

REPORT ON PROCEEDINGS BEFORE

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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At Macquarie Room, Parliament House, Sydney on Friday 26 April 2024

The Committee met at 11:00.

PRESENT

The Hon. Mark Banasiak (Chair)

The Hon. Greg Donnelly

The Hon. Wes Fang

The Hon. Emma Hurst (Deputy Chair)

The Hon. Aileen MacDonald

The Hon. Cameron Murphy

The Hon. Peter Primrose

PRESENT VIA VIDEOCONFERENCE

Ms Abigail Boyd

** Please note:

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

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

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

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The CHAIR: Welcome to the hearing of the Committee's inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today.

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

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Ms KAREN DAVIES, Former Staff Member, RSPCA NSW and Animal Welfare League NSW, sworn and examined

The CHAIR: Thank you for coming today to give evidence. Would you like to make a short opening statement at all?

KAREN DAVIES: Not especially, no.

The CHAIR: As a Committee, we have agreed to have free-flowing questions, so the questions will come from everywhere. They will also come from Ms Boyd who's online on the screen, so her head will pop up. I'm looking for people to fire off questions. Mr Fang?

The Hon. WES FANG: Ms Davies, thank you very much for appearing today. In relation to your time with the organisations, can you briefly outline when you worked for the organisations—the RSPCA and Animal Welfare League, please?

KAREN DAVIES: RSPCA, I started in 1984 and worked there for 31 years. I left there in April. Just after I left, I think two weeks after I left, I started at Animal Welfare League and was there for three years.

The Hon. WES FANG: About 2015, would that be about right?

KAREN DAVIES: That's right.

The Hon. WES FANG: You were there for—

KAREN DAVIES: At the Animal Welfare League?

The Hon. WES FANG: Yes.

KAREN DAVIES: Three years.

The Hon. WES FANG: Would you be able to provide some insights in relation to your time at the RSPCA and the work that you did?

KAREN DAVIES: Sure. I started as an animal attendant, pretty well did everything within the shelters, was a vet nurse at one stage and then went into management. I did payroll, workers compensation. At Animal Welfare League I was the chief operating officer, so pretty well oversaw everything.

The Hon. WES FANG: In relation to your time in, I'll say, the senior management roles at the RSPCA—so towards the end of the 31 years there—could you describe the workplace culture that you had there?

KAREN DAVIES: That really depended on who was in charge at the time. I would say it was unpleasant by the time I left.

The Hon. WES FANG: I'm guessing that, given the time frame, Mr Coleman would have been in charge at that time.

KAREN DAVIES: Mr Coleman was the CEO, yes.

The Hon. WES FANG: Would you indicate that, perhaps, Mr Coleman's position was partly—was it in his role?

KAREN DAVIES: I'm not a fan.

The Hon. WES FANG: Yes. I'm trying to find a very delicate way of putting this.

KAREN DAVIES: I'm not a fan.

The CHAIR: Was it his management style that led to the creation of a toxic culture?

The Hon. WES FANG: Thank you, Chair. That's a very eloquent way to put it.

KAREN DAVIES: I can honestly say—I worked with Steve for 20 or 21 years and he started as an inspector—I didn't like him from the moment he walked in the door. I don't like the man as a person. His management style is—I would say he's somebody who tries to remove himself from pretty well everything and somebody below him will always take the fall.

The Hon. WES FANG: You would have been with the organisation in 1999 when there was the prosecution of the Guy Fawkes River National Park—am I right that it was 1999?

The CHAIR: I think so, off the top of my head.

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KAREN DAVIES: I can't tell you precisely when it was but, yes, I was with them.

The Hon. WES FANG: Obviously, there was the view that that aerial culling program that had occurred was inhumane. Did you see anything within the organisation that would lead you to believe that that was prosecuted outside of the evidence that was presented?

KAREN DAVIES: In that particular case, I can't say, but there were certainly occasions where I would have been concerned about how the prosecution was carried out, yes.

The Hon. WES FANG: I'm just keeping specifically to that because, obviously, we've now got the situation in 2023/2024 where the RSPCA has effectively gone from being the policeman to being the consultant for the Government in that National Parks and Wildlife Service have drafted a number of SOPs that they are using to conduct aerial culling of brumbies in Kosciuszko National Park. We know that RSPCA have been consulted with and have provided advice on those SOPs and it's my contention that that provides them with a conflict of interest in relation to any future prosecutions related to any animal cruelty of aerial culling for brumbies.

The Hon. PETER PRIMROSE: Chair, is there a chance we can have a question rather than a dissertation?

The Hon. WES FANG: I was providing the context so that I could put the question, and that is coming up exactly now: In your time at the organisation of 31 years, would you have seen a situation where the RSPCA provided advice to government about how to kill animals?

KAREN DAVIES: Yes.

The Hon. WES FANG: What were the circumstances for that?

KAREN DAVIES: That particular circumstance was with wild pigs and also with kangaroos. With regard to a conflict of interest, I would say that is certainly an issue with regard to, frankly, both of the charities.

The CHAIR: With the advice in those instances, was the advice given that it should be done in a way that limits unnecessary harm—i.e. only a single shot be used?

KAREN DAVIES: Yes.

