multiple complaints of bullying and harassment involving the RSPCA NSW inspectorate. Former staff and others with close knowledge described a culture of bullying and intimidation.
- 2.62** The United Workers Union reported that it had received multiple complaints from current and former RSPCA NSW inspectors about bullying and harassment, and inadequate processes to deal with their complaints. The Union's Executive Director, Allied Industries, Mr Godfrey Moase, stated that in the past year the Union had received 26 inquiries and seven formal complaints related to handling of disciplinary concerns, workers compensation and matters concerning bullying and harassment in the RSPCA NSW inspectorate.<sup>104</sup> Specific issues included

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<sup>104</sup> Evidence, Mr Moase, 27 May 2024, p 2; Answers to questions on notice, Mr Moase, 11 June 2024, p 1.

the use of disparaging and abusive language and the issuing of unreasonable and unsafe managerial direction.<sup>105</sup>

- 2.63** Mr Moase said that this was a ‘high volume’ of inquiries, given the workgroup consists of about 50 inspectors.<sup>106</sup> He suggested that the issues raised warrant attention, as making a complaint is a very serious and risky step for employees to take.<sup>107</sup>
- 2.64** Mr Moase further asserted that, despite the significant volume of inquiries, serious allegations of bullying and harassment by senior management at the RSPCA NSW are not being addressed in a satisfactory manner.<sup>108</sup> Rather, he reported that inspectors represented by the Union believed there were deep cultural problems and that investigations lacked transparency, thoroughness and procedural fairness, and did not consider the impact of the alleged conduct on the complainants.<sup>109</sup> He advised that the Union had raised this issue with the RSPCA NSW, and, given the sensitivity, complexity and concentration of complaints, put the case that there needed to be an independent investigation to protect everyone involved.<sup>110</sup>
- 2.65** Ms Karen Davies, a former RSPCA NSW staff member, expressed her dissatisfaction with both the culture and complaints handling process at the organisation. She described a ‘culture of bullying’, where the typical complaint handling process was ‘almost exclusively’ in house, with issues resolved by staff being told to ‘suck it up’ by staff in the HR department.<sup>111</sup> Confidential evidence suggests that the concern about internal grievances and complaint handling is ongoing and quite widespread, and is affecting inspectors’ welfare and ability to safely perform their duties.
- 2.66** When asked about the number of complaints, as well as the organisation’s complaint handling approach, Mr Beerden, RSPCA NSW, advised that in the last 12 months there had been 23 grievances in total. Of these, 11 were considered ‘informal’, while there were 12 ‘formal’ grievances which contained 36 bullying complaints.<sup>112</sup> He said that, after internal investigations, of the 36 bullying complaints, 32 were unsubstantiated and 4 were substantiated.<sup>113</sup> He indicated that the RSPCA NSW had a preference to resolve matters ‘at the lowest level possible between the individuals concerned’ because that produces a better outcome.<sup>114</sup>
- 2.67** Addressing concerns about how workplace matters are handled at the RSPCA NSW, Mr Coleman tendered the RSPCA NSW’s employee handbook ‘Respect@Work’, dated August 2023. He stated that, that ‘while we do not claim to be perfect, we have robust governance and

<sup>105</sup> Evidence, Mr Moase, 27 May 2024, p 2.

<sup>106</sup> Evidence, Mr Moase, 27 May 2024, p 2; Answers to questions on notice, Mr Moase, p 1; Answers to supplementary questions, Mr Moase, p 3.

<sup>107</sup> Evidence, Mr Moase, 27 May 2024, p 2; Answers to questions on notice, Mr Moase, p 1; Answers to supplementary questions, Mr Moase, p 3.

<sup>108</sup> Evidence, Mr Moase, 27 May 2024, p 2.

<sup>109</sup> Evidence, Mr Moase, 27 May 2024, p 2.

<sup>110</sup> Answers to supplementary questions, Mr Moase, pp 8-9.

<sup>111</sup> Evidence, Ms Karen Davies, Former staff member RSPCA NSW and Animal Welfare League NSW, 26 April 2024, p 5; Answers to questions on notice, Ms Karen Davies, 20 May 2024, p 3.

<sup>112</sup> Evidence, Mr Beerden, 26 April 2024, p 47.

<sup>113</sup> Evidence, Mr Beerden, 26 April 2024, p 47.

<sup>114</sup> Evidence, Mr Beerden, 26 April 2024, pp 47-8.

workplace management practices in place to ensure the highest standards of operation and accountability'.<sup>115</sup> The Respect@Work handbook contains various policies including those related discrimination, harassment and workplace bullying, grievances and whistleblowers.<sup>116</sup>

- 2.68** Regarding the number of workers compensation claims made by current or former RSPCA NSW employees, Mr Beerden advised that since 1 January 2022 there had been six claims for lost time due to stress, anxiety or psychosocial hazards, of which four were accepted by the insurer.<sup>117</sup> Although not limited to psychosocial risk related claims, the RSPCA NSW budget submission noted a year-on-year growth in WHS claims, which currently stand at \$1.4 million.<sup>118</sup>
- 2.69** RSPCA NSW President, Dr Peter Wright, acknowledged that the organisation had gone through a challenging period of organisational change over the past 12 months, but asserted that there is no evidence of a 'toxic' workplace culture at the RSPCA NSW.<sup>119</sup> Dr Wright suggested that the rise in inspectors' complaints about bullying and harassment related to the fact that in the last 12 months, inspectors, who were used to working independently with limited oversight, were now being asked to work in pairs, and with additional layers of management and oversight.<sup>120</sup> He suggested that not all inspectors have experienced these changes positively, and that feelings of bullying or harassment could be due to less autonomy.<sup>121</sup>
- 2.70** Mr Mark Steele SC, Vice-President, RSPCA NSW noted that the organisation has a grievance policy, and he would expect issues to be raised internally so they could be investigated and addressed.<sup>122</sup> He informed the committee that, given his background in employment law, he had reviewed the high number of recent grievances and staff turnover, and had discussed this with both the RSPCA NSW CEO and general manager.<sup>123</sup>
- 2.71** The RSPCA NSW advised that the Board does not generally review workplace grievances directly as they are managed by the Human Resources team, however board members had discussed recent grievances from inspectors with the Chief Executive Officer, the General Manager Regulation and Business Services, the Chief Inspector and the Head of Human Resources 'in order to satisfy themselves that the concerns had been and were being dealt with appropriately and that all necessary actions were being taken to address any well-founded grievances fairly and appropriately'.<sup>124</sup>
- 2.72** Further to current internal grievances, the committee heard evidence that a number of inspectors have in recent years left the organisation involuntarily in circumstances that caused significant distress, including a sense of unfairness. Some former RSPCA NSW inspectors who

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<sup>115</sup> Evidence, Mr Coleman, 27 May 2024, p 7; Tabled document, 'Respect@Work' Employee Handbook, RSPCA NSW, August 2023.

<sup>116</sup> Tabled document, 'Respect@Work' Employee Handbook, RSPCA NSW, August 2023.

<sup>117</sup> Answers to questions on notice, RSPCA NSW, 22 May 2024, p 41.

<sup>118</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 14.

<sup>119</sup> Evidence, Dr Peter Wright, President, RSPCA NSW, 18 July 2024; Evidence, Mr Steele SC, 18 July 2024, p 21.

<sup>120</sup> Evidence, Dr Wright, 18 July 2024, p 2.

<sup>121</sup> Evidence, Dr Wright, 18 July 2024, p 2.

<sup>122</sup> Evidence, Mr Steele SC, 18 July 2024, pp 5, 9 and 13.

<sup>123</sup> Evidence, Mr Steele SC, 18 July 2024, p 5.

<sup>124</sup> Answers to questions on notice, RSPCA NSW, 19 August 2024, p 7.

feel aggrieved about the circumstances in which they left the organisation also felt silenced through having signed a form of non-disclosure agreement, and/or fear of personal or professional repercussions.

- 2.73** In response to questions about staff who had effectively been forced or encouraged to resign, and separation packages for staff in these circumstances, the RSPCA NSW stated: ‘In the past 5 years, no employees have been asked to leave the organisation involuntarily’.<sup>125</sup> They continued:

In some cases, employees under a performance management process may have opted for a separation package, which may have included payments beyond strict statutory or contractual entitlements and included a non-disclosure agreement. Non-disclosure agreements are not uniformly applied in every severance package involving a payment beyond statutory or contractual entitlements; whether or not this is done depends on the specific circumstances of the employee's departure. Typically, confidentiality or non-disparagement clauses are considered in cases where the settlement involves private and sensitive discussions or where both parties prefer discretion, especially if there has been a mutual agreement to part ways. This approach serves to protect the interests of both the organisation and the employee, ensuring a smooth transition without public disclosure of the terms.<sup>126</sup>

- 2.74** The RSPCA NSW advised that, in recent years, separation agreements had predominantly taken the form of a Deed of Release rather than a non-disclosure agreement. They explained that this is to focus on a ‘comprehensive settlement of claims rather than solely on restricting disclosure’, and aims to ‘find an arrangement that meets the needs of the organisation and the departing employee while respecting confidentiality where appropriate’. The RSPCA NSW said it had entered into 12 Deeds of Release since 2022.<sup>127</sup>

- 2.75** In answer to a related question, the RSPCA NSW advised that, while it is atypical, there have been six occasions in recent years where employees retained a vehicle as part of a separation package. Five of the vehicles were Toyota Hiluxes, with a net book value ranging from \$35,000 to \$42,000.<sup>128</sup> The RSPCA NSW noted: ‘on such occasions, consideration has been given to, for example, the length of service of the employee, the cost-benefit of the alternatives to an agreed separation and the potential risk of litigation’.<sup>129</sup>

### Leadership culture

- 2.76** In addition to specific concerns about bullying and grievance management at the RSPCA NSW inspectorate, several confidential inquiry participants spoke of a ‘toxic culture’ at the top of the

<sup>125</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, p 8, published by resolution of the committee.

<sup>126</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, p 8, published by resolution of the committee.

<sup>127</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, p 8, published by resolution of the committee.

<sup>128</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, pp 1-2, published by resolution of the committee.

<sup>129</sup> Answers to questions on notice, RSPCA NSW, 31 October 2024, pp 1-2, published by resolution of the committee.

organisation, and a perception of nepotism. They saw this as contributing to low morale and high turnover of inspectorate staff. Specific concerns raised related to:

- selection processes for senior inspectorate leaders seen as lacking in transparency, resulting in managers with lack of experience relevant to their roles, and concerns that appointments were based on personal relationships rather than merit
- senior inspectorate managers minimising or trivialising inspector safety concerns
- sexism and favouritism affecting access to training, promotion and workload
- senior managers giving inappropriate and potentially unlawful directions to inspectorate staff
- targeting of inspectors who spoke up about workload and safety issues with adverse treatment, including dismissal or forced resignation
- poor handling of resignations leading to lack of handover and loss of organisational knowledge
- poor management of possible conflicts of interest of the inspectorate's senior leadership
- senior leaders being seen to put blame on inspectors in public communications, rather than take responsibility as managers.

**2.77** Mr Godfrey Moase, United Workers' Union, was aware that a significant number of inspectorate staff considered that a 'culture of nepotism' pervaded the RSPCA NSW.<sup>130</sup> He suggested the key structural factor is 'the quality of the leadership, and what supports, accountabilities and processes need to be in place in order to maximise good-quality leadership'.<sup>131</sup> Mr Moase said that 'new leadership' at an operational level is 'absolutely vital' to shift the culture.<sup>132</sup> In his view, this 'new leadership' could be the same people significantly changing their workplace practices, or new people or roles coming in.<sup>133</sup>

**2.78** The RSPCA NSW senior management team denied there was an issue of nepotism in recruitment and promotion decisions, stating that the RSPCA NSW has an industry-standard recruitment process and the available positions are filled with the best applicant.<sup>134</sup> The RSPCA NSW provided details of the qualifications and recruitment process for the Chief and Deputy Chief Inspectors.<sup>135</sup>

**2.79** The RSPCA NSW also rejected suggestions of a 'toxic' or negative workplace culture at the organisation, asserting that the results of a recent workplace engagement survey show a 'positive and supportive work environment' where 'employees feel valued, supported and proud of their

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<sup>130</sup> Evidence, Mr Moase, 27 May 2024, p 4.

<sup>131</sup> Evidence, Mr Moase, 27 May 2024, p 4.

<sup>132</sup> Evidence, Mr Moase, 27 May 2024, p 2; Answers to questions on notice, Mr Moase, p 4.

<sup>133</sup> Evidence, Mr Moase, 27 May 2024, p 2; Answers to questions on notice, Mr Moase, p 4.

<sup>134</sup> Evidence, Mr Coleman, 26 April 2024, p 45; Evidence, Mr Beerman, 26 April 2024, p 46.

<sup>135</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, pp 24-25.

contributions to the organisation's mission'.<sup>136</sup> (The RSPCA provided a brief summary of the results of the staff survey, rather than the complete results.)<sup>137</sup>

**2.80** With respect to allegations about bullying and harassment by senior managers, Mr Coleman told the committee that, while there were relatively recent allegations made against RSPCA NSW senior management, they had been investigated and outcomes provided to staff who made them.<sup>138</sup> Mr Coleman questioned the appropriateness of an Upper House committee inquiry as a forum to air these concerns.<sup>139</sup> In a written response to questions, the RSPCA NSW asserted that this inquiry was having a deleterious effect on its workplace culture:

Consequences directly attributable to this inquiry include resignations, multiple staff members taking stress and extended medical leave, and caused some staff to seek psychiatric care and medical attention ... The inquiry's negative effects extend beyond our staff to our volunteers, donors and supporters, who are also affected by the public portrayal and the resulting organisational strain. We acknowledge the importance of transparency and accountability, but balancing these with the rights and well-being of our dedicated team and supporters is crucial.<sup>140</sup>

**2.81** The committee explored with the RSPCA NSW Board representatives whether they had concerns about the performance of Mr Coleman as CEO, including whether they felt his length of tenure (17 years) was an issue. Dr Peter Wright indicated there had been periodic performance reviews of Mr Coleman as CEO, and at all times he had been found satisfactory.<sup>141</sup> Dr Wright also indicated that he was not aware of any staff concerns about the CEO's performance being raised with him.<sup>142</sup> RSPCA NSW Board members suggested that Mr Coleman's lengthy service was of benefit to the organisation as he was thoroughly familiar with its processes, and had built up personal relationships with donors, benefactors and supporters.<sup>143</sup> Mr Steele challenged the idea that lengthy tenure of one CEO was a problem, arguing that not-for-profits function differently to business corporations.<sup>144</sup>

**2.82** Mr Steele also rejected the suggestion that Mr Coleman's organisational knowledge and personal relationships meant that the Board was not able to provide adequate oversight. He stated that: 'I don't feel managed. I think I'd know if I was being, and I'm not'.<sup>145</sup> He further suggested that, while Mr Coleman's relationships were important to the organisation, that did not give him power over the Board. He emphasised that 'we [the Board] manage our CEO'.<sup>146</sup>

<sup>136</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, pp 1-3.

<sup>137</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, pp 1-3.

<sup>138</sup> Evidence, Mr Coleman, 27 May 2024, p 7.

<sup>139</sup> Evidence, Mr Coleman, 27 May 2024, p 7.

<sup>140</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 3.

<sup>141</sup> Evidence, Dr Wright, 18 July 2024, p 16.

<sup>142</sup> Evidence, Dr Wright, 18 July 2024, p 5.

<sup>143</sup> Evidence, Dr Wright, 18 July 2024, p 16; Evidence, Mr Steele, 18 July 2024, p 18.

<sup>144</sup> Evidence, Mr Steele, 18 July 2024, p 18.

<sup>145</sup> Evidence, Mr Steele, 18 July 2024, p 18.

<sup>146</sup> Evidence, Mr Steele, 18 July 2024, p 18.

### Conflict of interest management

- 2.83** An area of focus for this committee was the means by which conflicts of interest are managed by the RSPCA NSW. The committee received confidential evidence raising concerns about the management of conflicts of interest within the senior management of the RSPCA NSW.
- 2.84** The RSPCA NSW advised the committee that its employee handbook includes specific procedures for conflict of interest management, and that conflicts of interest for the Board and Board subcommittees are recorded in a conflicts register, maintained by the executive administrator.<sup>147</sup> Mr Beerden also noted that, as well as the conflict of interest policy, there are employment contract conditions on conflict of interest disclosure, and an internal grievance and whistleblower policy that provides for an independent party that staff can contact if they believe someone has a conflict of interest.<sup>148</sup>
- 2.85** As a member of the RSPCA NSW Board, Mr Mark Steele SC reiterated that the organisation has policies to manage conflicts of interest. These policies require staff to disclose any actual or potential conflict of interest. Disclosed conflicts of interest are dealt with by that person's manager in the first instance and if required, escalated up the chain of command to senior management.<sup>149</sup> Mr Steele said it was rare for conflicts of interest to be escalated to the Board and only conflicts which management were concerned could not be investigated at management level would be escalated.<sup>150</sup>
- 2.86** Two specific examples raised in confidential evidence were explored with the RSPCA NSW in public hearings. The first related to the agistment of horses that had been seized by the RSPCA NSW at a property belonging to the sister-in-law of the Chief Inspector, Mr Scott Meyers. The committee heard testimony questioning the reasons for the seizure, the benefit to Mr Meyers' family from having the horses agisted on their property, and what happened to the horses.
- 2.87** The committee questioned RSPCA NSW representatives about whether and on what basis horses had been agisted with family members of inspectorate staff, and received the following written response:

On occasion and in certain circumstances and where alternative agistment has either been unavailable at short notice or was significantly more expensive for the same service. This situation occurred when, in October 2016, RSPCA NSW seized 6 horses and sought agistment to handle the horses at short notice. Quotes for agistment from external providers were very high, and the initial agistment cost RSPCA NSW was paying \$45 per day per horse. Consequently, Mr Meyers, then North Region Team Leader, informed his direct report manager about his sister-in-law's offer to provide agistment for \$10 per day per month.

The horses were subsequently relocated, and costs were recovered via court order having been approved by Mr Meyers' direct report. The period over which horses were agisted with Mr Meyers' sister-in-law was between 2016 and 2020, during which NSW experienced record levels of drought. The effect of the drought resulted in the cost of agistment skyrocketing, particularly due to high feed prices. It also made securing

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<sup>147</sup> Answers to question on notice, RSPCA NSW, 17 June 2024, p 7.

<sup>148</sup> Evidence, Mr Beerden, 27 May 2024, p 16.

<sup>149</sup> Evidence, Mr Steele, 18 July 2024, p 9.

<sup>150</sup> Evidence, Mr Steele, 18 July 2024, p 9.

agistment at short notice very difficult. 32 horses were agisted with Mr Meyers' sister-in-law during this time at a cost of between \$10 and \$15 per day per horse, which was a significant cost reduction from the market price which was typically up to \$45 per horse per day. As a charity seeking to best expend funds, as the conflict was declared, and horses involved in court matters are typically agisted for prolonged periods, this was a reasonable and financially prudent decision. No horses have ever been purchased / adopted / transferred or sold to CI Meyer's sister-in-law.<sup>151</sup>

**2.88** Responding to a question about whether a conflict of interest was raised and how it was managed, the RSPCA NSW gave the following response:

Yes, a conflict of interest was raised by CI Meyers. At the time, he identified a potential conflict of interest and brought it to his direct manager's attention, the then Chief Inspector and Chief Operations Officer's. To manage and mitigate this conflict, CI Meyers removed himself from the decision-making process regarding the agistment of the horses with his sister-in-law's business. Furthermore he did not direct any staff to deliver horses for agistment to his sister-in-law, nor did he approve any invoices. This ensured that the decision was made impartially and without any undue influence.<sup>152</sup>

**2.89** When questioned about this arrangement at a subsequent hearing, Mr Meyers advised that of the 32 horses, one was euthanised by a vet and three or four were returned back to the owner. He also said that 'there were horses that were adopted by my sister-in-law', which he later clarified to confirm that 'she didn't adopt them; she processed the adoption to an external party, a third party'.<sup>153</sup> In response to a request from the committee for more detail about how the conflict of interest was managed, including evidence such as how invoices for the adoption services were handled, the RSPCA NSW provided the following response:

Mr Banasiak noted the generosity associated with caring for RSPCA NSW Inspectorate animals, and that is exactly the experience RSPCA NSW has of its members, volunteers and supporters. Thousands of animals are cared for in NSW homes and on NSW properties on behalf of RSPCA NSW whilst court processes run to rehabilitate animals, to give animals a break from shelter life, and whilst they await permanent homes. The decreasing demand for particularly companion animals post COVID means animals in RSPCA NSW custody are spending longer waiting for those homes. On one day, 47 kittens were placed with RSPCA NSW administrative staff and their families in foster care alone after an email was sent explaining the need for those places. This is the support RSPCA NSW enjoys and is grateful for within NSW communities.<sup>154</sup>

**2.90** A second example of possible conflict of interest raised in confidential evidence concerned the RSPCA NSW President, Dr Peter Wright, receiving payment from the RSPCA NSW for services by his veterinary practice.

<sup>151</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, pp 25-6.

<sup>152</sup> Answers to supplementary questions, RSPCA NSW, 22 May 2024, p 26.

<sup>153</sup> Evidence, Mr Scott Meyers, Chief Inspector, RSPCA NSW, 27 May 2024, p 13.

<sup>154</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 9.



- 2.91** Dr Wright acknowledged that, as a practising veterinarian in Goulburn, he had received payment for providing services to the RSPCA NSW.<sup>155</sup> He noted that this was on the list of conflicts of interest declared to the board, and also declared in the annual report each year.<sup>156</sup>
- 2.92** The RSPCA NSW indicated that Dr Peter Wright is a part-owner of Clinton Street Veterinary Clinic, which the RSPCA NSW ‘occasionally’ uses for veterinary services in the region.<sup>157</sup> It noted that the RSPCA NSW’s constitution allows for payments to be made to directors for services (other than for service as a director) provided the terms are no more favourable than to a third party.<sup>158</sup> It advised that RSPCA NSW’s reimbursements to the Clinton Street Veterinary Clinic over the three years from 2021-2023 had come to \$4,835 which represented approximately 42 per cent of the RSPCA NSW’s total veterinary spend in the region. It also noted that the clinic is selected on a case-by-case basis and Dr Wright is not involved in decisions as to which clinic is to be used on a particular occasion.<sup>159</sup>
- 2.93** Explaining the RSPCA NSW’s procedures for managing conflict of interest involving board members, Mr Steele SC reiterated that there is a standing register of interests for board members, and a process to declare any conflicts of interest before each meeting.<sup>160</sup> While board members cannot derive an income as a director, Mr Steele SC said it was permissible for a board member to be engaged to provide services on a fee-for-service basis, provided it was disclosed, and they were not involved in the decision to engage them.<sup>161</sup>

#### **Committee comment**

- 2.94** The purpose of this inquiry is to ensure adequate public oversight of the important law-enforcement function delivered by charitable organisations. While not setting out to examine workplace cultural issues, the committee has heard from a significant number of witnesses who gave confidential evidence regarding the internal operations and workplace culture of the RSPCA NSW in particular.
- 2.95** We recognise that the RSPCA NSW is an independent, membership-based organisation working in a complex arena with high community interest and expectations. While not setting out to displace existing accountability mechanisms or to publicly critique individuals, this committee has been concerned about some of the issues raised about the workplace culture at the RSPCA NSW’s inspectorate, including evidence of a high number of recent grievances and staff turnover. These issues appear to be impacting the work health and safety, morale and continuity of the inspectorate workforce and, if not addressed, will inevitably impact the ability of the inspectorate to carry out its important enforcement role under the POCTA Act.
- 2.96** We acknowledge that some degree of employee dissatisfaction can result from organisational changes such as those the RSPCA NSW has been experiencing, partly as a response to a sudden

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<sup>155</sup> Evidence, Dr Wright, 18 July 2024, p 10.

<sup>156</sup> Evidence, Dr Wright, 18 July 2024, p 10.

<sup>157</sup> Answers to question on notice, RSPCA NSW, 19 August 2024, p 8.

<sup>158</sup> Answers to question on notice, RSPCA NSW, 19 August 2024, p 8.

<sup>159</sup> Answers to question on notice, RSPCA NSW, 19 August 2024, p 8.

<sup>160</sup> Evidence, Mr Steele, 18 July 2024, p 9.

<sup>161</sup> Evidence, Mr Steele, 18 July 2024, p 9.

injection of government funds and new expectations of ways of working. However, the evidence we received about the recent spate of internal grievances and the impact on inspectors' morale and mental health does not seem consistent with a healthy workplace culture. The committee believes that significant changes need to be made within the RSPCA NSW to ensure that the inspectorate is a safe and attractive place to work, and can deliver robust enforcement of animal cruelty laws and ensure the safety and wellbeing of animals in NSW.

- 2.97** We note evidence from the United Workers Union that they had been communicating with the RSPCA NSW about the need for an independent investigation into recent complaints. We hope that the RSPCA NSW will act on this, and use the process to drive cultural change.
- 2.98** We note with concern evidence about motor vehicles being retained by staff as part of a separation package. The committee holds grave concerns over this practice, given the reported age and value of cars provided and that government monies have been used in the past for motor vehicle and equipment purchase.
- 2.99** We also note our concern about some of the RSPCA NSW's responses to this committee regarding conflict of interest management. In particular, it is disappointing the RSPCA NSW was unable or unwilling to provide proof of the financial transactions related to the agistment of seized horses with Mr Meyers' sister-in-law, and subsequent transfer of the ownership of those animals.
- 2.100** The committee has received a significant amount of confidential evidence relating to the workplace culture, leadership and governance of the RSPCA NSW inspectorate. This evidence was difficult to interrogate without revealing the identity of witnesses. However, the committee considers it points to the existence of significant workplace issues.

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### **Finding 5**

Evidence to this inquiry has indicated significant issues relating to the workplace culture, leadership and governance at the RSPCA NSW inspectorate and in particular procedures surrounding the management of conflicts of interest.

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## **Transparency and accountability of the enforcement agencies**

- 2.101** In 2021, this committee heard concerns that the charitable organisations under the POCTA Act are not subject to the checks, balances and oversight that government agencies with enforcement responsibilities must comply with.<sup>162</sup> In recommending increased government funding to carry out the enforcement function under the POCTA Act, this committee also called for administrative arrangements that ensured greater oversight, transparency and accountability for performance.<sup>163</sup> Stakeholder views on this issue are explored below.

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<sup>162</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 29-31.

<sup>163</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 37.

### Stakeholder calls for greater transparency in reporting

- 2.102** Consistent with this committee’s previous inquiry, several inquiry participants decried a lack of transparency in the annual reports of both charitable organisations regarding their operations under the POCTA Act. This includes a lack of information about how reports of cruelty are triaged, how decisions on what to investigate or prosecute are made, and animal welfare outcomes, including euthanasia rates.<sup>164</sup> Other stakeholders commented that publicly available financial statements did not allow a clear understanding of how the ACOs are spending funds, particularly from public donations.
- 2.103** For example, Animal Care Australia (ACA) observed that inspectorate operational costs are not reported separately to the animal shelter and vet clinic operational costs in the annual reports of either ACO, making it difficult to understand the level of expenditure on each.<sup>165</sup> Mr Sam Davis, the ACA's Vice President, highlighted that while many donors to the RSPCA NSW gave their money with the intention of supporting of animal rescue or shelters:
- ... RSPCA is shutting down their shelters and they're saying that they're going to do all enforcement. I wonder, what are people who are donating to the RSPCA donating to? I don't know. There's no indication in there, because they don't differentiate between the two [costs].<sup>166</sup>
- 2.104** The Cat Protection Society of NSW noted that a lack of detail or common standards in the two organisations’ public annual reports makes it difficult to gain a clear understanding of their inspectorates’ operations, in terms of number of complaints received, what kind of complaints are investigated, whether there have been improvements in animal welfare or increases in cruelty.<sup>167</sup> The Society’s CEO, Ms Kristina Vesk, stated that, despite multiple inquiries in recent years, ‘we are none the wiser when it comes to understanding what is and isn’t investigated under [the POCTA Act].’ She particularly noted a lack of information on how reports of cruelty are triaged, what determines the approach to responding, and the trends in terms of complaints or investigation.<sup>168</sup> She also noted a lack of transparency of the ACOs’ standard operating procedures and whether or not they are being followed.<sup>169</sup>
- 2.105** Several inquiry participants raised concerns about high euthanasia rates at animal shelters. The Animal Defenders’ Office suggested the charitable organisations should be required to report on actions they are taking to lower euthanasia rates at their shelter.<sup>170</sup>
- 2.106** Lack of transparency around euthanasia rates was also highlighted by Mr Courtney, President, Professional Dog Trainers of Australia. He noted that, after publishing statistics on euthanasia in 2019-20, which showed that almost 2,600 dogs did not respond to their behaviour modification programs, the RSPCA has subsequently not published information that separates

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<sup>164</sup> Evidence, Ms Kristina Vesk, Chief Executive Officer, Cat Protection Society of NSW, 26 April 2024, p 9; Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders’ Office, 26 April 2024, p 9; Submission 2, Animal Defenders’ Office, p 2.

<sup>165</sup> Submission 22, Animal Care Australia, p 4.

<sup>166</sup> Evidence, Mr Davis, 26 April 2024, pp 15-16.

<sup>167</sup> Submission 11, Cat Protection Society of NSW, pp 2-4.

<sup>168</sup> Evidence, Ms Vesk, 26 April 2024, p 9.

<sup>169</sup> Evidence, Ms Vesk, 26 April 2024, p 16.

<sup>170</sup> Submission 2, Animal Defenders’ Office, p 3.

euthanasia for behavioural reasons from medical ones.<sup>171</sup> Furthermore, he believed the rate of euthanasia was unnecessarily high, and that many of these euthanised dogs could have been addressed with the right methods.<sup>172</sup> He suggested the motives for high euthanasia rates were more about profit than the dog's suitability for training and rehoming.<sup>173</sup>

**2.107** The Animal Defenders' Office called for the charitable organisations' public annual reporting to provide information on:

- types of animals subject to complaints, number of complaints and their outcome and number of complaints not pursued due to resource constraints
- number of inspectors employed
- data on prosecutions finalised in a reporting period, outcomes of the prosecutions and the number of cases not prosecuted due to resource constraints.<sup>174</sup>

**2.108** The RSPCA NSW noted that, in addition to specific reporting requirements under the POCTA Act (see paragraph 2.108), charitable organisations are also subject to oversight from the Australian Charities and Not-for-profits Commission, which requires them to provide an annual financial report and information statement, and NSW Fair Trading, which requires them to conduct annual independent audits and provide annual financial statements and statements of compliance.<sup>175</sup> It also noted that the RSPCA NSW is subject to regular Parliamentary oversight through inquiries such as this one, and that it is oversighted by the Department of Primary Industries for the acquittal of government funds.<sup>176</sup>

### *Section 34B reports*

**2.109** A number of witnesses suggested that this transparency gap could be bridged by the public release of reports required to be produced by the ACOs under section 34B of the POCTA Act.<sup>177</sup> Section 34B reports, which are produced for the Minister, must address the following matters:

- a. complaints and investigations concerning the treatment of animals,
- b. counsel, advice or cautions given,
- c. notices issued,
- d. proceedings for offences instituted,
- e. appointed officers employed by the organisation and training provided for them,

<sup>171</sup> Evidence, Mr Steven Courtney, President, Professional Dog Trainers of Australia, 26 April 2024, p 27.

<sup>172</sup> Evidence, Mr Courtney, 26 April 2024, pp 25-27.

<sup>173</sup> Evidence, Mr Courtney, 26 April 2024, p 26.

<sup>174</sup> Submission 2, Animal Defenders' Office, pp 2-3.

<sup>175</sup> Answers to supplementary questions, RSPCA NSW, 17 June 2024, pp 5-6.

<sup>176</sup> Answers to supplementary questions, RSPCA NSW, 17 June 2024, p 6.

<sup>177</sup> Evidence, Ms Ward, 26 August 2024, p 9.

- f. complaints about the organisation or appointed officers employed by the organisation.<sup>178</sup>

- 2.110** As the 2021 inquiry noted with concern, Section 34B reports were not required to be released publicly and the Minister may redact any information they considered should not be made public.<sup>179</sup>
- 2.111** Questioned about stakeholder calls for greater transparency of reporting, and why the section 34B reports are not made public, Dr Kim Filmer, Chief Animal Welfare Officer, Department of Primary Industries, told the committee there had been some discussion about whether they could be tabled or released. She noted that, while there may be some privacy concerns, the reports could be modified or redacted prior to release.<sup>180</sup>
- 2.112** During this inquiry, RSPCA NSW's CEO Mr Coleman gave the committee an undertaking to seek approval from the current Minister to release the RSPCA NSW's last two s34B reports.<sup>181</sup> With the Minister's approval, these were provided to the committee, and were made available both on this committee's and on the RSPCA NSW's website.<sup>182</sup> The organisation's General Council, Ms Jurd told the committee that for the past two years she had also prepared a de-identified version that could be published should the Minister wish to do so.<sup>183</sup>
- 2.113** As this inquiry proceeded, there was some movement in this space: the *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024* amended section 34B of the POCTA Act to require the Minister to table the charitable organisations' annual reports in Parliament.<sup>184</sup>

### Avenues for complaints about inspectorate operations

- 2.114** Some stakeholders expressed concern about a lack of options to make complaints about the ACOs' enforcement activities under the POCTA Act. Ms Tara Ward, Managing Solicitor, Animal Defenders' Office, noted the main pathway for members of the public who are dissatisfied with the performance of the ACOs is to complain to the organisation directly.<sup>185</sup> She said that the Animal Defenders' Office sometimes recommended people make a complaint to the NSW Ombudsman, but noted 'that's a long process and tends not to go very far'.<sup>186</sup>

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<sup>178</sup> Prevention of Cruelty to Animals Regulation 2012 clause 34.

<sup>179</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, p 26; *Prevention of Cruelty to Animals Act 1979* section 34B(3).

<sup>180</sup> Evidence, Dr Filmer, 26 April 2024, p 60.

<sup>181</sup> Evidence, Mr Coleman, 26 April 2024, p 55.

<sup>182</sup> Portfolio Committee no. 4 website:  
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3025#tab-otherdocuments>.

<sup>183</sup> Evidence, Ms Kathryn Jurd, General Counsel, RSPCA NSW, 26 April 2024, p 54.

<sup>184</sup> *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Bill 2024*, Schedule 1, clause 13.

<sup>185</sup> Evidence, Ms Ward, 26 April 2024, p 12.

<sup>186</sup> Evidence, Ms Ward, 26 April 2024, p 12.