The Hon. WES FANG: In relation to the fact that it takes seven and a half shots on average—and up to 18 or 15 shots, depending on some of the literature you read—to kill a brumby, would that, do you think, have passed in your time at the RSPCA?

KAREN DAVIES: No.

The CHAIR: Can I go to some questions around finance and funding. It says in the standard operating procedures that the chief inspector and the CEO have to manage the inspectorate in a way that's cost-effective and efficient. In your time in those senior roles in terms of payroll and—I'm not too sure how involved you were involved in the finances—

KAREN DAVIES: I worked in the accounting department.

The CHAIR: Did you ever see examples where, in your view, money wasn't being spent efficiently?

KAREN DAVIES: Very much so.

The CHAIR: Are there any examples that you could provide? Was there excessive spending on conferences or excessive spending in accommodation or travel for members within RSPCA?

KAREN DAVIES: All of—but the biggest waste that immediately comes to mind is that we had three full-time staff in the events department that, literally, did the Million Paws Walk and cupcake day which was online.

The CHAIR: How much were each of those three staff paid or remunerated?

KAREN DAVIES: At that particular time, between \$80,000 and \$90,000 a year.

The CHAIR: Each?

KAREN DAVIES: Yes, each.

The CHAIR: Were they baking the cupcakes?

KAREN DAVIES: Even if they were, I'm not quite sure how you could justify it, to be honest.

The CHAIR: What time period was that?

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KAREN DAVIES: I worked in payroll for about the last seven years that I was employed.

The CHAIR: Did you handle any of the receiving of government grants or the distribution of government grant money at all?

KAREN DAVIES: No.

The CHAIR: Who oversaw that?

KAREN DAVIES: That would have been the CFO—chief finance officer. That was Irene when I was there.

The Hon. EMMA HURST: Earlier, you said that, in regard to Steve Coleman, that someone below him will take the fall. Can you expand on what you mean by that or give an example where you saw that happening?

KAREN DAVIES: Sure. For myself, on a personal level, I was bullied at one stage by a senior manager within the shelter area. I took that to HR and I was basically told to sort it out myself. Eventually, I would say probably two years after the initial situation occurred—I had put in writing my concerns and all the rest of it and I had spoken to the HR manager. This is actually one of the reasons why I finished up in payroll, because I had been exclusively in the shelters up until then but the person that I had the issue with was the management of the shelter area and I was unable to work with her. As I said, I basically got told to sort it out myself, and I was offered the position by the CFO in the finance department. I was told by the HR department that nothing further would be done, that I was to retract my statement, which I refused to do. It was put in a sealed envelope and signed on the back of it and put onto my file. Probably two years after that, Steve Coleman said to me, "I'm really disappointed that you didn't come to me and taught me about this issue." I looked at him and said, "I am well aware that you knew about the issue and, really, what does it matter now because that person is no longer here. You got rid of them."

The Hon. EMMA HURST: Would you say that there is a culture of bullying?

KAREN DAVIES: Yes.

The Hon. EMMA HURST: How long has that culture been going on?

KAREN DAVIES: I would say pretty well the entire time that Steve has been there.

The Hon. EMMA HURST: Was any action taken by others that have bullying complaints that you're aware of?

KAREN DAVIES: I know that there were numerous people that had bullying complaints. There has been external audits from HR companies that have shown that there are issues. The internal HR at the time certainly raised concerns. I personally raised concerns with board members.

The Hon. EMMA HURST: You said that Steve knew about the complaint but hadn't done anything. What happened between that time for him to then say, "I'm upset that you haven't brought this to me."

KAREN DAVIES: When he spoke to me was when I was told that the statement was not going to be going any further and that it was to be removed. That was when I said, "I don't want it removed. If you don't want to put it on her file, then put it on mine." That's when we signed the back of it. He came to me not long after that and said, "I'm really disappointed that you didn't come speak to me about this personally."

The Hon. EMMA HURST: You mentioned some external reporting being done or HR stepping in.

KAREN DAVIES: Yes.

The Hon. EMMA HURST: Do you know what happened with those investigations?

KAREN DAVIES: Not a whole lot, to be honest. There was a rejigging of the executive management, there was a number of staff let go and there was changes—

The Hon. EMMA HURST: The staff that were let go, were they the people who had made the complaints or were they the people who had been complained about for bullying?

KAREN DAVIES: Both. And there was then a change in the structure of the executive management.

The CHAIR: Do you recall any of the names of the companies that did these external—

KAREN DAVIES: Beaumont Group is the one that immediately comes to mind.

The CHAIR: Do you know when that roughly was?

KAREN DAVIES: It's got to be 15 years ago, I would think.

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The CHAIR: I'll work my way back from there, thank you.

The Hon. EMMA HURST: Did you notice any changes from these? Was there a change in that culture of bullying?

KAREN DAVIES: No.

The Hon. EMMA HURST: It just remained the same.

KAREN DAVIES: Yes.

The Hon. EMMA HURST: You've worked at both RSPCA and the Animal Welfare League. How would you compare the operations of the two, and is one more toxic or struggling more than another?

KAREN DAVIES: Again, that really depends on who's actually in charge—and that is both executive management and board. Both of them have their pros and cons. The biggest concern, particularly with regards to the enforcement of POCTAA, is that it is most certainly influenced by the upper management and the board members as to what prosecutions, frankly even what investigations, would actually occur, depending on who a complaint is made about.

The Hon. EMMA HURST: What do you mean by that? Do you mean that people could put forward their personal opinions on the issue or, if they knew somebody that was involved in the prosecution, that that would potentially influence—

KAREN DAVIES: Absolutely.

The Hon. EMMA HURST: Can you give any examples?

KAREN DAVIES: One of the examples was an ex-RSPCA staff member who was—it's my opinion—harassed by multiple inspectors who were given directive to attend her property with regards to an animal that she had onsite that Steve Coleman had a particular issue with.

The Hon. EMMA HURST: He had an issue with the former RSPCA inspector?

KAREN DAVIES: No. He had an issue with the staff member—she was actually a former CEO—and he had an issue with the animal she had, which at that particular time was a pig.

The Hon. WES FANG: In relation to the later years of when you are at the RSPCA, who was heading up the HR department at that time?

KAREN DAVIES: Desleigh White.

The Hon. WES FANG: Were many of the complaints looked at in house or were they looked out through an external organisation?

KAREN DAVIES: Almost always exclusively in house.

The Hon. WES FANG: How was the issue typically resolved when that occurred?

KAREN DAVIES: Staff were told to suck it up.

The Hon. WES FANG: And who did that?

KAREN DAVIES: There were two people in the HR department, Desleigh and Leslie, and they would certainly tell you that. Not particularly in those words; it was a bit more subtle than that. But that was basically the back to it.

The Hon. WES FANG: Do you believe that the integrity of the investigation was maintained by the HR department, or do you believe that information about the investigations was, perhaps, provided to executive management?

KAREN DAVIES: It was definitely provided to executive management, yes.

The Hon. WES FANG: Do you believe that when that occurred there were circumstances where the staff member who had made the complaint was treated differently or bullied by executive members?

KAREN DAVIES: Yes.

The Hon. WES FANG: Do you think you might be able to provide—and you don't have to do it now—some examples?

KAREN DAVIES: Sure.

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The Hon. WES FANG: If you can, that would be fantastic.

KAREN DAVIES: Okay.

The Hon. WES FANG: Did you happen to document any of this?

KAREN DAVIES: Some of it, yes.

The Hon. WES FANG: Would you mind providing that to us?

KAREN DAVIES: Of course.

The Hon. WES FANG: Are you confident in advising the Committee that Steve Coleman was aware of multiple issues of bullying and harassment and took no effective action in relation to those complaints?

KAREN DAVIES: Yes.

The Hon. WES FANG: Do you believe that the board of the RSPCA NSW was aware that there were issues in the relation to the bullying and harassment of staff within the RSPCA and were not effectively managing those circumstances?

KAREN DAVIES: Yes.

The Hon. WES FANG: Do you know for sure, directly, that the board were aware of these issues?

KAREN DAVIES: Yes.

The Hon. WES FANG: Had you made complaints to the board?

KAREN DAVIES: Yes.

The Hon. WES FANG: What was the response from the board?

KAREN DAVIES: That it was to be dealt with by the executive management.

The Hon. WES FANG: Did the board indicate that they had full and complete trust in Steve Coleman to manage the organisation?

KAREN DAVIES: Very much so.

The Hon. WES FANG: I have had a chance to look at some of Mr Coleman's experience, shall I say, in relation to his time at the RSPCA and also prior. It is slightly opaque, but do you know what Mr Coleman did prior to starting with the RSPCA?

KAREN DAVIES: Actually, no. No idea.

The Hon. WES FANG: I found reference to the fact that Mr Coleman was an investigator or a private investigator. Would that accord with what you might have as an idea?

KAREN DAVIES: Steve has always been very confident in himself and good at selling himself. So would it surprise me? No.

The Hon. WES FANG: In and of itself, that is not exactly a problem, I think.

KAREN DAVIES: No.

The Hon. WES FANG: Sometimes that can be, certainly, of benefit.

KAREN DAVIES: Sure.

The Hon. WES FANG: But in this circumstance, I am seeking to understand the movement. It is my understanding that Mr Coleman went from being an inspector—

KAREN DAVIES: Yes.

The Hon. WES FANG: —and has been the CEO now for around about 16 years.

KAREN DAVIES: Yes.

The Hon. WES FANG: But within a very short period of time he had—I think, around 1995 he was already deputy chief inspector at the organisation. He had quite a meteoric rise.

KAREN DAVIES: It was very quick, yes.

The Hon. WES FANG: Why might that have occurred, do you think?

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KAREN DAVIES: I suspect because he endeared himself to the board.

The Hon. WES FANG: Okay. And you would have been at the organisation at the time when the current chief inspector was employed?

KAREN DAVIES: Who is the current chief inspector?

The Hon. WES FANG: Scott Meyers.

KAREN DAVIES: Yes. Scott was in Newcastle. He was an inspector when I was there, yes.

The Hon. WES FANG: Can you provide some of your views around Mr Meyers' elevation?

KAREN DAVIES: Scott started off in shelters. He went on to become an inspector and had been an inspector for some time. I don't know how long he has now been chief inspector.