- 2.115** Mr Michael Donnelly, President, Animal Care Australia, also voiced concern about the process through which complaints about inspectors can be made where people felt they had acted improperly in seizing animals.<sup>187</sup> He said that, ‘when you do make that complaint, you’re put into a room ... with the inspector that you’re complaining about, with the chief inspector ... and more often than not the CEO will be in that room as well.’ He suggested that this arrangement meant that complainants would be ‘bullied and intimidated’ and convinced their complaint is ‘pointless’.<sup>188</sup> To ensure greater accountability, he called for an appeals process to be established – accessible both to people who had made a complaint that was not acted on, as well as to people who felt abused by an inspector.<sup>189</sup>
- 2.116** The RSPCA NSW said it advised anyone who has an issue with an investigation to contact them and make a formal report. Alternatively, they could also contact the Department of Primary Industries, Animal Welfare League NSW or NSW Police if they believe a matter needs to be independently investigated.<sup>190</sup> Representatives from the Department of Primary Industries reiterated the availability of these complaint options,<sup>191</sup> with Mr Tracey adding that there is also a pathway to refer complaints to ICAC, if the matter related to alleged corruption.<sup>192</sup>

### Other methods to improve transparency

- 2.117** Some stakeholders suggested that transparency of the ACOs’ operations could be improved by clarifying whether approved charitable organisations are subject to the *Government Information (Public Access) Act 2009* (the ‘GIPA Act’).<sup>193</sup> This occurred during this inquiry, with the *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024*, amending the *Government Information (Public Access) Act 2009* to make an approved charitable organisation under the POCTA Act a ‘public authority’ for the purposes of that Act.<sup>194</sup>
- 2.118** Before that Act was passed, Ms Tara Ward, Animal Defenders’ Office, noted that while, ‘to its credit’ the RSPCA NSW did respond to information requests under the GIPA Act, this was inconsistent, as there were examples of requests for information about RSPCA NSW’s complaint handling that had not been responded to.<sup>195</sup>
- 2.119** Even before the amendment to the GIPA Act, Ms Kathryn Jurd, General Counsel, RSPCA NSW advised that the operations of the RSPCA NSW inspectorate were subject to it, and noted that the RSPCA NSW publishes a register disclosing outcomes of GIPA Act applications.<sup>196</sup>

<sup>187</sup> Evidence, Mr Donnelly, 26 April 2024, pp 10-12.

<sup>188</sup> Evidence, Mr Donnelly, 26 April 2024, p 12; Answers to questions on notice, Animal Care Australia, pp 2-3.

<sup>189</sup> Evidence, Mr Donnelly, 26 April 2024, p 18.

<sup>190</sup> Answers to supplementary questions, RSPCA NSW, 17 June 2024, p 6.

<sup>191</sup> Evidence, Dr Filmer and Mr John Tracey, Deputy Director General Biosecurity and Food Safety, Department of Primary Industries, Friday 26 April 2024, p 61.

<sup>192</sup> Evidence, Mr Tracey, 26 April 2024, p 61.

<sup>193</sup> Submission 2, Animal Defenders’ Office, p 4.

<sup>194</sup> Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Bill 2024, Schedule 3.

<sup>195</sup> Evidence, Ms Ward, 26 April 2024, p 12.

<sup>196</sup> Evidence, Ms Jurd, 27 May 2024, p 18.

The RSPCA NSW advised it had received 21 formal and informal GIPA Act applications over the last four years.<sup>197</sup> As of 16 July 2024, two requests are detailed on the RSPCA NSW's GIPA disclosure log.<sup>198</sup>

- 2.120** The *Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Act 2024*, also amended the *Ombudsman Act 1974* to make an approved charitable organisation under the POCTA Act a 'public authority', clarifying that the NSW Ombudsman is able to investigate their operations – something that it had previously been unable to do.<sup>199</sup>

### **Committee comment**

- 2.121** The committee is disappointed to hear ongoing concerns from the animal welfare sector about a lack of transparency and accountability in the operations of the charitable organisations, also noted in our 2021 inquiry. We acknowledge that progress has been made since the current inquiry started, including the RSPCA NSW voluntarily publishing recent section 34B reports, and amendments to the POCTA Act that will now require these reports to be tabled in Parliament annually. We hope this goes some way to meeting stakeholders' need for information about the ACOs' enforcement activity.
- 2.122** We also acknowledge the recent amendments to the POCTA Act to make the ACO inspectorates more accountable through the GIPA Act and oversight by the NSW Ombudsman. We look forward to seeing whether these measures go some way to addressing the information needs and concerns of stakeholders in the sector.
- 2.123** That said, we continue to have concerns that there is little transparency around both ACOs' financial reporting. This is clearly a point of frustration for some stakeholder organisations, and has frustrated this committee as we tried to understand how the 2023 government grant funding had been spent, and what had been the outcomes achieved.

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### **Finding 6**

Until recently the section 34B reports under the *Prevention of Cruelty to Animals Act 1979* were not required to be released, resulting in limited public oversight to the historic operations and expenditure of the approved charitable organisations in conducting their enforcement role under the Act.

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<sup>197</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 10.

<sup>198</sup> RSPCA NSW website, RSPCA NSW GIPA Disclosure Log dated 5 April 2024, found at: <https://www.rspcansw.org.au/wp-content/uploads/2024/04/GIPA-Disclosure-Log-PUBLIC-050424.pdf>.

<sup>199</sup> Prevention of Cruelty to Animals Amendment (Transparency and Fit and Proper Persons) Bill 2024, Schedule 4. See Evidence, Ms Jurd, 27 May 2024, p 18.

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**Finding 7**

There remain deficiencies in the annual reports of the approved charitable organisations regarding their enforcement activities and financial statements, making it difficult to understand how animal welfare outcomes are achieved, and government funding and public donations are spent.

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- 2.124** To improve transparency and oversight in the sector, we recommend that the NSW Government undertake a standardised annual reporting framework for the ACOs, that has regard for the reporting of cruelty offences, investigations and prosecutions, animal welfare outcomes (such as euthanasia rates), expenditure and use of public funds, and operations of the inspectorate (such as inspectorate numbers). We further recommend that any recurrent government grants to the ACOs be accompanied by greater rigour and oversight, including clearer reporting obligations.
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**Recommendation 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:

- the reporting of cruelty offences
  - investigations and prosecutions
  - animal welfare outcomes, such as euthanasia rates
  - expenditure and use of public funds
  - operations of the inspectorate, such as inspectorate numbers.
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**Recommendation 3**

That any recurrent government grants to approved charitable organisations be accompanied by greater rigour and oversight, including clear reporting obligations.

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**Exercise of compliance and enforcement functions**

- 2.125** In addition to evidence that constrained resourcing had led to the charitable organisations making difficult choices to triage and handle the volume of cruelty complaints received each year, the 2021 inquiry heard a number of stakeholder concerns about the manner in which the ACOs exercised their functions under the POCTA Act.<sup>200</sup> In this inquiry, the committee heard again from some of those stakeholders.

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<sup>200</sup> Portfolio Committee no. 4, *2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, pp 18-19 and 31-33.



- 2.126** Dr Amy Lee, President Elect, NSW Division, Australian Veterinary Association, suggested that the current number of inspectors is ‘not a lot’, and, while unable to comment on the distribution of inspectors, she noted that even with recent additional funding the resourcing to enforce the POCTA Act, including people, training and vehicles, still seems to be an issue.<sup>201</sup>
- 2.127** The Australian Veterinary Association was particularly concerned that limited resources and inspector numbers was leading the ACOs to prioritise cases with the most likelihood of successful prosecution, potentially to the detriment of less severe cases, such as unauthorised acts of veterinary science by unqualified persons.<sup>202</sup>
- 2.128** Mr Sam Davies, Vice-President, Animal Care Australia, suggested the RSPCA NSW had become overly focused on ‘policing-type’ activity under the POCTA Act to the expense of playing an educational role.<sup>203</sup> Mr Davies suggested there would be merit in the RSPCA NSW focusing more on education and support for animal owners rather than immediately moving to prosecute or issue infringement notices.<sup>204</sup> The organisation’s submission suggested that, compared to the RSPCA NSW, the Animal Welfare League places higher priority on assisting owners to take better care of their animals, to improve animal welfare outcomes in the future.<sup>205</sup>
- 2.129** When asked for their response to these views, the RSPCA NSW said that it is in a difficult position, in that it is often simultaneously criticised for excessive enforcement at the same time as it is criticised for insufficient enforcement and prosecution, arguing that ‘clearly both views cannot be simultaneously true’.<sup>206</sup>

### **Conflict of interest in charitable organisations’ role under the *Prevention of Cruelty to Animals Act 1979***

- 2.130** As this committee has previously outlined, the POCTA Act vests approved charitable organisations with the responsibility for law enforcement and prosecution of animal welfare offences. With minimal government funding historically for enforcement activities, the organisations have needed to raise donor funding for inspectorate operations, as well as their animal shelter and other services. Some stakeholders suggested that this created an unacceptable conflict, in that the organisations’ decisions around what to prosecute were affected by their financial interests.
- 2.131** For example, Mr Steven Courtney, President, Professional Dog Trainers of Australia, alleged that the prospect of selling animals at a profit influenced the RSPCA NSW’s decisions to seize animals.<sup>207</sup> He suggested there is an inherent conflict in having a charity like the RSPCA NSW empowered to be ‘judge, jury, executioner and benefactor’ while they can benefit from revenue

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<sup>201</sup> Evidence, Dr Amy Lee, President-Elect, NSW Division, Australian Veterinary Association, 26 April 2024, p 22.

<sup>202</sup> Submission 23, Australian Veterinary Association, p 3.

<sup>203</sup> Evidence, Mr Davies, 26 April 2026, p 12.

<sup>204</sup> Evidence, Mr Davies, 26 April 2026, p 13.

<sup>205</sup> Submission 22, Animal Care Australia, p 7.

<sup>206</sup> Answers to questions on notice, RSPCA NSW, 17 June 2024, p 10.

<sup>207</sup> Evidence, Mr Steven Courtney, President, Professional Dog Trainers of Australia, 26 April 2024, p 28.

raised through ‘dogs seized from owners and sold on for thousands of dollars’, given that ‘as a charity, their main focus has become to get funding from donors’.<sup>208</sup>

- 2.132** Ms Kristina Vesk, Chief Executive Officer of the Cat Protection Society, also suggested that the ACOs may be conflicted when making choices about what to investigate and prosecute, given an investigation could result in seizure of hundreds of animals, which would be a cost to the organisation as it would be required to house them, until adopted.<sup>209</sup> She highlighted the particularly challenging issue of cats at the moment, because there are few places that can take in cats, as services are overstretched.<sup>210</sup>
- 2.133** Ms Karen Davies, a former RSPCA NSW employee, also believed there is an inherent conflict of interest in the role of the charitable organisations investigating and prosecuting animal cruelty under the POCTA Act.<sup>211</sup> She alleged that there were cases where prosecutions for cruelty had not been instigated because of the cost involved in caring for the animals, or conversely cases where animals had been taken into custody because they were ‘highly adoptable with a great story behind them’.<sup>212</sup>
- 2.134** Many of these witnesses pointed to the RSPCA NSW’s decision to move away from operating pounds as a consequence of this conflict, lamenting the gap this financial decision was leaving in animal welfare. Ms Vesk described a growing problem with animal homelessness attributable in part to closure or limited availability of shelters and pounds.<sup>213</sup> The Animal Defenders’ Office noted concerns raised with that organisation about the closure of regional animal shelters by ACOs against the wishes of the regional members and volunteers and community.<sup>214</sup>
- 2.135** RSPCA NSW CEO Mr Steven Coleman explained that the organisation’s direction for some years had been to focus on prevention, which led to a significant decision to exit council pound contracts.<sup>215</sup> Similarly, Mr Albin, CEO, Animal Welfare League, described that organisation’s efforts to build their foster care network as an alternative to shelters, noting that they now have more animals in foster care than in shelters, as this is more cost effective. He also noted that the Animal Welfare League NSW’s branch network is very effective at rehoming animals, and additional funding for the inspectorate recently has made this easier.<sup>216</sup>

### **Inconsistency of enforcement due to overlapping authorities**

- 2.136** Several inquiry participants highlighted the complexity in the sector due to multiple organisations being involved in enforcing different – but sometimes overlapping – legislation.

<sup>208</sup> Evidence, Mr Courtney, 26 April 2024, p 25.

<sup>209</sup> Evidence, Ms Kristina Vesk, Chief Executive Officer, Cat Protection Society of NSW, 26 April 2024, p 13.

<sup>210</sup> Evidence, Ms Vesk, 26 April 2024, p 14.

<sup>211</sup> Evidence, Ms Davies, 26 April 2024, p 7.

<sup>212</sup> Evidence, Ms Davies, 26 April 2024, p 7; Answers to questions on notice, Ms Karen Davies, 20 May 2024, p 2.

<sup>213</sup> Evidence, Ms Vesk, 26 April 2024, p 13.

<sup>214</sup> Submission 2, Animal Defenders’ Office, p 4.

<sup>215</sup> Evidence, Mr Coleman, 26 April 2024, p 43.

<sup>216</sup> Evidence, Mr Albin, 26 April 2024, p 37.

- 2.137** Dr Amy Lee, President-Elect, NSW Division, Australian Veterinary Association, suggested that there is a ‘prosecution gap’ in enforcement of animal laws in New South Wales due to the multiple pieces of legislation and different agencies with authority to investigate and prosecute, including the two charitable organisations under the POCTA Act.<sup>217</sup> She suggested that enforcement is often inconsistent, fragmented and ineffective due to overlapping authorities and unclear legislative boundaries, and that it was confusing for staff who worked for the agencies.<sup>218</sup>
- 2.138** As an example lack of clarity causing issues for enforcement, the committee heard there is confusion around the definition of ‘abandonment’ (under the POCTA Act) versus ‘dumping’ (which can fall under either the *Public Spaces (Unattended Property) Act 2021* or section 32 of the *Impounding Act 1993*), and could be a matter for local council rangers.<sup>219</sup> Ms Amanda Gray, Animal Welfare League, suggested these definitions are ambiguous, and that there is a lot of confusion and frustration about the circumstances in which different agencies had responsibility.<sup>220</sup> Ms Gray also said that some rangers were still citing section 32 of the *Impounding Act 1993* as a basis for collecting animals, notwithstanding its repeal in 2022.<sup>221</sup>
- 2.139** Mr Stephen Albin, CEO, Animal Welfare League NSW, did not agree that there is a particular problem with the fragmentation of responsibilities in the animal welfare space, asserting that that ‘you need checks and balances in an industry to ensure that you are doing the right thing’.<sup>222</sup> On the other hand, Mr Albin acknowledged there is some lack of clarity on the responsibilities between the agencies involved, particularly between local council rangers and the ACOs around their respective roles under the *Companion Animals Act 1998* and the POCTA Act.<sup>223</sup>
- 2.140** On the question of whether there is overlap between the RSPCA NSW and the Animal Welfare League NSW in their enforcement of the POCTA Act, the Animal Welfare League advised that it happens ‘quite a bit’ that two organisations turn up at the same place to investigate a complaint. Ms Amanda Gray, Chief Inspector, Animal Welfare League NSW, stated that when this happens, the organisation that arrived first takes the case, and the other organisation would leave the complaint to them.<sup>224</sup> She noted that inspectors from both the Animal Welfare League NSW and RSPCA NSW have good working relationships, and are able to ask each other for assistance.<sup>225</sup> On the other hand, the committee also heard confidentially that there is competition between the two organisations, and limited information sharing.
- 2.141** To remedy these conflicts, the Animal Defenders’ Office, along with others, reiterated calls from previous inquiries to establish an independent office of animal welfare to take on the enforcement responsibilities under the POCTA Act, to allow ACOs to focus on other work to

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<sup>217</sup> Evidence, Ms Lee, 26 April 2024, p 21.

<sup>218</sup> Evidence, Ms Lee, 26 April 2024, p 21.

<sup>219</sup> Evidence, Ms Gray, 26 April 2024, p 33.

<sup>220</sup> Evidence, Ms Gray, 26 April 2024, pp 32-34; Answers to supplementary questions, Animal Welfare League, 20 May 2024, p 1.

<sup>221</sup> Evidence, Ms Gray, 26 April 2024, p 40.

<sup>222</sup> Evidence, Mr Albin, 26 April 2024, p 39.

<sup>223</sup> Evidence, Mr Albin, 26 April 2024, pp 39-40.

<sup>224</sup> Evidence, Ms Gray, 26 April 2024, p 35.

<sup>225</sup> Evidence, Ms Gray, 26 April 2024, p 36.

promote animal welfare.<sup>226</sup> As an example, Animal Care Australia outlined a proposal for an Animal Welfare Commission to manage all animal welfare matters across NSW, and suggested this approach would help raise animal welfare standards across the whole state.<sup>227</sup> Some former inspectors from these ACOs also agreed that enforcement of the POCTA Act should be taken away from the charitable organisations and handed to a government body such as an office for animal welfare.

- 2.142** When asked about the likelihood of this approach, Dr Filmer of the Department of Primary Industry advised the committee that there was careful consideration being given to establishment of an independent office of animal welfare. While she said that it was premature to give any detail, she suggested that issues raised in front of this committee would be considered as part of the development of a new independent office.<sup>228</sup> On 19 June 2024, the responsible Minister, Hon Tara Moriarty MLC, indicated to the Legislative Council that government was proceeding with its election commitment to establish an office for animal welfare.<sup>229</sup> On 6 August 2024, she indicated that she looked forward to outline plans for that office ‘soon’.<sup>230</sup>

### Committee comment

- 2.143** We note the range of issues raised by stakeholders relating to the complex and overlapping nature of the animal welfare legislation in NSW, and potential inherent conflicts of interest for the ACOs in their law enforcement role while depending on donations and other privately generated revenue. We hear their ongoing calls for review of the legislative framework, and establishment of an independent office of animal welfare, noting that this was a pre-election commitment made by the NSW Labor Government.

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### Finding 8

There are ongoing stakeholder concerns about the role of charitable organisations in enforcing the *Prevention of Cruelty to Animals Act 1979*, and the complexity and overlapping nature of the legal framework for animal protection in New South Wales.

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- 2.144** As outlined in our 2021 inquiry, this committee supports adequate NSW Government funding for animal welfare law enforcement. With responsibility for enforcing the POCTA Act currently resting with two ACOs, we recognise that these organisations need certainty when it comes to ongoing funding arrangements.
- 2.145** At the same time, this inquiry has identified significant issues relating to the ACOs’ operations, including issues with workplace culture and the level of accountability, notwithstanding additional government funding provided in 2023-24.

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<sup>226</sup> Submission 2, Animal Defenders’ Office, p 4.

<sup>227</sup> Answers to questions on notice, Animal Care Australia, pp 8-9; Evidence, Mr Davis, 26 April 2024, p 18.

<sup>228</sup> Evidence, Dr Filmer, 26 April 2024, pp 61-62.

<sup>229</sup> *Hansard*, NSW Legislative Council, 19 June 2024, p 17 (Hon Tara Moriarty).

<sup>230</sup> *Hansard*, NSW Legislative Council, 6 August 2024, p 48 (Hon Tara Moriarty).

**2.146** As noted in the 2021 inquiry, we consider it imperative that any government grants be accompanied by greater rigour, including clear reporting and acquittal obligations, performance indicators, expectations around service levels and measurement of outcomes. We suggest that, as part of any future funding arrangements with the ACOs, the NSW Government should consider the committee comments, findings and 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.

**2.147** We note the NSW Government's stated commitment to reform the animal welfare legislative framework and establish an independent office of animal welfare. We suggest 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. We further suggest that the findings of this inquiry, and this committee's 2021 inquiry, should be considered and addressed as part of that process.

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#### **Recommendation 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 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.

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#### **Recommendation 5**

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.

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#### **Recommendation 6**

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:

- clarity of the legal framework for animal protection and responsibilities for law enforcement
  - adequacy of government funding for animal protection law enforcement
  - adequacy of transparency and accountability arrangements for organisations entrusted with law enforcement responsibilities, including financial and performance reporting and avenues for complaint resolution
  - adequacy of workplace health and safety measures for inspectors enforcing animal protection laws.
-

- 2.148** The committee notes that, at the moment, there is uncertainty as to what role the Independent Office of Animal Welfare will play in the enforcement of animal cruelty laws, any oversight role the Office of Animal Welfare will have in relation to the approved charitable organisations, and the impact that the establishment of the Independent Office of Animal Welfare will have on the role and funding of the approved charitable organisations. The NSW Government has a responsibility to ensure that animal cruelty laws are upheld and enforced, and there is a need for clarity and certainty as to how the NSW Government plans to manage and fund the proper enforcement of animal cruelty laws into the future.
- 2.149** The committee therefore recommends 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.

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#### **Recommendation 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.

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## Appendix 1 Submissions

No.	Author
1	Professional Dog Trainers Australia
2	Animal Defenders Office
3	Name suppressed
4	Laura Turner
5	Mrs Therese Wilk
6	Name suppressed
7	Mr Dennis Phillips
8	Confidential
9	Name suppressed
10	Name suppressed
11	Cat Protection Society of NSW
12	Ms Deborah Rouse
13	Confidential
14	Name suppressed
15	Name suppressed
16	Miss Julia Sache
17	Mr Daniel Cox
18	Name suppressed
19	Name suppressed
19a	Name suppressed
20	Confidential
21	Animal Welfare League NSW
22	Animal Care Australia Inc.
23	Australian Veterinary Association (AVA)
24	Confidential
25	Confidential
26	Confidential
27	Confidential
28	Confidential
29	Confidential
30	Confidential



## Appendix 2 Witnesses at hearings

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>Friday, 26 April 2024</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Witness A <i>(via videoconference)</i>	
	Witness B	
	Ms Tara Ward	Managing Solicitor (Volunteer), Animal Defenders Office
	Ms Kristina Vesk	Chief Executive Officer, Cat Protection Society of NSW
	Mr Michael Donnelly	President, Animal Care Australia
	Mr Sam Davis	Vice President, Animal Care Australia
	Dr Amy Lee	NSW President-Elect, Australian Veterinary Association
	Mr Steven Courtney	President, Professional Dog Trainers of Australia
	Ms Teale Shapcott <i>(via videoconference)</i>	Professional Dog Trainers of Australia Board Member
	Mr Stephen Albin	Chief Executive Officer, Animal Welfare League NSW
	Miss Amanda Gray	Chief Inspector, Animal Welfare League NSW
	Ms Linda Geddes	President, Animal Welfare League NSW
	Mr Steve Coleman	CEO, RSPCA NSW
	Mr Will Beerden	General Manager of Regulation and Business Services, RSPCA NSW
Ms Kathryn Jurd	General Counsel, RSPCA NSW	
Dr John Tracey <i>(via videoconference)</i>	Deputy Director General Biosecurity and Food Safety, Department of Primary Industries	
Dr Kim Filmer	Chief Animal Welfare Officer, Department of Primary Industries	
<b>Monday, 27 May 2024</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Witness A <i>(via videoconference)</i>	
	Witness C	
	Witness D <i>(via videoconference)</i>	
	Mr Godfrey Moase <i>(via videoconference)</i>	Executive Director, Allied Industries, United Services Union
	Mr Steve Coleman	CEO, RSPCA NSW
Mr Will Beerden	General Manager of Regulation and Business Services, RSPCA NSW	

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Ms Kathryn Jurd	General Counsel, RSPCA NSW
	Mr Scott Meyers	Chief Inspector, RSPCA NSW
	Mr Troy Wilkie	Senior Government Relations Manager, RSPCA NSW
<b>Thursday, 18 July 2024</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Witness E	
	Witness F	
	Witness D <i>(via videoconference)</i>	
	Witness G	
	Witness H <i>(via videoconference)</i>	
	Dr Peter Wright	President, RSPCA NSW
	Mr Mark Steele SC	Vice President, RSPCA NSW
	Mr Stewart Thompson	Treasurer, RSPCA NSW
	Mr Troy Wilkie	Senior Government Relations Manager, RSPCA
<b>Monday, 23 September 2024</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Witness I	
	Witness J <i>(via videoconference)</i>	
	Mr Mark Steele SC	Vice President, RSPCA NSW
	Mr Stewart Thompson	Treasurer, RSPCA NSW
	Mr Steve Coleman	CEO, RSPCA NSW
	Mr William Beerden	General Manager of Regulation and Business Services, RSPCA NSW

## Appendix 3 Minutes

Minutes 10

Wednesday 13 December 2023

Portfolio Committee No. 4 – Regional NSW

Macquarie Room, Parliament House, Sydney at 9.01 am

### 1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair* (until 4.30 pm)

Mr Donnelly

Mrs Mitchell

Mr Murphy

Mr Primrose

Mrs Taylor (substituting for Mr Martin)

### 2. Previous minutes

Resolved, on the motion of Ms Hurst: That draft minutes no. 9 be confirmed.

### 3. Correspondence

The committee noted the following items of correspondence:

#### *Received*

- 27 November 2023 – Letter from Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, accepting invitation to appear at supplementary hearing on 13 December 2023
- 28 November 2023 – Email from Mr Troy Wilkie, Senior Manager of Government Relations, RSPCA NSW to secretariat, advising that RSPCA NSW's Annual Report and Financial Report for FY22/23 have been published
- 29 November 2023 – Email from Ms Lisa Ryan to committee, asking when the next inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* will be held
- 8 December 2023 – Email from Ms Jessica Walker, Ministerial and Parliamentary Services, Office of the Secretary, Department of Regional NSW to secretariat, advising that several witnesses will attend hearing on 13 December via videoconference
- 11 December 2023 – Letter from Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales to secretariat, advising she will attend hearing on 13 December via videoconference until 10.30 am.

#### *Sent*

- 23 November 2023 – Email from Budget Estimates secretariat to Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, issuing invitation to appear at supplementary hearing on 13 December 2023
- 4 December 2023 – Email from secretariat to Ms Lisa Ryan, advising that the committee will commence its inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* shortly.

### 4. 2023 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979

#### 4.1 Terms of Reference

The committee noted the following resolution of the committee from Friday 9 June 2023:

Resolved, on the motion of Mr Martin:

1. That Portfolio Committee No. 4 – Regional New South Wales annually inquire into and report on the operation of the charitable organisations approved under s 34B of the Prevention of Cruelty to Animals Act 1979, and in particular:

(a) the matters contained in the annual reports of the approved charitable organisations, including their financial statements,

(b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979, and

(c) any other related matter.

2. That the committee commence its annual inquiry following the publication of the annual reports of the approved charitable organisations and report by the end of the financial year.

#### **4.2 Closing date for submissions**

Resolved, on the motion of Mr Murphy: That the closing date for submissions and the online questionnaire be Tuesday 20 February 2024.

#### **4.3 Stakeholder list**

Resolved, on the motion of Ms Hurst: That the following stakeholders be invited to make a submission:

- NSW Department of Primary Industries
- NSW Police Force
- Animals Australia
- Animal Care Australia
- Animal Defenders Office
- Animal Law Institute
- Animal Liberation
- Animal Welfare League NSW
- FOUR PAWS Australia
- NSW Farmers
- NSW Young Lawyers Animal Law Committee
- Pet Industry Association of Australia
- PETA Australia
- RSPCA NSW

Resolved, on the motion of Ms Hurst: That members have two days to nominate additional stakeholders to make submissions and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

#### **4.4 Online questionnaire**

Resolved, on the motion of Mr Donnelly: That the committee conduct an online questionnaire to capture individuals' views with the following questions and preamble:

On [DATE], the NSW Legislative Council's Portfolio Committee No. 4 – Regional New South Wales, Water and Agriculture commenced its 2023 inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*. Currently, the two approved charitable organisations are RSPCA NSW and Animal Welfare League NSW.

Further information about the inquiry, including the terms of reference, can be found on the committee's website.

As part of the inquiry, the committee is seeking public comment through the following questions. Responses are due by [DATE].

Responses may be used in the committee's report. Names and contact details of respondents will not be published. The questionnaire will take approximately 5- 10 minutes to complete.

1. Please enter your contact details.

Name:

Email address:

Postcode:

2. Are you a resident of NSW? Select one of these options:

a. Yes

b. No

3. Do you have any comments on the matters contained in the annual reports of the approved charitable organisations, including their financial statements (max 300 words)

4. Do you have any comments on the exercise by the approved charitable organisations of their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979* (max 300 words)

5. Do you have any other comments (max 300 words)

Resolved, on the motion of Mr Murphy: That the committee not accept pro formas.

#### **4.5 Questionnaire report**

Resolved, on the motion of Mr Primrose: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- only responses from NSW participants will be analysed in the report
- the committee authorises the secretariat to publish the questionnaire report on the inquiry website unless any member raises an objection to publication via email
- individual responses be kept confidential on tabling.

#### **4.6 Hearing date**

Resolved, on the motion of Mr Murphy: That the timeline for hearings be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

### **5. Inquiry into Budget Estimates 2023-2024**

#### **5.1 Answers to questions on notice and supplementary questions**

The following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and supplementary questions from Hon Stephen Kamper MP, Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport, received 22 November 2023
- answers to questions on notice and supplementary questions from Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, received 22 November 2023.

#### **5.2 Order for examination of portfolios**

The committee noted that under the resolution of the House of 22 November 2023, each portfolio is to be examined concurrently by Opposition and Crossbench members only, from 9.15 am to 10.45 am, and from 11.15 am to 12.45 pm, then from 2.00 pm to 3.30 pm, and from 3.45 pm to 5.15 pm, with 15 minutes reserved for Government questions at 10.45 am, 12.45 pm and 5.15 pm, if required.

#### **5.3 Public hearing – Agriculture, Regional New South Wales, Western New South Wales**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding parliamentary privilege and other matters.

The following witnesses were sworn and examined:

- Dr Jacqui Tracey, Executive Director, Policy

The following witnesses were examined on their former oath:

- Mr Jonathan Wheaton, A/ Deputy Secretary, Regional Development and Programs
- Ms Rebecca Fox, Secretary, Department of Regional NSW
- Mr Scott Hansen, Director General, Department of Primary Industries
- Mr Steve Orr, CEO, Local Land Services
- Mr James Bolton, Deputy Secretary, Regional Precincts Group
- Mr Anshul Chaudery, CEO, Forestry Corporation
- Mr Sean Sloan, Deputy Director General, DPI Fisheries
- Dr John Tracey, Deputy Director General, DPI Biosecurity and Food Safety
- Ms Kim Filmer, Chief Animal Welfare Officer, DPI
- Mr David McPherson, Deputy Director General, DPI Forestry and Land Reform
- Mr Rob Kelly, Executive Director, LLS Regional Delivery
- Mr Drew Varnum, Executive Director, NSW Public Works

The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales was admitted and examined.

The Chair declared the proposed expenditure for the portfolios of Agriculture, Regional New South Wales, Western New South Wales open for examination.

Mr Banasiak tabled the following document:

- Letter from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Mr Tony Chappel, Chief Executive Officer, Environment Protection authority, dated 11 September 2023.

The Minister withdrew at 10.33 am.

Mr Chaudhary and Mr McPherson withdrew at 2.11 pm.

Mr Kelly withdrew at 3.31 pm.

Mr Orr and Dr Jacqui Tracey withdrew at 3.50 pm.

Mr Wheaton withdrew at 4.26 pm.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.16 pm. The public and the media withdrew.

#### **5.4 Tendered documents**

Resolved, on the motion of Mrs Mitchell: That the committee accept and publish the following document tabled during the public hearing:

- Letter from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Mr Tony Chappel, Chief Executive Officer, Environment Protection authority, dated 11 September 2023, tabled by Mr Banasiak.

## **6. Adjournment**

The committee adjourned at 5.20 pm until Thursday 14 December 2023, 6.30 am, Execujet Flight Lounge, 394 Ross Smith Avenue, Mascot (site visit – inquiry into veterinary workforce shortage in New South Wales).

## Committee Clerk

Minutes no. 15  
Friday 26 April 2024  
Portfolio Committee No. 4 – Regional NSW  
Macquarie Room, Parliament House, Sydney, 8.59 am

### 1. Members present

Mr Banasiak, *Chair*  
Ms Hurst, *Deputy Chair*  
Ms Boyd (participating, via videoconference)  
Mr Donnelly  
Mrs MacDonald (substituting for Mr Martin)  
Mr Fang (substituting for Mrs Mitchell)  
Mr Murphy  
Mr Primrose

### 2. Correspondence

The committee noted the following items of correspondence:

#### ***Received:***

- 15 December 2023 – Email from Ms Abigail Boyd MLC requesting to be a participating member for the duration of the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.
- 2 April 2024 – Email from Dr Sarah Pollard Williams, veterinarian, to the secretariat, providing her opening statement for the hearing on 4 April 2024 for the inquiry into the veterinary workforce shortage in New South Wales.
- 5-12 April 2024 – Emails from Witness A to the secretariat concerning the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.
- 5 April 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to secretariat inviting the committee to visit the RSPCA's Yagoona facility for its inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.
- 8 April 2024 – Email from Ms Bonnie Tritton, veterinary student, to the committee, providing further input to the committee post their visit to Charles Sturt University for the inquiry into the veterinary workforce shortage in New South Wales.
- 13 April 2024 – Email from Dr Sarah Pollard Williams, veterinarians, to the secretariat, requesting her opening statement be published in full for the inquiry into the veterinary workforce shortage in New South Wales.

#### ***Sent:***

- 8 April 2024 – Email from the secretariat to Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW acknowledging invitation for committee to visit the RSPCA's Yagoona facility for its inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

Resolved, on the motion of Mr Primrose: That the committee keep the emails from Witness A dated 5-12 April 2024 confidential.

Resolved, on the motion of Mr Murphy: That the committee authorise the publication of correspondence from Ms Bonnie Tritton, veterinary student, providing further input to the committee post their visit to

Charles Sturt University for the inquiry into the veterinary workforce shortage in New South Wales, dated 8 April 2024.

Resolved, on the motion of Ms Hurst: That the committee authorise the publication of the opening statement from Dr Sarah Pollard Williams for the hearing on 4 April 2024 for the inquiry into the veterinary workforce shortage in New South Wales, dated 2 April 2024.

### **3. Inquiry into the veterinary workforce shortage in New South Wales**

#### **3.1 Confidential submissions**

Resolved, on the motion of Mr Donnelly: That the committee keep submission nos. 149a and 213 confidential, as per the request of the authors, as they contain identifying and/or sensitive information; and as per the recommendation of the secretariat, as they contain potential adverse mention.

### **4. Inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979***

#### **4.1 Public submissions**

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 2, 4, 5, 11, 12, 16, 17, 21, 22 and 23.

#### **4.2 Partially confidential submissions**

The committee noted the following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 3, 6, 9, 10, 14, 15, 18, 19 and 19A. The committee considered keeping certain information confidential.

Resolved, on the motion of Mr Donnelly: That the committee keep the following information confidential, as per the request of the author: names in submission nos 3, 6, 9, 10, 14, 15, 18, 19 and 19A.

Resolved, on the motion of Mr Donnelly: That the committee authorise the publication of submission no 7, with the exception of identifying and/or sensitive information and potential adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

#### **4.3 Confidential submissions**

Resolved, on the motion of Mr Donnelly: That the committee keep submission nos. 8, 13, 20, 24 and 25 confidential, as per the request of the authors.

#### **4.4 Attachments to submissions**

Resolved, on the motion of Mr Murphy: That the committee authorise the publication of attachments to submission 21.

#### **4.5 Public hearing**

Resolved, on the motion of Mr Fang: That the committee agree to the request of the following witnesses to appear *in camera* at the hearing on Friday 26 April 2024:

- Witness A
- Witness B.

Resolved, on the motion of Mrs MacDonald: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

#### **4.6 *In camera* hearing**

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Laura Ismay, Elspeth Dyer, Reeti Pandharipande, Angus Benson, Suzanne Mendra and Department of Parliamentary Services broadcasting staff.

### **Session 1**



The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness A (via videoconference) was sworn and examined.

The evidence concluded and the witness withdrew.

## **Session 2**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness B was sworn and examined.

Witness B tendered various documents.

The evidence concluded and the witness withdrew.

### **4.7 Public hearing**

Witnesses, the public and the media were admitted at 10.56 am.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

Ms Karen Davies, former staff member, RSPCA NSW and Animal Welfare League NSW was sworn and examined.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Tara Ward, Managing Solicitor (Volunteer), Animal Defenders Office
- Ms Kristina Vesik, Chief Executive Officer, Cat Protection Society of NSW
- Mr Michael Donnelly, President, Animal Care Australia
- Mr Sam Davis, Vice President, Animal Care Australia.

The evidence concluded and the witnesses withdrew.

Dr Amy Lee, NSW President-Elect, Australian Veterinary Association was sworn and examined.

The evidence concluded and the witness withdrew.

Mr Murphy and Mr Primrose left the meeting at 12.54 pm.