The Hon. WES FANG: Since January 2019.

KAREN DAVIES: Okay. Yes. I can't say I'm hugely surprised he got the position, no.

The CHAIR: Sorry, Mr Fang. I am conscious of time. I know Mr Murphy wants to ask a question.

The Hon. WES FANG: I have plenty of questions.

The CHAIR: I know. It is enthralling! I just want to give Mr Murphy a chance to fire one off as well.

The Hon. CAMERON MURPHY: Thank you, Chair. I just have one question, Ms Davies, going back to the issue you were asked about earlier in relation to prosecutions under the Prevention of Cruelty to Animals Act.

KAREN DAVIES: Yes.

The Hon. CAMERON MURPHY: You gave one example where you say a prosecution was interfered with because of a personal vendetta or bias against a former employee.

KAREN DAVIES: Yes.

The Hon. CAMERON MURPHY: Do you have any other examples of the ways in which these prosecutions were interfered with?

KAREN DAVIES: Certainly. At both organisations there were certainly occasions where rescue groups, in particular, were targeted or not targeted because of who they knew.

The Hon. CAMERON MURPHY: Is that because they are competing with the RSPCA or Animal Welfare League?

KAREN DAVIES: Yes, or they had an affiliation with the RSPCA, so there was no action taken. The same as—there were certainly occasions, particularly with multiple animal hoarder cases and that sort of thing, where prosecution weren't instigated because, frankly, resources weren't available to deal with the situation.

The Hon. CAMERON MURPHY: Given it is such a short time, would you be able to provide details in relation to those?

KAREN DAVIES: Sure. Yes.

The Hon. AILEEN MacDONALD: In your opinion, do you think approved charitable organisations such as RSPCA and Animal Welfare League should be involved with the investigation and prosecution of animal acts of cruelty?

KAREN DAVIES: No.

The Hon. AILEEN MacDONALD: Why is that?

KAREN DAVIES: Because there's a conflict of interest.

The CHAIR: Can I just pick up on Mr Fang's question around Mr Meyers. Were any concerns ever raised around Mr Meyers' family and friends receiving horses to be agisted on their properties as a result of seizures—

KAREN DAVIES: Yes.

The CHAIR: —and then them coming into permanent possession of those horses?

KAREN DAVIES: Yes.

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The CHAIR: If so, where was it raised to and what was the result?

KAREN DAVIES: It was raised with the executive management of the time, who was—

The CHAIR: Mr Coleman.

KAREN DAVIES: —Mr Coleman. Yes. I have no idea what the outcome was because there was never any response.

The CHAIR: Thank you. Mr Fang, I will allow just one more question.

The Hon. WES FANG: I have to choose one now.

The CHAIR: It is difficult.

KAREN DAVIES: Send it to me in writing; I'm happy to respond!

The Hon. WES FANG: Let me tell you, by the end of today there will be quite a few that will be coming your way. I was going to head to the handling of conflicts of interest within the organisation. How might that occur? Let's paint a picture here where you have got a nominal chief inspector whose nominal brother may operate a nominal equine business, and seized horses might end up at this nominal equine business that a certain chief inspector's brother may run. Obviously, there is material benefit there for said brother, but there is also a conflict of interest. How might that have been declared in the organisation?

KAREN DAVIES: It wasn't.

The Hon. WES FANG: It sounds like you know what I am talking about—nominally.

KAREN DAVIES: It certainly wasn't the only occurrence, and I can honestly say that conflicts of interest were very, very rarely—

The Hon. WES FANG: If there was perhaps a family member of someone quite senior in the executive group who has a family member employed at the RSPCA, there is no way of declaring a conflict of interest there?

KAREN DAVIES: No.

The Hon. CAMERON MURPHY: Can you give us a list of the other conflicts of interest you are aware of that haven't been dealt with, on notice?

KAREN DAVIES: Sure.

The Hon. WES FANG: This just got really interesting.

The CHAIR: Thank you, Ms Davies, for your testimony today. We probably could have been here for hours with you.

The Hon. WES FANG: I think we might need another day.

The CHAIR: We thank you for your time and your candidness about your time at both of those organisations. It is much appreciated. We also thank you for your work at those organisations in obviously trying to do the right thing by animals and animal welfare. You have taken a whole lot of questions on notice and there may be some supplementaries. The secretariat will be in touch with you regarding those.

KAREN DAVIES: Not a problem at all.

(The witness withdrew.)

(Short adjournment)

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

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

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

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

The CHAIR: I welcome our next witnesses. Would any of you like to make a short opening statement? If we could try to keep it reasonably short, because we want to get to questions.

KRISTINA VESK: Thank you. This week a woman was brutally murdered. Her alleged killer was, at the time, already charged with various offences including aggravated cruelty to an animal. This tragedy again illustrates the link between violence to animals and violence to people, and yet here we still are with a legal framework that is inadequate in protecting both animals and people. On behalf of Cat Protection, I thank the Committee for your continued work.

I, like many, am deeply disappointed by the lack of action by the Government. I was initially surprised that there weren't more submissions to this inquiry, but then I thought, "This is a consequence of submission fatigue." The animal care and welfare sector has contributed countless pages of thoughtful, considered, evidence-based reports to numerous inquiries into animal welfare regulation over the past few years, but we've seen little change. I expect many simply feel the exercise is futile, and they are exhausted attempting to manage the growing challenges in animal welfare.