The following witnesses were sworn and examined:

- Mr Steven Courtney, President, Professional Dog Trainers of Australia
- Ms Teale Shapcott (via videoconference), Professional Dog Trainers of Australia Board Member.

Mr Murphy re-joined the meeting at 1.47 pm.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Stephen Albin, Chief Executive Officer, Animal Welfare League NSW
- Miss Amanda Gray, Chief Inspector, Animal Welfare League NSW.
- Ms Linda Geddes, President, Animal Welfare League NSW.

Mr Primrose re-joined the meeting at 2.00 pm.

Mr Donnelly left the meeting at 2.21 pm.

The evidence concluded and the witnesses withdrew.

Mr Murphy left the meeting at 3.00 pm.

Mr Donnelly re-joined the meeting at 3.13 pm.

The following witnesses were sworn and examined:

- Mr Steve Coleman, CEO, RSPCA NSW
- Mr Will Beerden, General Manager of Regulation and Business Services, RSPCA NSW
- Ms Kathryn Jurd, General Counsel, RSPCA NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr John Tracey (via videoconference), Deputy Director General Biosecurity and Food Safety, Department of Primary Industries
- Dr Kim Filmer, Chief Animal Welfare Officer, Department of Primary Industries.

Mr Fang left the meeting at 4.39 pm.

The public hearing concluded at 4.59 pm. The public and the media withdrew.

#### **4.8 Tendered documents**

The committee discussed documents tendered by Witness B.

Resolved on the motion of Mrs MacDonald: That the committee consider the documents tendered by Witness B to determine at a later date:

- whether any matters need to be interrogated further
- whether any of the documents should be published.

#### **4.9 Timeframe for answers to questions on notice and supplementary questions**

Resolved, on the motion of Ms Hurst: That:

- members provide any supplementary questions to the secretariat within 48 hours of receiving the transcript of evidence for the hearing held on 26 April 2024
- witnesses be required to provide answers to questions on notice/supplementary questions within 14 days.

#### **4.10 Correspondence**

The committee re-considered the following correspondence:

- 5-12 April 2024 – Emails from Witness A to the secretariat concerning the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.
- 5 April 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to secretariat inviting the committee to visit the RSPCA's Yagoona facility for its inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

Resolved, on the motion of Ms Hurst: That:

- the secretariat circulate the emails from Witness A dated 5-12 April 2024 for further consideration,
- the secretariat canvass suitable dates with Members for a further half day hearing for the inquiry, and
- the Chair write to Mr Troy Wilkie, Senior Government Relations Manager RSPCA NSW, declining the invitation for the committee to visit the RSPCA's Yagoona facility for its inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*, noting that if individual Members are interested in visiting the facility, they will make their own arrangements to do so.

## **5. Adjournment**

The committee adjourned at 5.11 pm *sine die*.

Elsbeth Dyer

**Committee Clerk**

Minutes no. 16

Thursday 9 May 2024

Portfolio Committee No. 4 – Regional NSW

LC Members' Lounge, NSW Parliament House, 12.37 pm

**6. Members present**

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Mr Donnelly

Mr Fang

Mr Murphy

Mr Primrose

**7. Apologies**

Ms Boyd

Mrs MacDonald

**8. Previous minutes**

Resolved, on the motion of Ms Hurst: That draft minutes no. 15 be confirmed.

**9. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 5-12 April 2024 – Emails from Witness A to the secretariat attaching a list and suggesting a further witness for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 25 April 2024 – Email from Ms Michelle Alber, outlining her concerns about a veterinary hospital and the Veterinary Practitioners Board NSW, as part of the inquiry into the veterinary workforce shortage
- 26 April 2024 – Letter from Dr Callcott and Professor Smith, Charles Sturt University, providing information on veterinary technologists, as part of the inquiry into the veterinary workforce shortage
- 30 April 2024 – Emails from Witness B to the secretariat concerning the RSPCA NSW, as part of the POCTA inquiry
- 6 May 2024 – Email from the office of the Government Whip advising that the Hon Wes Fang MLC will substitute for the Hon Sarah Mitchell MLC for the remainder of the POCTA inquiry.

***Sent***

- 29 April 2024 – Letter from Chair to Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, declining the invitation for the committee to visit RSPCA NSW Yagoona facility for its inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

Resolved, on the motion of Mr Donnelly: That the committee keep the correspondence from Witness B regarding the RSPCA NSW, dated 30 April 2024, confidential as per the recommendation of the secretariat, as it contains identifying and/or sensitive information and potential adverse mention.

Resolved, on the motion of Mr Donnelly: That the committee keep the correspondence and attachments from Ms Michelle Alber regarding concerns with a veterinary hospital and the Veterinary Practitioners Board NSW, dated 25 April 2024 confidential, as per the request of the author.

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of correspondence from Dr Callcot and Professor Smith, Charles Sturt University, regarding information on veterinary technologists, dated 26 April 2024.

## 10. Inquiry into the Operation of the Approved Charitable Organisations under the *Prevention of Cruelty to Animals Act 1979*

### 10.1 Summoning witness and documents – Witness A

Resolved, on the motion of Ms Hurst: That, under authority of s 4(2) of the Parliamentary Evidence Act 1901, the committee issue a summons to Witness A to attend via videoconference and give evidence in-camera at a time to be determined by the Chair, and to provide all of the documents referred to in email correspondence dated 5-12 April 2024.

Resolved, on the motion of Mr Primrose: That the Chair write to the RSPCA NSW requesting them to provide a copy of the current Standard Operating Procedures for inspectors and details of any recent amendments made to those SOPs, and reminding them of the committee's powers to summons under section 4 of the *Parliamentary Evidence Act 1901*.

### 10.2 Documents tendered by Witness B

Resolved, on the motion of Mr Fang: That the documents tendered by Witness B on 26 April 2024 be kept confidential.

### 10.3 Submissions

Resolved, on the motion of Mr Murphy: That the committee keep submission no. 26 confidential, as per the request of the author.

Resolved, on the motion of Mr Murphy: That the author of submission no. 26 be invited to give evidence in-camera at the next hearing of this inquiry.

### 10.4 Allegations about conflict of interest of RSPCA NSW Executive

Resolved, on the motion of Mr Fang: That the committee defer consideration of whether to refer allegations of conflict of interest of RSPCA NSW Executive members to ICAC until after its next hearing for this inquiry.

### 10.5 Additional hearing

Resolved, on the motion of Mr Fang: That the committee hold an additional hearing for this inquiry on 27 May 2024, and that the following witnesses be invited to appear, along with any additional witnesses decided by email:

- RSPCA: Mr Steve Coleman, Mr Scott Meyers, Mr William Beerden
- Witness A (under summons, *in camera*, via videoconference)
- Witness C (*in camera*)

Resolved, on the motion of Mr Primrose: That in the event that witnesses from the RSPCA NSW decline to appear, the committee proceed to re-invite them, noting its powers to summon witnesses under the *Parliamentary Evidence Act 1901*.

Resolved, on the motion of Mr Fang: That the secretariat write to Witness B asking them to nominate any additional witnesses who may be willing to give evidence to the inquiry.

## 11. Adjournment

12.52 pm

Peta Leemen

**Committee Clerk**

Minutes no. 17

Monday 27 May 2024

Portfolio Committee no. 4 – Regional NSW

Macquarie Room, NSW Parliament House, 9.03 am

### 1. Members present

Mr Banasiak, *Chair*

Mrs Hurst, *Deputy Chair*

Ms Boyd (participating) from 9.11 am

Mr Donnelly, from 9.00 am to 10.46 am, 1.30 to 5.18 pm

Mr Fang

Mrs MacDonald

Mr Murphy, from 9.00 am to 10.47 am, from 11.12 am to 12.30 pm

Mr Primrose

## 2. Previous minutes

Resolved, on the motion of Mr Murphy: That draft minutes no. 16 be confirmed.

## 3. Correspondence

The committee noted the following items of correspondence:

### *Received*

- 10 May 2024 – Email from Witness B to the secretariat, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 15 May 2024 – Letter from Mr Steve Coleman, CEO, RSPCA NSW to the Chair, regarding the request that the RSPCA provide their Standard Operating Procedures for inspectors, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 20 May 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, to the secretariat, regarding the organisation's response to supplementary questions from the 26 April hearing, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 21 May 2024 – Email from an invited witness to the secretariat declining to give evidence to the committee, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 22 May 2024 – Letter from Dr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, to the Chair clarifying evidence given to the hearing on 26 April, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 22 May 2024 – Email from an invited witness to the secretariat declining to give evidence to the committee, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 22 May 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA, providing the RSPCA's two most recent s34B annual reports and the RSPCA's 2024-25 budget submission, and advising that the Minister had given approval for those to be published on the RSPCA website, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 23 May 2024 – Email from an invited witness to the secretariat declining to an invitation attend the hearing on 27 May 2024, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 27 May 2024 – Email from an invited witness to the secretariat declining an invitation to appear at the committee's hearing on 27 May, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 27 May 2024 – Email from Witness A to the secretariat providing a correction to evidence given on 27 May 2024 for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 27 May 2024 – Email from Witness D to the secretariat providing a submission and other documents, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

### *Sent*

- 10 May 2024 – Letter from the Chair to Mr Steve Coleman, CEO, RSPCA NSW requesting provision of the RSPCA’s Standard Operating Procedures for inspectors and inviting RSPCA representatives to a public hearing on 27 May 2024, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 10 May 2024 – Email from the secretariat to Witness B, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 21 May 2024 – Letter from the Deputy Chair to Mr Steve Coleman, CEO, RSPCA NSW requesting provision of the RSPCA’s Standard Operating Procedures for inspectors on a confidential basis, for the inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

Resolved, on the motion of Ms Hurst: That the committee keep the following items of correspondence from in-camera witnesses confidential, as they contain potentially sensitive and identifying information:

- Emails to and from Witness B, dated 10 May 2024
- Email from an invited witness of 21 May 2024 declining the committee’s invitation to appear on 27 May 2024
- Email from an invited witness of 22 May 2024 declining the committee’s invitation to appear on 27 May 2024
- Email from an invited witness of 23 May 2024 declining the committee’s invitation to appear on 27 May 2024.

Resolved, on the motion of Mr Donnelly: That the committee keep confidential the RSPCA NSW’s Standard Operating Procedures for inspectors, as per the request of the RSPCA NSW.

Resolved, on the motion of Mr Fang: That:

- the committee keep confidential the following items of correspondence from in camera witnesses as they contain potentially sensitive and identifying information:
  - Email from an invited witness, dated 27 May 2024
  - Email from Witness A, dated 27 May 2024,
  - Email and documents from Witness D, dated 27 May 2024; and
- the secretariat contact Witness D to ascertain whether they would have objections to the publication of a document provided by email on 27 May 2024.

#### **4. Inquiry into the operations of the approved charitable organisations under the Prevention of Cruelty to Animals Act (1979)**

##### **4.1 Answers to questions on notice and supplementary questions**

The following answers to questions on notice and supplementary questions were published under the resolution appointing the committee:

- Australian Veterinary Association received on 15 May 2024
- Animal Care Australia received on 20 May 2024
- Animal Welfare League (answers to questions on notice) received on 20 May 2024
- Animal Welfare League (answers to supplementary questions) received on 20 May 2024
- Ms Karen Davies, received on 20 May 2024
- Department of Primary Industries, received on 21 May 2024
- RSPCA NSW, received on 22 May 2024.

##### **4.2 Additional documents provided by the RSPCA NSW**

The committee noted receipt of additional documents provided by the RSPCA NSW on 22 May 2023.

Resolved, on the motion of Mr Fang: That the committee authorise publication of the following additional documents provided by the RSPCA on 22 May 2024:

- Annual inspectorate report 2021-22
- Annual inspectorate report 2022-23

- RSPCA NSW 2024-2025 Budget Submission

#### **4.3 Documents provided under summons by Witness A**

The committee noted receipt of documents provided under summons by Witness A on 21 May 2024, as identified in emails dated 5 – 12 April 2024.

Resolved, on the motion of Mr Fang: That the committee keep confidential the documents identified in emails dated 5 – 12 April, provided by Witness A under summons on 21 May 2024.

#### **4.4 Transcript corrections**

The committee noted correspondence from Dr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, to the Chair, clarifying evidence given to the hearing on 26 April.

Resolved, on the motion of Mr Primrose: That:

- the committee authorise publication of the letter from Dr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, to the Chair, clarifying evidence given to the hearing on 26 April 2024,
- the secretariat insert a footnote in the transcript of the 26 April 2024 hearing noting the clarification of evidence provided on 22 May 2024.

#### **4.5 Time period for provision of answers to questions on notice**

Resolved, on the motion of Mr Fang: That witnesses provide answers to questions on notice and answers to supplementary questions within 7 days of receipt of the transcript.

#### **4.6 In camera witnesses**

Resolved, on the motion of Mr Fang: That the committee proceed to take the evidence from the following witnesses in camera:

- Witness A
- Witness C
- Witness D

#### **4.7 Support person for in camera witness**

Resolved, on the motion of Mr Fang: That Witness C be permitted to bring a support person whilst providing in camera evidence to the committee on 27 May 2024.

#### **4.8 Public hearing**

Resolved, on the motion of Ms Hurst: That the sequence of questions be left in the hands of the Chair.

#### **In camera hearing**

The committee proceeded to take evidence in camera.

Persons present other than the committee: Laura Ismay, Peta Leemen, Glenn Hill (secretariat); Peter Coy and James McLeod (DPS Hansard); Cameron McEwan (DPS Audio-Visual); Support person for Witness C (session 2 only)

#### **Session 1**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness A (via videoconference) was examined under their previous oath.

The evidence concluded and the witness withdrew.

#### **Session 2**

The witness was admitted, accompanied by a support person.

The Chair made an opening statement regarding the proceedings and other matters.

Witness C was sworn and examined.

The evidence concluded and the witness withdrew.

Mr Donnelly and Mr Murphy left the meeting.

### **Session 3**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness D was sworn and examined (*via videoconference*).

Mr Murphy rejoined the meeting.

The evidence concluded and the witness withdrew.

### **Public hearing**

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

Mr Godfrey Moase, Executive Director, Allied Industries, United Services Union, was sworn and examined (*via videoconference*).

The evidence concluded and the witness withdrew.

Mr Murphy left the meeting.

Mr Donnelly rejoined the meeting.

The following witnesses were examined under their previous oath:

- Mr Steve Coleman, CEO, RSPCA NSW
- Mr Will Beerden, General Manager of Regulation and Business Services, RSPCA NSW
- Ms Kathryn Jurd, General Counsel, RSPCA NSW

The following witnesses were sworn and examined:

- Mr Scott Meyers, Chief Inspector, RSPCA NSW
- Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW

Mr Coleman tendered the following documents:

- RSPCA NSW Respect@Work Employee Handbook August 2023
- Mr Coleman's opening statement to the hearing, 27 May 2024.

Ms Boyd left the meeting.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.05 pm. The public and the media withdrew.

Resolved, on the motion of Mr Donnelly: That the committee accept and publish the following documents tendered during the public hearing:

- RSPCA NSW Respect@Work Employee Handbook August 2023
- Mr Coleman's opening statement to the hearing, 27 May 2024

#### **4.9 Correspondence to NSW Police and Animal Welfare League**

Ms Hurst moved: That the committee write to the NSW Police and the Animal Welfare League requesting they investigate allegations of possible criminal conduct involving the keeping of animals on certain properties in NSW.

Resolved, on the motion of Mr Fang: That the motion of Ms Hurst be amended by inserting at the end: 'and that a copy of the transcript from the in-camera hearing on 27 May 2024 be referred to the NSW Police to provide context to the allegations.'



Resolved, on the motion of Mr Primrose: That the motion of Ms Hurst be further amended by inserting at the end: 'subject to the advice of the Clerk'.

Resolved, on the motion of Ms Hurst (as amended): That the committee write to the NSW Police and Animal Welfare League requesting they investigate allegations of possible criminal conduct involving the keeping of animals on certain properties in NSW, and that a copy of the transcript from the in-camera hearing on 27 May 2024 be referred to the NSW Police to provide context to the allegations, subject to the advice of the Clerk.

#### **4.10 Provision of right of reply to adverse mention to Ms Suzette Turner**

Resolved, on the motion of Mr Primrose: That the committee write to Ms Suzette Turner noting allegations about her aired at the public hearing on 27 May 2024, and giving her the opportunity to respond.

#### **4.11 Extension of reporting date**

Resolved, on the motion of Mr Fang: That the committee extend its reporting date until 30 September 2024, and that the committee hold a third public hearing, with the RSPCA board to be invited, along with further witnesses to be determined at a future date.

### **5. Adjournment**

The committee adjourned at 3.18 pm *sine die*.

Peta Leemen

**Committee Clerk**

Minutes no. 19

18 June 2024

Portfolio Committee no. 4 – Regional NSW

LC Members' Lounge, NSW Parliament House, 3.07 pm

#### **1. Members present**

Mr Banasiak, *Chair*

Mrs Hurst, *Deputy Chair*

Mr Donnelly

Mr Fang, from 3.09 pm

Mrs MacDonald

Mr Murphy

Mr Primrose

#### **2. Previous minutes**

Resolved, on the motion of Mr Donnelly: That draft minutes no. 17 be confirmed.

#### **3. Correspondence**

The committee noted the following items of correspondence:

##### ***Received***

- 24 May 2024 – Email from Mr Troy Wilkie, RSPCA NSW, to the secretariat, requesting to bring an additional witness to the hearing on 27 May 2024
- 27 May 2024 – Email from Witness D, to the secretariat, providing additional information
- 27 May 2024 – Email from Witness D, to the secretariat, requesting that documents provided to the committee be kept confidential
- 27 May 2024 – Email from Witness A, to the secretariat, making a correction to evidence provided in camera on 27 May 2024
- 27 May 2024 – Email from Witness D, to the secretariat, providing a submission and other documents

- 28 May 2024 – Email from Witness C, to the secretariat regarding comments made by the RSPCA NSW at the public hearing on 27 May 2024
- 28 May 2024 – Email from Mr Steven Courtney, to the secretariat, advising he would like to send additional information regarding the RSPCA NSW's responses to questions on notice
- 30 May 2024 – Letter from an inquiry participant to the Chair, commenting on answers to questions on notice provided by the RSPCA NSW
- 3 June 2024 – Email from Witness C, to the secretariat, providing documents and comments on the RSPCA NSW's evidence on 27 May
- 3 June 2024 – Email from Witness C to the secretariat, requesting that the additional information submitted be kept confidential, and providing further comment on the RSPCA NSW's evidence on 27 May
- 6 June 2024 – Email from Witness A the secretariat, commenting on the RSPCA NSW's evidence to the committee
- 11 June 2024 – Email from Ms Suzette Turner to the Chair asking the committee to retract adverse reflections on her made at the public hearing on 27 May 2024
- 14 June 2024 – Email from Mr Steve Courtney, to the secretariat, requesting to table a response from the Professional Dog Trainers' Association of Australia's board to the RSPCA NSW's answers to questions on notice
- 18 June 2024 – Email from Ms Suzette Turner indicating that she intends to submit a response in writing to adverse reflections on her made at the public hearing on 27 May 2024.

***Sent***

- 30 May 2024, Letter from the Chair, to Ms Suzette Turner, offering her a written right of reply following potential adverse mention of her at the public hearing on 27 May 2024
- 11 June 2024, Letter from the Chair, to an inquiry participant responding to concerns about the RSPCA's answers to questions on notice
- 13 June 2024, Letter from the Chair, to Ms Suzette Turner, regarding her concerns about potential adverse mention.

Resolved, on the motion of Mrs MacDonald: That the committee keep confidential the following items of correspondence, as they contain names or potentially identifying information of in camera witnesses:

- Emails from Witness C, received 28 May 2024 and 3 June 2024, and attached documents, received 3 June 2024
- Three emails from Witness D, and attached documents, received 27 May 2024
- Emails from Witness A, received 27 May 2024, 6 June 2024.

Resolved, on the motion of Mrs MacDonald: That the committee keep confidential the following items of correspondence at the request of the author:

- Letter from an inquiry participant, received 30 May 2024
- Letter from the Chair to an inquiry participant, responding to their concerns, sent 7 June 2024.

**4. Inquiry into the operations of the charitable organisations under the *Prevention of Cruelty to Animals Act (1979)***

**4.1 Summoning a witness**

Resolved, on the motion of Mr Primrose: That:

- under authority of s 4(2) of the *Parliamentary Evidence Act 1901*, the committee issue a summons to Witness E to attend and give evidence in camera on 18 July 2024 at 9.15 am
- the committee authorise the secretariat to make arrangements to serve the summons at an appropriate place and time, on advice from the Clerk.

#### 4.2 Confidential submission

Resolved, on the motion of Mr Murphy: That the committee keep submission no. 27 confidential as per the request of the author.

#### 4.3 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice were published under the resolution appointing the committee:

- Mr Godfrey Moase, Executive Director Allied Industries, United Workers' Union, Answers to questions on notice, 11 June 2024
- Mr Godfrey Moase, Executive Director Allied Industries, United Workers' Union, Answers to supplementary questions, 11 June 2024

The committee considered the publication status of answers to questions on notice from Mr Steven Courtney, received 24 May 2024.

Resolved, on the motion of Mr Murphy: That the answers to questions on notice from Mr Steven Courtney received on 24 May 2024 be published with redactions recommended by the secretariat due to potential adverse mention.

#### 4.4 Additional document from Professional Dog Trainers Association of Australia

Resolved, on the motion of Mr Primrose: That the committee accept and publish the additional document from the Professional Dog Trainers Association of Australia, received 13 June 2024.

#### 4.5 Hearing schedule on 18 July

The committee discussed the planned hearing schedule for 18 July. To accommodate potential additional witnesses, the RSPCA NSW Board will be scheduled from 2.00 pm to 3.30 pm.

### 5. Adjournment

The committee adjourned at 3.19 pm until 10 am, Tuesday 25 June 2024.

Peta Leemen  
**Committee Clerk**

Minutes no. 20  
Tuesday 25 June 2024  
Portfolio Committee No. 4 – Regional NSW  
Room 1043, Parliament House, Sydney at 9.59 am

#### 1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Mr Donnelly

Mr Fang (substituting for Mrs Mitchell for the 2023 Inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*) (until 10.02 am)

Mrs MacDonald (via videoconference)

Mrs Mitchell (via videoconference) (from 10.01 am)

Mr Murphy

Mr Primrose

#### 2. Apologies

Ms Boyd

**3. Previous minutes**

Resolved, on the motion of Mr Donnelly: That draft minutes no. 14 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 20 June 2024 – Email from Ms Michelle Alber to secretariat providing information to the inquiry about the treatment of her cat at a veterinary hospital, including attachments, for the inquiry into the veterinary workforce shortage in New South Wales
- 20 June 2024 – Email from Ms Michelle Alber to secretariat suggesting recommendations to the inquiry into the veterinary workforce shortage in New South Wales
- 21 June 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to the secretariat querying the committee's invitation to the public hearing on 18 July, and requesting a list of topics or questions that would be addressed for the inquiry into the operations of the Charitable Organisations under the *Prevention of Cruelty to Animals Act 1979*.

Resolved on the motion of Mr Primrose: That the correspondence and attachments from Ms Michelle Alber to the secretariat, dated 20 June 2024, be kept confidential as per the author's previous request and the recommendation of the secretariat as they contain sensitive/identifying information.

Resolved, on the motion of Mr Donnelly: That the secretariat write to the RSPCA confirming that the committee would like to hear from the RSPCA NSW Board, and referring them to the inquiry's terms of reference and previous public hearing transcripts as a guide to the topics the committee wishes to address.

**5. Inquiry into the veterinary workforce shortage in New South Wales****5.1 Consideration of the Chair's draft report**

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**6. Adjournment**

The committee adjourned at 11.26 am until Thursday, 18 July 2024, 9.00 am, Macquarie Room, for a hearing of the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

Sarah Newlands

**Committee Clerk**

Minutes no. 22

Thursday 18 July 2024

Portfolio Committee no. 4 – Regional NSW

Macquarie Room, NSW Parliament House, 9.00 am

**1. Members present**

Mr Banasiak, *Chair*

Mrs Hurst, *Deputy Chair*

Ms Boyd (participating, from 9.18 am)

Mr Donnelly

Mr Fang

Ms Merton (substituting for Mrs MacDonald)

Mr Primrose

Ms Suvaal (substituting for Mr Murphy)

## 2. Previous minutes

Resolved, on the motion of Donnelly: That draft minutes no. 19 and 20 be confirmed.

## 3. Correspondence

The committee noted the following items of correspondence:

### *Received*

- 18 June 2024 – Email from Witness D to the secretariat advising that she is willing to give further *in camera* evidence, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 19 June 2024 – Email from Office of the Government Whip to the secretariat advising that Ms Suvaal will substitute for Mr Murphy for the POCTA inquiry hearing on 18 July, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 26 June 2024 – Email from Mr Troy Wilkie, Senior Manager, Government Relations, RSPCA NSW, regarding the attendance of RSPCA NSW Board members at the hearing on 18 July, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 27 June 2024 – Email from Ms Michelle Alber to the committee, providing further confidential correspondence relating to the inquiry into the veterinary workforce shortage
- 1 July 2024 – Email from Dr Tom Lonsdale to the secretariat, advising of his concerns with the recommendations of the inquiry into the veterinary workforce shortage
- 2 July 2024 – Email from Dr Andrew Havadjia to the Chair, advising of his concerns with the recommendations of the inquiry into the veterinary workforce shortage
- 2 July 2024 – Email from Mr Troy Wilkie, Senior Manager, Government Relations, RSPCA NSW, advising that the Board President would attend the hearing on 18 July, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 5 July 2024 – Email from the office of the Opposition Whip advising that the Hon Rachel Merton MLC will substitute for the Hon Aileen MacDonald MLC for the hearing on 18 July 2024, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 8 July 2024 – Email from Witness I to the secretariat providing further detail to the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 18 July 2024 – Email from Witness D to the secretariat providing further information for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*.

### *Sent*

- 25 June 2024, Email from the secretariat to the RSPCA NSW confirming the committee's invitation to the RSPCA NSW Board to the hearing on 18 July 2024, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 2 July 2024, Email from the secretariat to the RSPCA NSW extending a further invitation to the President of the RSPCA NSW to attend the hearing on 18 July 2024, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 3 July 2024, Email from the secretariat to the Animal Welfare League NSW regarding answers to questions on notice from the hearing on 26 April, for the inquiry into the operations of charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*.

Resolved, on the motion of Mr Primrose: That the committee keep confidential the following items of correspondence due to sensitive and/or identifying information of in camera witnesses:

- Email from Witness D, received 18 June 2024
- Email from Witness I, received 8 July 2024
- Email from Witness D, received 18 July 2024

Resolved, on the motion of Mr Donnelly: That:

- the correspondence and attachments from Ms Michelle Alber be kept confidential as per the request of the author

- the secretariat write to Ms Michelle Alber noting that her correspondence has been noted by May the committee, however the inquiry is complete and she may wish to raise further concerns with her local MP or the Minister for Agriculture.

#### 4. Inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*

##### 4.1 Confidential submissions

The committee noted receipt of submissions no. 28 and 29.

Resolved, on the motion of Ms Suvaal: That the committee keep submission no. 29 confidential as per the request of the author.

Resolved, on the motion of Mr Donnelly: That the committee keep submission no. 28 confidential as per the recommendation of the secretariat.

##### 4.2 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published under the resolution appointing the committee:

- RSPCA NSW (answers to questions on notice and supplementary questions from the hearing on 27 May) received on 17 June 2024
- Animal Welfare League (additional answers to questions on notice from the hearing on 26 April) received on 5 July 2024

##### 4.3 In camera witnesses

Resolved, on the motion of Mr Fang: That the committee proceed to take the evidence from the following witnesses in camera:

- Witness E
- Witness F
- Witness D
- Witness G
- Witness H

##### 4.4 Public hearing

Resolved, on the motion of Mr Primrose: That the sequence of questions be left in the hands of the Chair.

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Laura Ismay, Peta Leemen and Faith Aghahowa (Secretariat); Claire Morgan and Jess Feenstra (Hansard); Simon Lovell (DPS Audio-Visual); Sharon Ohnesorge (Clerk Assistant, session 5 from 12.51 pm only)

##### Session 1

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness E was sworn and examined.

The evidence concluded and the witness withdrew.

##### Session 2

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness F was sworn and examined.

The evidence concluded and the witness withdrew.

**Session 3**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness D was examined under their previous oath (*via videoconference*).

The evidence concluded and the witness withdrew.

**Session 4**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness G was sworn and examined.

The evidence concluded and the witness withdrew.

**Session 5**

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness H was sworn and examined (*via videoconference*).

The evidence concluded and the witness withdrew.

The *in camera* hearing concluded at 1.02 pm.

***Resumption of public hearing***

The hearing resumed in public at 2 pm.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Dr Peter Wright, President, RSPCA NSW
- Mr Mark Steele SC, Vice President, RSPCA NSW
- Mr Stewart Thompson, Treasurer, RSPCA NSW

Mr Troy Wilkie, Senior Government Relations Manager, RSPCA was examined under his previous oath.

Mr Fang tabled the following documents:

- Extract from Portfolio Committee no. 4 transcript of 26 April 2024 (POCTAA inquiry), pp 47-50
- Extract from Animal Welfare Committee transcript of 23 May 2024 (brumbies inquiry), p 4.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.35 pm. The public and the media withdrew.

Resolved, on the motion of Mr Fang: That the committee accept and publish the following documents tabled by Mr Fang during the public hearing:

- Extract from Portfolio Committee no. 4 POCTAA inquiry transcript of 26 April 2024, pp 47-50
- Extract from Animal Welfare Committee brumbies inquiry transcript of 23 May 2024, p 4.

The secretariat provided the committee with an update on discussions regarding Ms Suzette Turner, an individual about whom witnesses at the hearing on 27 May 2024 had made allegations of possible criminal conduct, in both in-camera and public evidence.

On 27 May 2024, the committee previously resolved to write to the NSW Police and Animal Welfare League regarding these possible criminal allegations against Ms Turner, following advice from the Clerk. The secretariat noted that the Deputy Clerk had raised concerns about the provision of in-camera evidence to these bodies and the utility of doing so, noting that the use of this evidence in any investigation would be limited by the application of parliamentary privilege.

The secretariat provided the committee with a number of options to consider to further this matter, including:

- Writing to NSW Police and the Animal Welfare League to inform them of allegations of possible criminal conduct heard by the committee regarding Ms Suzette Turner on 27 May 2024 and requesting that they investigate these allegations further, without providing copies of transcripts of evidence received.
- Contacting the witness who provided the original evidence to recommend that she contact either the NSW Police or Animal Welfare League directly about this issue.

Resolved, on the motion of Ms Hurst: That the committee write to the NSW Police and Animal Welfare League to inform them of allegations of possible criminal conduct heard by the committee regarding Ms Suzette Turner on 27 May 2024 and to request they investigate these allegations further, without providing copies of transcripts of evidence received.

## 5. Adjournment

The committee adjourned at 3.47 pm *sine die*.

Peta Leemen

**Committee Clerk**

Minutes no. 23

Tuesday 30 July 2024

Portfolio Committee no. 4

Room 1034, NSW Parliament House, 4.03 pm

### 1. Members present

Mr Banasiak, *Chair* (via videoconference)

Ms Hurst, *Deputy Chair* (via videoconference)

Mr Donnelly

M Fang (substituting for Mrs Mitchell for the POCTAA inquiry) (via videoconference, until 4.14 pm)

Mrs MacDonald

Mrs Mitchell (via videoconference)

Mr Murphy (via videoconference)

Mr Primrose

### 2. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 22 be confirmed.

### 3. Correspondence

The committee noted the following items of correspondence:

#### **Received:**

- 18 July 2024 – Email from Witness H to the secretariat providing a clarification to evidence before the committee on 18 July 2024, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 19 July 2024 – Email from Witness D to the secretariat providing a clarification to evidence she gave before the committee on 18 July 2024, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*



- 21 July 2024 – Email from Witness H to the secretariat providing further observations to the committee, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 22 July 2024 – Email from Ms Abigail Wiley to the secretariat querying a committee comment in the report of the inquiry into the veterinary workforce, relating to the inquiry into the veterinary workforce shortage in New South Wales
- 23 July 2024 – Email from Mr Stephen Albin acknowledging receipt of the Chair's letter regarding the Turner allegations, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 23 July 2024 – Email from Ms Amanda Gray to the secretariat requesting further information about the Turner allegations, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 23 July 2024 – Letter from the Hon Sarah Mitchell, MLC, the Hon Mark Banasiak MLC and the Hon Aileen McDonald MLC requesting a meeting of Portfolio Committee No. 4 – Regional NSW to consider a proposed self-reference into the impact of the phaseout of Australian live sheep exports by sea on New South Wales
- 23 July 2024 – Letter from the Hon Mark Banasiak MLC, Hon Sarah Mitchell, MLC, and the Hon Aileen McDonald MLC requesting a meeting of Portfolio Committee No. 4 – Regional NSW to consider a proposed self-reference into Impact of Renewable Energy Zones (REZ's) on Rural and regional communities and industries in New South Wales
- 24 July 2024 – Email from Mr Michael Sheehy, Detective Chief Superintendent – Chief of Staff, NSW Police, to the secretariat, requesting further information regarding the Turner allegations, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 24 July 2024 – Email from Ms Amanda Gray, Chief Inspector, Animal Welfare League with report of inspection of property belonging to Ms Suzette Turner, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*.

**Sent:**

- 11 July 2024 – Email from the secretariat to Ms Suzette Turner regarding whether she would provide a written response to adverse mention of her at the hearing on 27 May 2024, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 23 July 2024 – Letter from the Chair to Ms Karen Webb, NSW Police Commissioner regarding allegations made about Ms Suzette Turner during the POCTAA hearing on 27 May 2024, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 23 July 2024 – Letter from the Chair to Mr Stephen Albin, CEO, Animal Welfare League regarding allegations made about Ms Suzette Turner during the POCTAA hearing on 27 May 2024, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*
- 23 July 2024 – Email from the secretariat to Ms Amanda Grey, Chief Inspector, AWL regarding the Turner allegations, for the inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*.

Resolved, on the motion of Mr Murphy: That the committee keep confidential the following items of correspondence due to identifying/sensitive information of *in camera* witnesses:

- Emails from Witness H received 18 July 2024 and 21 July 2024
- Email from Witness D received 19 July 2024.

#### 4. Inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)*

##### 4.1 Correspondence from NSW Police

The committee considered the request by the NSW Police for more information about the allegations the committee had referred to NSW Police.

Resolved, on the motion of Ms Hurst: That the secretariat contact the *in camera* witness who provided the information to see if they would be willing for the secretariat to provide their contact details to the NSW Police.

#### 4.2 Inquiry next steps

Resolved, on the motion of Mr Fang: that the secretariat canvass potential dates for a half day hearing after 15 August, and that the Chair report to the House an extension of the reporting date for the inquiry until 30 November 2024.