Despite this Committee's recommendations, we are none the wiser when it comes to understanding what is and isn't investigated under POCTAA. We don't know how reports of cruelty are triaged. We don't know whether responses are driven by resources or by defects in the legislation. We don't know whether there are trends. We don't know what species are subject to complaints or investigation. As Cat Protection says in our submission, this absence of vital data on animal health and welfare also limits the capacity and development of human health and safety policies. The need to address these issues urgently cannot be overstated.

TARA WARD: Thank you for the opportunity to appear today. The Animal Defenders Office shares the general disappointment expressed in a number of the submissions to this inquiry at the lack of progress on key matters such as transparency and accountability since the release of the last Committee report of the inquiry into the compliance and enforcement operations of the approved charitable organisations under the Prevention of Cruelty to Animals Act.

The lack of transparency in the annual reports of the organisations is particularly disappointing, especially when there is an easy solution—make public and readily available the reports the organisations are already required to provide the Minister under section 34B of the Act. There are already detailed specifications for the reports in the Prevention of Cruelty to Animals Regulation. No extra work would be required except perhaps the odd redaction. That would go some way towards responding to the public's desperate plea for more meaningful and substantive material than what has been characterised as feel-good PR material that is currently given to the public under the guise of an annual report.

Then there is the lack of transparency and accountability for enforcement choices. Bare numbers tell only a small part of the story. For example, the public needs to know broadly what entities are being investigated or prosecuted, are they individuals or corporations, about which animals and in what sectors, and what animal welfare benefits were there for the animals who were the subject of the investigations or prosecutions, so that the public can assess how well or not our animal welfare laws are working.

Finally, the perceived conflicts of interest in having private enforcement agencies embedded with entities that undertake harmful activities, such as wildlife culling or animal agriculture, must be dealt with. While it is perfectly valid to perform an animal welfare advisory role as experts in the field, it can cause, at the very least, a perception of a conflict of interest when the same entity is also the entity with the investigation and enforcement powers. Several of the concerns raised in submissions to the inquiry could be addressed by having an independent, government-funded statutory authority responsible for compliance monitoring and enforcement of animal welfare laws, the endorsement of which the Animal Defenders Office again places on the record.

MICHAEL DONNELLY: I also request that this statement be tabled. In 2019 Animal Care Australia supported a recommendation that resulted in the creation of this annual inquiry in order to address concerns that the charitable organisations were not accountable for their actions or the services they provide on behalf of the State. Some five years later, Animal Care Australia is not in a position to confidently state that much has changed. Having said that, it is pleasing for us to continue to support the ethos of the Animal Welfare League. While we

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would like to see some additional breakdown of financial reporting, we wish to make it clear that today the AWL will not be the focus of our testimony.

This morning I was originally intending to outline the major points from our submission. Instead, though, I will simply make the following points. In early 2023 the New South Wales Government gave the RSPCA an additional \$20 million for enforcement and, in the same financial year, an additional \$10.5 million for various upgrades. This year the RSPCA testified that that \$20 million must continue for them to be able to continue to provide that enforcement.

RSPCA has their shiny new shelter, while other shelters either have closed or are providing a reduced service. Local councils across the State have been told they are now solely responsible for the intake of surrenders. It makes one wonder what filling that shiny new shelter will look like. The CEO and chief inspector have publicly stated the RSPCA has a new focus on being enforcers. Perhaps that's due to a potential annual \$20 million incentive.

They are touted as animal welfare experts by the current and previous governments, and yet they supported and were complicit in the removal of a prohibition of aerial culling during foaling season and then, in fact, to defend their position, claimed there is no such thing as a foaling season; declared that taking an average of seven to 15 shots to kill a horse meets animal welfare standards; euthanised 50 birds seized from an animal hoarder, all of whom had been diagnosed with an affordably treatable disease, something that any bird owner could have completed within a few weeks; and crammed a Great Dane into a small animal carrier, causing injuries which were called out by the magistrate, all after New South Wales police had declared there was no concern with the dog. Rather than seize the dog, the owner offered to drive the inspectors and the dog to their treating vet a few minutes down the road. The RSPCA could have clarified the treatment history. Even more importantly, if the vet determined it was time for the dog to be euthanised, it could have been done with the family able to say goodbye. This was offered by the owner and rejected by the RSPCA.

While not isolated cases, these two examples illustrate the lack of concern about the welfare of the animals and a determination to prosecute the owners at all costs. Since previously appearing at this inquiry, the Queensland Government has altered the procedures the RSPCA Queensland must follow before any prosecution can proceed. They are now being held somewhat more accountable. This falls in line with Western Australia, and in the ACT the DPP prosecutes cruelty cases.

There is a growing catchcry of what meets the social licence for actions being taken by organisations, and the social appetite for the RSPCA is diminishing. Almost every State has been forced to look at the actions of their RSPCA and each of them found the need for greater accountability. Importantly, when asked during the brumby inquiry to explain the RSPCA's position on the welfare impacts of aerial culling, Mr Coleman stated:

Any submission that's provided, be it by RSPCA NSW or RSPCA Australia, is theoretical in nature, based on references. It's potentially dangerous to restrict certain activities where processes can be improved.