### 5. Consideration of terms of reference - Impact of the phase-out of Australian live sheep exports by sea on New South Wales

The Chair tabled a letter proposing the following self-reference:

That Portfolio Committee No. 4 - Regional NSW inquire into and report on the impact of the phase-out of Australian live sheep exports by sea on New South Wales, considering the economic and social implications of such a phase-out on regional New South Wales communities, and in particular:

- (a) evaluate the economic impact of phasing out live sheep exports on New South Wales sheep producers and related supply chains in regional towns, including:
  - (i) transport operators
  - (ii) fodder and grain producers
  - (iii) other associated industries
- (b) evaluate the impact on the sheep industry in New South Wales if farmers are unable to restock with animals from Western Australia (WA)
- (c) evaluate the price implications on New South Wales sheep and lamb producers of having stock from WA regularly sold at our sales
- (d) examine whether the phase-out of live sheep exports by sea will have any impact on NSW Government revenue and bottom line
- (e) examine potential implications in demand for New South Wales mutton after the phase out of the live sheep trade
- (f) examine reasons used by the Federal Government for the phase-out of Australian live sheep exports by sea and whether the Federal Government should provide compensation to New South Wales sheep producers
- (g) examine animal welfare standards relating to live sheep export including any information used in the determination to cease live sheep export by sea by the Federal Government
- (h) examine the impact to local meat processors
- (i) examine proven alternative markets and opportunities for New South Wales sheep producers
- (j) explore the social and community impacts of income loss for New South Wales sheep producers, including the evaluation of support mechanisms for affected communities and workers
- (k) analysis of potential economic losses from the phase-out and the impact on employment across regional New South Wales, including but not limited to transport, contract musterers and veterinary suppliers
- (l) identify case studies of graziers in other regions or countries that have successfully transitioned from live exports, and
- (m) examine alternative income streams for New South Wales sheep producers
- (n) any other related matters.

Resolved, on the motion of Ms Hurst: That the committee adopt the terms of reference with the following amendments:

- in the first paragraph, insert 'and the animal welfare considerations relevant to the phase-out' after 'regional New South Wales communities'
- in paragraph (g), omit 'standards relating to live sheep export including any information used in' and insert instead 'concerns relevant to'
- insert after paragraph (m) the following new paragraph: 'examine community views in New South Wales of the live export industry'.

## **6. Conduct of the inquiry into the impact of the phase-out of Australian live sheep exports by sea on New South Wales**

### **6.1 Proposed timeline**

Resolved, on the motion of Mrs Mitchell: That the committee adopt the following timeline for the administration of the inquiry:

- Submission closing date – Friday 20 September 2024
- Hearing(s) – One hearing and one reserve hearing date in October/November 2024
- Report tabling – February 2025.

### **6.2 Stakeholder list**

Resolved, on the motion of Mrs Mitchell: That:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

### **6.3 Approach to submissions**

Resolved, on the motion of Mrs Mitchell: That, to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
  - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
  - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
  - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

### **6.4 Online questionnaire**

Resolved, on the motion of Mrs Mitchell: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions.

Resolved, on the motion of Mrs Mitchell: That:

- the committee not accept proformas
- the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
- the closing date for the online questionnaire be [date]
- the following wording be included on the committee's website:
  - **Online questionnaire**

Contributions to the inquiry may be made via the submissions tab below. The closing date for submissions is [date].

Individual contributors may prefer to complete an online questionnaire rather than make a submission [insert link to online questionnaire]. The closing date for the online questionnaire is [date].

Resolved, on the motion of Mrs Mitchell: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- the committee agree to publication of the report via email, unless a member raises any concerns
- individual responses be kept confidential on tabling.

## 7. **Consideration of terms of reference - Impact of Renewable Energy Zones (REZs) on Rural and regional communities and industries in New South Wales**

The Chair tabled a letter proposing the following self-reference:

That Portfolio Committee No. 4 - Regional NSW inquire into and report on the impact of Renewable Energy Zones (REZs) on rural and regional communities and industries in New South Wales, and in particular:

- (a) the current and projected socioeconomic, cultural, agricultural and environmental impacts of projects within renewable energy zones in New South Wales including the cumulative impacts
- (b) current and projected considerations needed with regards to fire risk, management and containment and potential implications on insurance for land holders and/or project proponents in and around Renewable Energy Zones (REZs)
- (c) the historical, current and projected future financial costs associated with construction and maintenance of large scale projects within Renewable Energy Zones
- (d) proposed compensation to regional New South Wales residents impacted by Renewable Energy Zone transmission lines
  - (i) adequacy of compensation currently being offered for hosting transmission lines
  - (ii) adequacy of the shared benefits being offered to neighbours of large scale renewable projects
  - (iii) financial impact of compensation on the state's economy
  - (iv) tax implications resulting from compensation received by impacted residents.
- (e) adequacy, and management of voluntary planning agreements and payments made to the LGAs impacted by Renewable Energy Zones
- (f) current and projected supply and demand levels of manufactured products, raw materials, and human resources required for completion of Renewable Energy Zones and their source
- (g) projected impact on visitation to regional areas with renewable energy zones resulting from changes to land use
- (h) suitable alternatives to traditional renewable energy sources such as large-scale wind and solar
- (i) adequacy of community consultation and engagement in the development of Renewable Energy Zones, and associated projects
- (j) how decommissioning bonds are currently managed and should be managed as part of large scale renewable projects
- (k) the role and responsibility of the Net Zero Commission and Commissioner in addressing matters set out above

(l) any other related matters.

Mrs Mitchell moved: That the committee adopt the terms of reference.

Question put.

The committee divided.

Ayes: Mr Banasiak, Ms Hurst, Mrs McDonald, Mrs Mitchell.

Noes: Mr Donnelly, Mr Murphy, Mr Primrose.

Question resolved in the affirmative.

## 8. Conduct of the inquiry into the impact of Renewable Energy Zones (REZ's) on rural and regional communities and industries in New South Wales

### 8.1 Proposed timeline

Resolved, on the motion of Mrs Mitchell: That the committee adopt the following timeline for the administration of the inquiry:

- Submission closing date – 31 January 2025
- Hearing(s) – That the timeline for hearings be considered by the committee following the receipt of submissions.

### 8.2 Stakeholder list

Resolved, on the motion of Mrs Mitchell: That:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

### 8.3 Approach to submissions

Resolved, on the motion of Mrs Mitchell: Suggested resolution: That, to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
  - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
  - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
  - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

### 8.4 Online questionnaire

Resolved, on the motion of Mrs Mitchell: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions.

Resolved, on the motion of Mrs Mitchell: That:

- the committee not accept proformas
- the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
- the closing date for the online questionnaire be [date]
- the following wording be included on the committee's website:

○ **Online questionnaire**

Contributions to the inquiry may be made via the submissions tab below. The closing date for submissions is [date].

Individual contributors may prefer to complete an online questionnaire rather than make a submission [insert link to online questionnaire]. The closing date for the online questionnaire is [date].

Resolved, on the motion of Mrs Mitchell: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- the committee agree to publication of the report via email, unless a member raises any concerns
- individual responses be kept confidential on tabling.

**9. Adjournment**

Adjourned at 4.27 pm, *sine die*.

Peta Leemen  
**Committee Clerk**

Minutes no. 26  
Wednesday, 28 August 2024  
Portfolio Committee no. 4 – Regional NSW  
Jubilee Room, NSW Parliament House, 9.01 am

**1. Members present**

Mr Banasiak (Chair)  
Ms Hurst (Deputy Chair)  
Mr Donnelly  
Mr Fang (from 9.02 am)  
Mrs MacDonald (*via videoconference*)

**2. Apologies**

Mr Primrose  
Ms Suvaal

**3. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 30 July 2024 – Email from a concerned stakeholder to the secretariat regarding a petition about Bruce the dog and allegations of inadequate response from the RSPCA NSW
- 31 July 2024 – Letter from Mr Mark Steele, Vice President, RSPCA NSW, raising procedural fairness issues with the allegation of perjury made about Mr Steven Coleman during the committee hearing on 18 July, and requesting full details of the allegation to be provided to Mr Coleman
- 3 August 2024 – Email from witness J to the secretariat regarding court cases involving the RSPCA NSW
- 7 August 2024 – Email from the office of the Government Whip to the secretariat advising that Ms Suvaal will substitute for Mr Murphy for the remainder of the POCTAA inquiry
- 8 August 2024 – Email from Detective Inspector Eugene Stek, Operations Manager, Office of the Commissioner, NSW Police, to the secretariat, regarding Ms Suzette Turner
- 13 August 2024 – Email from Witness J to the secretariat regarding his potential appearance as a witness on 23 September, querying if the committee could summons him to appear

- 13 August 2024 – Email from Witness J to the secretariat requesting to be summoned and to appear in public (via video conference) at the hearing on 23 September
- 14 August 2024 – Letter from the Hon Emma Hurst, MLC, Chair of the Animal Welfare Committee to the Chair regarding a response to the RSPCA NSW’s letter of 31 July 2024.

**Sent:**

- 31 July 2024 – Email from the secretariat to Mr Michael Sheehy, Detective Chief Superintendent – Chief of Staff, Office of the Commissioner, NSW Police, providing contact details for a witness who gave evidence concerning Ms Suzette Turner.

Resolved, on the motion of Mrs MacDonald: That the committee keep confidential the following items of correspondence, at the request of the author and/or due to sensitive material:

- Email from a concerned stakeholder regarding Bruce the dog received 30 July 2024
- Email from Detective Inspector Eugene Stek, NSW Police, received 8 August 2024
- Email from the secretariat to Mr Michael Sheehy, sent 31 July 2024.

Resolved, on the motion of Mrs MacDonald: That the committee keep confidential the following items of correspondence at the recommendation of the secretariat due to potential adverse mention:

- Emails from Witness J dated 3 August and 13 August 2024.

#### **4. Inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)***

##### **4.1 Summoning witnesses for hearing on 23 September**

Resolved, on the motion of Ms Hurst:

- That, under authority of s 4(2) of the Parliamentary Evidence Act 1901, the committee issue a summons to Witness I to give evidence in camera on 23 September 2024 at 9.15 am
- the committee authorise the secretariat to engage the NSW Sheriff’s office or a private process service if necessary to serve the summons.

The committee considered Witness J’s request to be summoned to appear in public at its hearing on 23 September 2024, noting potential issues of adverse mention raised in their correspondence to the committee.

Resolved, on the motion of Ms Hurst:

- That, under authority of s 4(2) of the Parliamentary Evidence Act 1901, the committee issue a summons to Witness J to give evidence *in camera* via video conference on 23 September 2024 at 10.00 am
- the committee authorise the secretariat to engage the NSW Sheriff’s office or a private process server if necessary to serve the summons.

##### **4.2 Correspondence with RSPCA NSW regarding issues raised at 18 July public hearing**

The committee considered its response to the letter from Mr Mark Steele, Vice President, RSPCA NSW, received 31 July 2024 and letter from Ms Emma Hurst, Chair, Animal Welfare Committee, received 14 August 2024, concerning the RSPCA NSW’s request for further detail/evidence supporting the allegations of perjury made about Mr Steven Coleman, CEO, RSPCA NSW at the POCTAA hearing on 18 July 2024.

Resolved, on the motion of Mr Donnelly: That:

- the secretariat contact the witness and ascertain their views regarding publication of the transcript or providing it only in confidence to the RSPCA NSW and Animal Welfare Committee; and
- subject to the witness’ preferences, the committee authorise publication of the transcript or confidential provision to the RSPCA NSW and Animal Welfare Committee.

##### **4.3 Answers to questions on notice and supplementary questions**

The following answers to questions on notice were published under the resolution appointing the committee:

- RSPCA NSW, received on 19 August 2024.

The following answers to questions on notice and post-hearing responses were received from an *in camera* witness:

- Witness D, received on 14 August 2024, 16 August 2024.

Resolved, on the motion of Mr Fang: That the committee keep confidential answers to questions on notice and additional material from Witness D due to potentially identifying and/or sensitive information of an *in camera* witness.

## 5. Adjournment

The committee adjourned at 9.04 am *sine die*.

Peta Leemen

**Committee Clerk**

Minutes no. 27

Monday, 23 September 2024

Portfolio Committee no. 4 – Regional NSW

Macquarie Room, NSW Parliament House, 9.00 am

### 1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Ms Boyd (participating) (*via videoconference*)

Mr Donnelly (9 am to 10.45 am, 12.32 pm – 12.59 pm)

Mr Fang (from 9.05 am)

Mrs MacDonald

Mr Primrose

Ms Suvaal

### 2. Previous minutes

Resolved, on the motion of Ms Hurst: That draft minutes no. 26 be confirmed.

### 3. Correspondence

The committee noted the following items of correspondence:

#### *Received*

- 10 September 2024 – Email from a witness to the secretariat providing details of a complaint made through the RSPCA NSW whistleblowers portal
- 10 September 2024 – Email from a witness to the secretariat providing details of a complaint made through the RSPCA NSW whistleblowers portal
- 13 September 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to the secretariat requesting the available RSPCA witnesses appear in a single *in camera* session on 23 September 2024
- 13 September 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to the secretariat requesting to be present at the in-camera hearing with RSPCA NSW witnesses on 23 September in a support capacity.

#### *Sent*

- 28 August 2024 – Email from the secretariat to Witness J advising them that the committee had resolved to hear their evidence *in camera* on 23 September 2024



- 6 September 2024, Letter from the Chair to Mr Mark Steele SC, Vice President, RSPCA NSW, responding to Mr Steele's letter of 31 July 2024 regarding procedural fairness issues with allegations made about Mr Steve Coleman on 18 July 2024.

Resolved, on the motion of Mr Donnelly: That the committee keep confidential the following items of correspondence at the recommendation of the secretariat due to identifying information of in camera witnesses and/or potential issues of adverse mention:

- Emails from a witness of 10 September 2024 regarding complaints made through the RSPCA NSW whistleblowers' portal

#### 4. Inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty of Animals Act (1979)*

##### 4.1 Confidential submission

Resolved, on the motion of Mr Primrose: That the committee keep submission no. 30 confidential as per the recommendation of the secretariat due to adverse mention.

##### 4.2 Tended document from 18 July 2024

Resolved, on the motion of Mr Donnelly: That the committee keep confidential the transcript of an internal meeting of the RSPCA NSW held on 30 May 2024 tendered by Mr Fang.

##### 4.3 Support person for *in camera* witnesses

Resolved, on the motion of Ms Hurst: That Mr Troy Wilkie be permitted to accompany RSPCA NSW witnesses while they provide *in camera* evidence to the committee on 23 September 2024.

##### 4.4 In-camera witnesses

Resolved, on the motion of Mrs MacDonald: That the committee proceed to take evidence from the following witnesses in camera:

- Witness I
- Witness J
- Mr Mark Steele SC, Vice President, RSPCA NSW
- Mr Stewart Thompson, Treasurer, RSPCA NSW
- Mr Steve Coleman, CEO, RSPCA NSW
- Mr William Beerden, General Manager of Regulation and Business Services, RSPCA NSW

Resolved, on the motion of Mr Fang: That the sequence of questions be left in the hands of the Chair.

##### 4.5 In camera hearing

The committee proceeded to take evidence in camera.

Persons present other than the committee: Beverly Duffy, Peta Leemen, Reeti Pandharipande, Merve Sarikaya (Secretariat); Julian Rifkin and Michael Moore (Hansard); Jaelyn Lyas (AVB).

##### Session 1

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness I was sworn and examined.

The evidence concluded and the witness withdrew.

##### Session 2

The witness was admitted.

The Chair made an opening statement regarding the proceedings and other matters.

Witness J was sworn and examined via videoconference.

The evidence concluded and the witness withdrew.

### Session 3

The witnesses were admitted.

The Chair made an opening statement regarding the proceedings and other matters.

The following witnesses were examined under their previous oath:

- Mr Mark Steele SC, Vice President, RSPCA NSW
- Mr Stewart Thompson, Treasurer, RSPCA NSW
- Mr Steven Coleman, Chief Executive Officer, RSPCA NSW
- Mr William Beerden, General Manager of Regulation and Business Services, RSPCA NSW

The evidence concluded and the witnesses withdrew.

The *in camera* hearing concluded at 12.57 pm.

## 5. Adjournment

The committee adjourned at 12:59 pm *sine die*.

Peta Leemen

**Committee Clerk**

Minutes no. 29

Friday 22 November 2024

Portfolio Committee no. 4

Macquarie Room, NSW Parliament House, 3.05 pm

### 1. Members present

Mr Banasiak, *Chair*

Ms Hurst, *Deputy Chair*

Ms Boyd (participating) (via videoconference)

Mr Donnelly

Mr Fang (via videoconference)

Mrs MacDonald

Mr Primrose

Ms Suvaal

### 2. Previous minutes

Resolved, on the motion of Ms Hurst: That draft minutes no. 23 and 27 be confirmed.

### 3. Correspondence

The committee noted the following items of correspondence:

#### *Received*

- 23 September 2024 – email from Witness J to the secretariat, offering to provide further evidence to the committee should the committee require further explanations, relating to the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 4 October 2024 – email from Witness J to the secretariat, noting their evidence was truncated and offering more expansion and detail, relating to the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

- 21 November 2024 – email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, to the secretariat, outlining concerns regarding potential publication of certain evidence provided *in camera* by the RSPCA NSW.

**Sent**

- 24 September 2024, email from the secretariat to Witness J noting that there were no further hearings for the inquiry, relating to the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 4 October 2024, email from the secretariat to Witness J advising the committee did not have supplementary questions, relating to the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*
- 20 November 2024, email from the secretariat to Mr Steven Coleman, CEO, RSPCA NSW, regarding possible partial publication of *in camera* evidence and answers to questions on notice from RSPCA NSW representatives, relating to the 2023 inquiry into the operation of the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*.

**4. 2023 Inquiry into the operations of the approved charitable organisations under the *Prevention of Cruelty to Animals Act (1979)***

**4.1 Confidential answers to questions on notice and supplementary questions**

Resolved, on the motion of Mr Donnelly: That the committee keep confidential the answers to questions on notice from the RSPCA NSW received on 31 October, as per the recommendation of the secretariat, as they relate to an *in camera* hearing.

**4.2 Approach to confidential evidence in the Chair's draft report**

Resolved, on the motion of Mrs MacDonald: That the committee authorise reference to unpublished confidential evidence in its report, without identifying individual sources, with the exception of the RSPCA NSW witnesses.

Resolved, on the motion of Mrs MacDonald: That footnotes referring to *in camera* evidence of individual witnesses, with the exception of RSPCA NSW witnesses, be removed prior to publication.

**4.3 Publication of *in camera* evidence from RSPCA NSW**

Resolved, on the motion of Ms Suvaal: That the committee authorise partial publication in its report of:

- *in camera* evidence of 23 September 2024, from representatives of the RSPCA NSW
- confidential answers to questions on notice from the RSPCA NSW, received on 31 October 2024.