I leave this Committee with those words, directly relating to the RSPCA's ability to understand animal welfare. The RSPCA's position is theoretical, based on references. Animal Care Australia's position is clear: Any enforcement agency must now be employed directly by the Government, answerable to a Minister, to the Parliament and therefore to the public. Mr Davis and myself thank you for allowing us to testify today, and we welcome your questions.

The CHAIR: Thank you. I will now throw it open to questions. The Committee has agreed to have a free flow of questions, so I'm looking for someone to take up the baton.

The Hon. WES FANG: Ladies first.

The CHAIR: Ms Hurst?

The Hon. EMMA HURST: Thank you. I might start with Ms Tara Ward. Thank you for coming and giving your time again, as per many inquiries. It's a really unusual situation that we've got, and there is nothing else in our legislation where we rely on a charitable non-government agency to perform government enforcement. I'm just trying to understand. Say we set up an independent office of animal welfare, which was actually a Government commitment. How do you foresee that fitting in and functioning? Would the RSPCA and the Animal Welfare League collapse and be removed in regard to enforcement, and that then falls under the independent office? How do we structure something like this? How do we structure this change?

TARA WARD: Well, that would be the subject of a whole other inquiry.

The Hon. WES FANG: Maybe we should have one.

CORRECTED

TARA WARD: Yes, I will see you there—if I were to be invited. So just to the broad issues, one imagines that if we were dealing with the current regulatory framework that the officers of this independent statutory authority would be authorised in the same way, for example, that police officers are authorised, with whatever powers Parliament sees fit to give to the officers of this putative body. And that would be a question for Parliament as to whether they do have law enforcement powers, which in theory there is no reason why they wouldn't since we've already given those to private charities.

The Hon. EMMA HURST: In regard to the current set-up, do you think that we need to have powers within government to fully investigate complaints, to compel documents from those enforcement agencies, to ensure that there is some kind of oversight and transparency? If we weren't going to change into one of these other models, do we need to somehow make sure that there is more oversight and transparency?

TARA WARD: Most of the entities making submissions to this inquiry have been in furious agreement on that point. There definitely needs to be more transparency, if only for the purpose of being able to evaluate how well our animal welfare laws are working. Currently it's impossible on the information provided to the public. As my fellow panellist Ms Vesk said as well, how we can identify patterns or where the laws aren't working, as well as, of course, the specific instances where perhaps the powers should not have been exercised. So, yes, there definitely needs to be that transparency and then accountability for these hugely important powers that are being used here.

MICHAEL DONNELLY: Can I add to that, if I may, and actually answer your question as well, Ms Hurst—both of your questions. Mr Fang, we would also welcome an opportunity to appear at such an inquiry that you just implied might occur.

The Hon. WES FANG: It's not my choice. I'm not that powerful.

MICHAEL DONNELLY: We would definitely welcome that opportunity to look at some form of an office of animal welfare being developed, moving forward, that comes under government funding and government control. To answer your other question, Ms Hurst, yes, the RSPCA and AWL inspectorate would dissolve and the inspectorate would be re-employed by the Government. We would support that measure, and we are actually in the processes of developing such a proposal that we would happily make available to this Committee and further once we've finished producing that and making that structure, designing it.

The Hon. EMMA HURST: Thank you. Ms Ward, just going back to the independent office, would you be concerned if this independent office was going to be a single commissioner within the Department of Primary Industries supported simply by current DPI staff, with no additional funding?

TARA WARD: Absolutely.

The Hon. EMMA HURST: Can you explain why that would be problematic?

TARA WARD: Yes. Thank you, and I meant to refer to this in answering your previous question when you referred to an entity being established—a government entity. The entity would need to be independent. We can't continue the situation where we have an agency such as the DPI which, while only administering the Prevention of Cruelty to Animals Act, nonetheless has, as we're all aware, that inherent conflict of interest; it is the entity responsible for promoting animal industries. We cannot have such an entity in any way associated with the enforcement of animal cruelty laws. The perception and actual conflict of interest would just be too great. That would certainly not be a solution—go anywhere near providing a solution to the current problems.

The Hon. EMMA HURST: I know that you regularly assist members of the public who make animal cruelty complaints. I'm just wondering if you've noticed any improvement or change in the responsiveness to complaint or enforcement activities generally since the grant of \$26 million in funding that came in last year. Have you noticed any change?

TARA WARD: In a word, no, we haven't.

The Hon. EMMA HURST: Thank you. I know this is an obvious question but I just wonder, for the record, is there anything that people can do if they're unhappy with the conduct of the RSPCA? If they fail to respond to a cruelty case, fail to prosecute, prosecute inappropriately, is there anywhere to report that? And do you know of any examples where things have fallen through the cracks that shouldn't have, where you were concerned that somebody should've had somewhere they could go?