Resolved, on the motion of Ms Suvaal: That the secretariat contact the RSPCA NSW to advise them of the proposed publication of sections of the RSPCA's *in camera* evidence of 23 September 2024 and confidential answers to questions on notice of 31 October 2024 in its report.

**4.4 Unpublished attachments to answers to questions on notice from Ms Karen Davies**

Resolved, on the motion of Ms Hurst: That the committee keep confidential the additional documents provided by Ms Karen Davies on 20 May 2024.

**4.5 Consideration of Chair's draft report**

The Chair submitted his draft report entitled *2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, which, having been previously circulated, was taken as being read:

**Chapter 1**

Resolved, on the motion of Ms Suvaal: That paragraph 1.5 be amended by omitting 'had remained stagnant' and inserting instead 'were historically low'.

Resolved, on the motion of Ms Hurst: That paragraph 1.9 be amended by inserting at the end: ', while other stakeholders expressed concerns about the RSPCA's low prosecution rates'.

Resolved, on the motion of Ms Suvaal: That paragraph 1.10 be amended by inserting 'then' after 'In its response to the 2021 inquiry, the'.

Resolved, on the motion of Ms Suvaal: That paragraph 1.12 be amended by omitting 'the newly elected' before 'NSW Government'.

Resolved, on the motion of Ms Suvaal: That paragraph 1.15 be amended by omitting 'two relevant bills' and inserting instead 'three relevant bills' before 'amending the'.

Resolved, on the motion of Ms Suvaal: That the following new paragraph be inserted before paragraph 1.18:

'The Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024 was passed on 15 November 2024, strengthening puppy and dog welfare by establishing standards for dog breeding.'

## Chapter 2

Resolved, on the motion of Ms Suvaal: That paragraph 2.1 be amended by inserting 'then' before 'NSW Government'.

Resolved, on the motion of Ms Suvaal: That the following new paragraph be inserted before paragraph 2.7:

'The Committee noted that there had been six occasions where employees retained a vehicle as part of their separation package over a period of thirteen months. Five of the vehicles were 2023/2024 Toyota Hiluxes, with the RSPCA putting forward the view that the vehicles had a net value ranging from \$35,000 to \$42,000, each.' [Footnote: Answers to questions on notice, RSPCA NSW, 31 October 2024.]

Resolved, on the motion of Ms Hurst: That the following new paragraph be inserted after paragraph 2.9:

'Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW gave evidence that animal care and rehabilitation costs are a significant part of RSPCA NSW's inspectorate costs:

Let's say the inspectors go and do a seizure of a property with 30 dogs. Of those dogs, you might have all 30 of them in a very bad way, and so that's going to have veterinary treatment and then ongoing rehabilitation. But, for as long as that case is proceeding, they have to get held, effectively, as property. So it wouldn't be until the case has concluded that they could either be going back to the person, if they are found innocent—but we've got a very, very high success rate, and they would then get titled to RSPCA, who would then be able to rehome them, if suitable.

A case can go on for a couple of years. You have really high levels of care being given to some of the most neglected and cruelly treated animals that you've ever heard of in all kinds of situations and often on very large volumes. That is very expensive, both in the vet treatment and the rehab and the care components of that. The rough figures I was going to before did point out that about \$6.4 million last financial year was on animal care costs out of the \$21.2 million. It's a really significant portion and it's not one which we can obfuscate, either. We legally have to hold and care for the animals. [Footnote: Evidence, Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, 18 July 2024, p 12]'

Resolved, on the motion of Ms Hurst: That paragraph 2.30 be amended by omitting 'and the committee has seen no evidence that they were guided by a clear strategy for building the capacity of the inspectorates, or accompanied by specific performance or accountability requirements' after 'There was little public information about these grants', and inserting instead: 'or whether they were linked to any specific performance or accountability requirements.'

Resolved, on the motion of Ms Hurst: That paragraph 2.31 be amended by inserting at the end: 'in the amount of \$11.3 million for the RSPCA and \$1.17 million for the Animal Welfare League NSW. The Committee notes this is significantly less than the RSPCA NSW indicated it required to fully fund its enforcement operations'.

Resolved, on the motion of Ms Hurst: That the following new finding be inserted after paragraph 2.31:

**'Finding X**

The NSW Government should provide greater certainty regarding the ongoing funding and functions of the approved charitable organisations.'

Mr Fang moved: That Finding 1 be amended by:

- (a) omitting 'commitment to addressing' after 'evidence of the organisations' and inserting instead 'implementing measures to address';
- (b) inserting at the end ', and no further additional funding should be committed until these matters are addressed'.

Question put.

The committee divided.

Ayes: Mr Banasiak, Mr Fang.

Noes: Mr Donnelly, Ms Hurst, Mrs MacDonald, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Ms Hurst: That Finding 1 be amended by omitting 'That, while continuing uncertainty over the quantum of annual funding from the NSW Government to the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979* is challenging for these organisations, any commitment to going government funding should be made in the context of', before 'the proposed animal welfare framework' and inserting instead: 'Decisions regarding ongoing funding for animal cruelty enforcement should have regard to'.

Resolved, on the motion of Ms Hurst: That paragraph 2.32 be amended by omitting 'any commitment to', before 'ongoing funding' and inserting instead 'decisions regarding'.

Resolved, on the motion of Ms Hurst: That paragraph 2.33 be amended by omitting 'were a key rationale' before 'this committee recommending increasing funding', and inserting instead 'was one of the rationales'.

Resolved, on the motion of Ms Suvaal: That the following new finding be inserted before Finding 1:

**'Finding X**

That there remain deficiencies in the annual reports of approved charitable organisations regarding their enforcement activities and financial statements, making it difficult to understand how animal welfare outcomes are achieved, and government funding and public donations are spent.'

Ms Suvaal moved: That the following new finding be inserted before Finding 1:

**'Finding X**

That confidential evidence questioned the appropriateness of how the RSPCA NSW had spent the recent funding grant for the 2023-24 financial year of \$20.5 million, suggesting funds had been used outside community expectations of inspectorate activities'.

Question put.

The committee divided.

Ayes: Mr Banasiak, Mr Donnelly, Mr Fang, Mrs MacDonald, Mr Primrose, Ms Suvaal.

Noes: Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Ms Hurst: That the following new committee comment be inserted after Finding 2:

'The committee notes that a reduction in government funding to the ACOs could lead to an enforcement-related increase in work health and safety issues in the future and asks the NSW Government to be mindful of this in relation to funding decisions.'

Resolved, on the motion of Ms Hurst: That Recommendation 1 be amended by omitting 'as part of any funding arrangements'.

Mr Fang moved: That Recommendation 1 be amended by omitting 'take a stronger oversight role of the' before 'operational protocols' and inserting instead 'appoint an Administrator to oversee the enforcement operations for a minimum of 12 months, to oversee and implement improved'.

Question put.

The committee divided.

Ayes: Mr Fang.

Noes: Mr Banasiak, Mr Donnelly, Ms Hurst, Mrs MacDonald, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Ms Suvaal: That the following new recommendation be inserted after Recommendation 1:

**'Recommendation X**

That the Government undertake a standardised annual reporting framework for approved charitable organisations, to ensure sufficient transparency and oversight, that has regard for:

- the reporting of cruelty offences
- investigations and prosecutions
- animal welfare outcomes, such as euthanasia rates
- expenditure and use of public funds
- operations of the inspectorate, such as inspectorate numbers'.

Resolved, on the motion of Ms Suvaal: That the following new recommendation be inserted after Recommendation 1:

**'Recommendation X**

That any recurrent government grants to approved charitable organisations be accompanied by greater rigour and oversight, including clear reporting obligations.'

Ms Hurst moved: That paragraph 2.93 be amended by omitting 'Moreover, this committee's interactions with senior managers and members of the RSPCA NSW board did not leave us confident that the RSPCA NSW is positioned to make the cultural and leadership style changes that would appear necessary to make the inspectorate a safe and attractive place to work and maintain corporate knowledge by retaining experienced and committed staff' after 'healthy workplace culture.', and inserting instead 'The committee believes that significant changes need to be made within RSPCA NSW to ensure that the inspectorate is a safe and attractive place to work, and can deliver robust enforcement of animal cruelty laws and ensure the safety and wellbeing of animals in NSW.'

Question put.

The committee divided.

Ayes: Mr Donnelly, Ms Hurst, Mrs MacDonald, Mr Primrose, Ms Suvaal

Noes: Mr Banasiak, Mr Fang.

Question resolved in the affirmative.

Ms Hurst moved: That paragraph 2.95 be amended by:

- omitting 'grave' after 'The committee holds', and
- inserting 'may' after 'government monies'.

Question put.

The committee divided.

Ayes: Ms Hurst, Mrs MacDonald

Noes: Mr Banasiak, Mr Donnelly, Mr Fang, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Fang moved: That paragraph 2.97 be amended by:

- (a) omitting 'considers' after 'However, the committee', and inserting instead 'has formed the view', and
- (b) inserting 'and a culture of nepotism which infects both the charitable and enforcement operations within the organisation' at the end.

Question put.

The committee divided.

Ayes: Mr Banasiak, Mr Fang, Mrs MacDonald

Noes: Mr Donnelly, Ms Hurst, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Ms Suvaal: That Finding 3 be amended by omitting 'confidential' before 'evidence to this inquiry'.

Resolved, on the motion of Ms Suvaal: That Finding 3 be amended by inserting at the end 'and in particular procedures surrounding the management of conflicts of interest'.

Mr Fang moved: That the following new recommendation be inserted after Finding 3:

**'Recommendation X**

That the NSW Government should not enter into any future funding agreements with the RSPCA NSW, until such time as:

- (i) the Board undergoes significant rejuvenation,
- (ii) the replacement of senior management positions, such as the CEO, Chief Inspector and General Manager (Regulation and Business).'

Question put.

The committee divided.

Ayes: Mr Banasiak, Mr Fang

Noes: Mr Donnelly, Ms Hurst, Mrs MacDonald, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Ms Suvaal: That Finding 4 be omitted: 'That, while annual publication of the section 34B reports under the *Prevention of Cruelty to Animals Act 1979* should provide greater

transparency on the operations of the approved charitable organisations, there remains a gap in relation to public financial reporting by these organisations' and the following new finding be inserted instead:

**'Finding X**

That, until recently the section 34B reports under the *Prevention of Cruelty to Animals Act 1979* were not required to be released, resulting in limited public oversight to the historic operations and expenditure of the approved charitable organisations in conducting their enforcement role under the Act.'

Resolved, on the motion of Ms Hurst: That paragraph 2.124 be omitted: 'Other stakeholders suggested that the ACOs needed to focus less on responding to complaints, and rather, that they should focus more on proactive alternative approaches, such as education, to address animal welfare issues.'

Resolved, on the motion of Ms Hurst: That paragraph 2.140 be amended by inserting at the end ', noting that this was a pre-election commitment made by the NSW Labor Government'.

Resolved, on the motion of Ms Suvaal: That Finding 5 be amended by inserting 'and overlapping nature' before 'of the legal framework for animal protection in New South Wales.'

Ms Hurst moved: That paragraph 2.141 be amended by inserting 'and considers it unacceptable for the government to outsource the upholding of criminal legislation and not fund it, leaving it to private charities to rely on fundraising and other sources' after 'for animal welfare law enforcement'.

Question put.

The committee divided.

Ayes: Ms Hurst

Noes: Mr Banasiak, Mr Donnelly, Mr Fang, Mrs MacDonald, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Ms Hurst: That paragraph 2.143 be amended by:

- (a) omitting 'any recurrent' before 'government grants be accompanied', and
- (b) omitting 'the Department of Primary Industries and Regional Development' before 'should consider the committee comments, findings and recommendations of this inquiry', and inserting instead 'the NSW Government'.

Resolved, on the motion of Ms Hurst: That Recommendation 2 be amended by omitting 'the Department of Primary Industries and Regional Development' before 'consider the committee comments' and inserting instead 'the Minister for Agriculture'.

Resolved, on the motion of Ms Suvaal: That the following new recommendation be inserted after Recommendation 2:

**'Recommendation X**

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.'

Resolved, on the motion of Ms Hurst: That paragraph 2.144 be amended by omitting 'While beyond the scope of this inquiry, and recognising that other consultation processes are in place,' before 'we note the NSW Government's stated commitment'.

Ms Hurst moved: That the following new paragraphs and recommendation be inserted after Recommendation 3:



"The committee notes that, at the moment, there is uncertainty as to what role the Independent Office of Animal Welfare will play in the enforcement of animal cruelty laws, any oversight role the Office of Animal Welfare will have in relation to the approved charitable organisations, and the impact that the establishment of the Independent Office of Animal Welfare will have on the role and funding of the approved charitable organisations. The NSW Government has a responsibility to ensure that animal cruelty laws are upheld and enforced, and there is a need for clarity and certainty as to how the NSW Government plans to manage and fund the proper enforcement of animal cruelty laws into the future.

The committee therefore recommends that the NSW Government develop a structure as to how animal cruelty laws will be enforced in NSW, including 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.

### **Recommendation X**

The NSW Government develop a structure as to how animal cruelty laws will be enforced in NSW, including 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.'

Question put.

Committee divided.

Ayes: Ms Hurst, Mrs MacDonald

Noes: Mr Banasiak, Mr Donnelly, Mr Fang, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Ms Suvaal moved: That: the paragraphs and recommendation proposed by Ms Hurst to be inserted after Recommendation 3 be amended by:

- (a) omitting 'that the NSW Government develop a structure as to how animal cruelty laws will be enforced in NSW' before 'the relationship and roles of the Independent Office of Animal Welfare', and inserting instead: 'that in reviewing *Prevention of Cruelty to Animals Act 1979*, the NSW Government consider'
- (b) Omitting the recommendation as drafted and inserting instead:

### **'Recommendation X**

That, in reviewing *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.'

Question put and passed.

Resolved, on the motion of Ms Suvaal: That Recommendation 3 be amended by omitting 'into' after '2021 and 2023 inquiries', and inserting instead 'as they remain relevant to'.

Resolved, on the motion of Mr Donnelly: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, submissions, correspondence, responses and summary report to the online questionnaire, answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions, individual responses to the online questionnaire, be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, summary report to the online questionnaire, and answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;

The secretariat is tabling the report at 10.15 am on Friday 29 November 2024;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

## **5. Adjournment**

The committee adjourned at 4.20 pm, *sine die*.

Peta Leemen and Jessie Halligan  
**Committee Clerk**

## Appendix 4 Dissenting statements

### The Hon Emma Hurst MLC, Animal Justice Party

It is unacceptable for the government to outsource the upholding of criminal legislation and not fully fund it, leaving it to private charities to rely on fundraising and other sources. It is the NSW Government's responsibility to ensure there is an enforcement body to uphold the criminal legislation written and passed by the Parliament. Having laws, without proper enforcement of those laws, defeats the purpose of having legislation to protect animals from harm in the first place and undermines the obvious need for animal protection laws.

There was a push in this inquiry to effectively remove all enforcement of animal protection laws in NSW, and while political parties have different views on the role of the approved charitable organisations (ACOs), the reality is that this is the model that is currently used by state Governments. The NSW Government does not presently have an alternative agency in place that is able to do this work – while the NSW Police can technically enforce animal cruelty laws, in practice they do not have the funding, resources or facilities to house and care for large numbers of animals seized or cared for as part of animal cruelty cases, including those animals that must be cared for during lengthy prosecutions.

Removing most or all enforcement would cause an enormous number of animal cruelty criminal cases to remain unattended, potentially causing unimaginable cruelty and suffering to animals. If political parties want to push this stance forward, they need to adequately address the need for enforcement of criminal legislation and how that will continue.

The NSW Government must take responsibility for ensuring animal cruelty laws are properly enforced in our state. It is essential that we have a clear structure for how these laws will be enforced into the future, especially as we look to the establishment of the Independent Office of Animal Welfare. I sought to include the following recommendation around this, however, it was watered down in the final Report:

*The NSW Government develop a structure as to how animal cruelty laws will be enforced in NSW, including 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.*

## The Hon Wes Fang MLC, The Nationals

While I support this report as published, I have concerns it does not go far enough in terms of holding the RSPCA NSW accountable for their conduct. These concerns extend across their scope of operations, both in terms of their governance and actions as a registered charity, as well as their performance when enforcing the POCTA Act.

I sought to move a number of amendments to this report, to strengthen the findings and recommendations to reflect the level of concern I have in relation to the RSPCA NSW. They addressed matters such as;

1. Ensuring no further NSW Government funding was provided to the RSPCA NSW until such time as measures to address the numerous failures identified within this report have been addressed.
2. The appointment of an Administrator, to oversee the enforcement operations within RSPCA NSW.
3. Acknowledging the culture of nepotism, which I believe infects every part of the RSPCA NSW. Despite being a member-based body, with elections for the Board positions, it appears to be a 'closed-shop' arrangement, with some members having tenure for four decades. Similarly, concerns were raised about the CEO and his lengthy tenure, along with the opaque selection criteria for promotion to senior roles within the organisation.
4. I believe the RSPCA NSW Board requires new leadership and significant renewal within its ranks to strengthen the culture and ethics, along with the governance of the charitable and enforcement operations it conducts. I am also of the view, the culture and morale will not improve, without the replacement of a number of senior management positions, including the CEO, Chief Inspector and General Manager (Regulation and Business).

I was disappointed that these important changes were not adopted by the committee. It is clear that the NSW Labor Government members were prepared to support this weaker report, simply because they have no suitable alternative to fill the capacity gap of the RSPCA NSW enforcing the POCTA Act. It is clear any alternative is too expensive, and the Government is simply prepared to overlook the hard work that needs to be implemented to ensure RSPCA NSW is fit-for-purpose.

Finally, I would like to thank the Chair, who supported some of the amendments I proposed, the Secretariat for their hard work, but most importantly, those witnesses who bravely came forward to share their experiences within the RSPCA NSW.