TARA WARD: Thank you—several issues there. One is that there are very few avenues for members of the public who are dissatisfied with the performance of the approved charitable organisations in undertaking their functions under the Act. I think one of them says on their website if you would like to make a complaint, basically, you need to complain to the organisation. I think that could reasonably be regarded as unsatisfactory,

CORRECTED

and there's nowhere, really, to go beyond that. There are very limited avenues and that is a systemic problem. We recommend to people, given the absence of any other sorts of options, that they can make complaints to the Ombudsman, but that's a long process and tends to not go very far. There is, of course, freedom of information. To its credit, the RSPCA does respond to freedom of information requests under the New South Wales GIPAA, otherwise known as FOI—freedom of information. That is one avenue, and we have made a few requests and they have responded, but that only takes you so far.

For us, the most obvious incident of where a huge animal welfare issue just fell through the cracks was the truck crash involving 108,000 day-old—broiler chicken—chicks, that crashed early one Easter morning near Yass. It took a whole day to clean up, in short, but at the end of which, once everyone—the first responders and council personnel—had gone, members of the public found day-old chicks semi buried alive, so, still alive. There is video footage of them being extracted from the dirt, still alive. Those members of the public came to the Animal Defenders Office and we, on their behalf, wrote a very detailed complaint, listing every possible offence under animal welfare laws, codes of practice et cetera.

That was given to the RSPCA. This was back in the day when 12 months was the limitation period. Basically, it was sat on for the 12 months and no action was ever taken. We contacted, at the time, the chief inspector and asked for an explanation. It was said that we would be responded to. We never heard back. That was when the witnesses had made themselves available and there was video footage, so it wasn't a question of absence of evidence. It was a horrendous incident—or incidents—of cruelty to these extremely vulnerable animals, being young chickens. That's one example. We've had several more come to our office, but that's the one that stands out the most.

MICHAEL DONNELLY: If I could tack on to what Ms Ward said about when you want to make a complaint, you're making a complaint to the actual people that you are complaining about, I'd also like to pick up on the evidence provided by the previous witness in that when you do make that complaint, you're put into a room and you are sat in that room with the inspector that you're complaining about, with the chief inspector and more often than not—

The Hon. EMMA HURST: Are you speaking from personal experience or are you—

MICHAEL DONNELLY: I'm speaking from some of our members' personal experiences.

The Hon. EMMA HURST: People who have spoken to you.

MICHAEL DONNELLY: Yes. More often than not also the CEO will be in that room as well. That bullying and that intimidation that was witnessed as evidence previously is also exhibited in that room. You are made to feel like you are in the wrong, straight up. They will bully you and they will intimidate you into making you and convincing you that your complaint is pointless, even to the point of making that kind of statement— "Your complaint is pointless. We are not going to look at this. We're not going to do anything about this. You've got nowhere else you can go, so ha-ha! See you later." That kind of behaviour is not just within the office and within the staff; it actually emanates out into the public as well. They treat the public in the same way as they treat their own staff.

SAM DAVIS: Perhaps to add, just big-picture-wise and getting on to your office of animal welfare that I presume the Government is looking at as well at the moment, the model that we're looking at is to make sure that all the compliance operations come underneath the State Government so that all the transparency, all the accountability and every State officer employed by the State comes into play. Without pre-empting what we're going to recommend, in a general sense, in terms of the compliance officers, we'd see there's education-type officers who don't come in with tasers and uniforms and the whole business, who are coming in—like might happen for a plumber or somebody—to do a check and saying, "What about doing this? What about doing that?" more as a colleague. If they see something that's a cruelty thing, then that's got to then be progressed to somebody else.

It's the same as might happen with social workers working for DOCS. At the end of the day, if they see that there's an offence and the person's not responding, then you need to call in the police or somebody who's got the big guns to be able to charge them. At the moment, you've got a charitable organisation who's trying to do all that and, in fact, is getting rid of all their rescue stuff and trying to focus more on this policing-type activity. I think society's saying, "This has got to happen. It's got to happen." Some of the cases I'm aware of—I do quite a bit of work with my own local government at Wollondilly—are that RSPCA don't respond when council rangers, for instance, call them up. Police don't respond because they're like, "Call the RSPCA." Wollondilly, as you know, is only just out of Sydney and yet RSPCA officers won't come that distance, so how is this possibly managing animal welfare across the whole State? I think, effectively, where they're operating is Sydney metro.

CORRECTED

The Hon. PETER PRIMROSE: You've mentioned support for an office of animal welfare and you've indicated some of the characteristics you'd like it to have. Can you point to another agency—not, obviously, covering animal welfare in New South Wales but any other agency—which has characteristics that you'd like it to have? You've mentioned social workers and that approach—or any other State that may be operating a similar facility? I'm interested in the characteristics of what it should look like and how it should operate.

MICHAEL DONNELLY: Unfortunately at the moment, when it comes to animal welfare in particular, there are no other States. The Northern Territory is the only state that doesn't utilise the RSPCA services when it comes to enforce its animal welfare Act; all other States do, so there isn't really anywhere that we could use there. In a similar capacity, the model that Mr Davis just spoke to, where you have a level and process of investigation where educational officers go out and look to see if there isn't actually an issue with this particular animal or animals—they would determine whether that is a matter of "Sorry, you need to do this and make sure you're providing the right food. We'll give a notice and will be back in 30 days. If you've done what we've asked you to do, no problem," and then move on. Is that what you were asking?

The Hon. PETER PRIMROSE: Yes, and it would be something like the Environment Protection Authority?

SAM DAVIS: That's right, but it's somewhat like the Local Land Services stock panel model, where there's a group of people who are there to support the farmer to get through whatever it is—whether it's a mental issue for the farmer themselves or whether it's drought or flood—to get through managing their stock. That's commercial but it's a not dissimilar thing. I think the same sort of process operates, I believe, in most trades and even planning systems where the locum inspector goes out to check when you put your deck on or whatever it is. They're not there to hammer you; they're there to say, "That footing needs to be a bit deeper," and so on and you correct it. If you don't correct it, the law will eventually come down and hammer you but not initially. Whereas, at the moment, unfortunately with RSPCA—not AWL—it seems to be they're there and they've dropped into that pet shop and they're ticking a box and looking at where they can get this person and give them a penalty infringement notice or charge them with something. It's a different perspective on the way it's done.

The Hon. EMMA HURST: I would like Ms Ward's thoughts on that stock panel type of process instead of an inspectorate.

TARA WARD: Thank you. The stock panels are an example and the other example that immediately comes to mind, just because of its proximity from this jurisdiction, is GWIC, the Greyhound Welfare and Integrity Commission, I believe—not everybody's favourite entity or organisation, but what those two examples highlight would be the need to make sure that any entity is truly independent. The perception that these entities are captured by the sectors they're there to regulate and oversee is a huge problem because it undermines any confidence that the public would have in these putative entities.

The Hon. EMMA HURST: My other question was to Ms Vesk. It was going off this whole idea that RSPCA are stepping away from operating a lot of these council pounds. I've heard from places and people who do volunteer rescue in places like the Blue Mountains, Wollongong and Shoalhaven. I understand, in some cases, councils aren't even replacing some of the pound services, particularly around Shoalhaven, and instead are offering more ad hoc impounding services such as relying on vet clinics to hold lost animals. I want to know what impact this is having on the ground, particularly as I know you are involved in the rescue of cats. It sounds like there's a bit of chaos happening here.

KRISTINA VESK: That's one word. It's a disaster. In my long time in cat protection, which is 17 years, I've seen the consequences of the GFC. I've seen all sorts of times, COVID and so on, that have had a negative impact on rates of homelessness of animals. I have never seen a situation as bad as we see it now. Our waiting list has never been longer. It's been compounded by the shortage in the veterinary workforce. It was compounded by shelters—a number of them—closing to admissions because of the shortage of vaccines for cats. It's been compounded because we're not allowed to desex cats and let them be looked after by a community carer. They have to be registered to an individual person, so those cats aren't being desexed; they're being bred. This is at the same time as, as you say, so many shelters and council pounds are being closed or restricted.

We have a growing problem. If I can blend that in with what you were just talking about—having an independent office—and the comments by Ms Davies earlier about a lack of will to invest investigate, say, a situation of cat hoarding. When you have organisations who make choices about what to investigate, I think they are conflicted by considering what the outcome of that investigation might be, which might mean a seizure of hundreds of animals—which is a cost on that organisation.

The Hon. EMMA HURST: And they don't have space.

CORRECTED

KRISTINA VESK: It's a major burden. I think they're conflicted in making those decisions about what to investigate because they might have to own the consequences. This does relate to the whole cat problem at the moment, because people are really struggling and doing their best, but they have few places to take cats. That creates a really dangerous situation for the cats and a really difficult and potentially dangerous situation for the people as well, because they are overstretched and overburdened. It causes negative mental health impacts. Back to that whole issue of where might something independent sit? I think this is a public health issue and it's a public safety issue. I think all the matters to do with animal welfare intrinsically relate to human health and welfare, and we need to look at it in that umbrella rather than as an isolated, separate thing. It's simply not separate.

The CHAIR: I might pick up on some of your questions. Going to your comment, Ms Vesk, about there's this inherent conflict in terms of deciding on cases if they have to seize a lot of animals, do you see that actually being negated or resolved if we went to a government model? In government models, you have the EPA, for example. They're also limited in terms of what they'll investigate because of monetary constraints and time constraints. Even with ICAC, there are things that they won't investigate because of monetary constraints. Do we not just then replicate that? How do we solve that problem? It's clear that we're not going to solve it by simply moving it over to a government agency. Do you have any views on that?

KRISTINA VESK: Firstly, I agree with you. I think, to some extent, that's mitigated if the agency doing the investigation and enforcement is then able to share the burden of the consequence between different players within the animal welfare sector. Some things, I understand, can be difficult because the animals may have to be held for a certain amount of time, because they are evidence. But I just think there's more capacity to share that burden across whatever it might be—council pounds, private shelters—rather than the one organisation having to make this judgement and all its consequences. I just think there has to be that clarity in decision-making. I agree with you that you can always have very difficult and expensive consequences, but I don't think that is what should drive a decision.

MICHAEL DONNELLY: Can I add, Mr Banasiak, that the AWL already have a scheme in place, where, when they do have a large number of animals come in—to be honest, most of the time I have seen them promote are cats—they actually utilise foster caring and those animals are actually moved into foster caring while they're awaiting trial or whatever. There is that possibility of that sharing that Ms Vesk is referring to. It's already happening in one of those two charitable organisations. It would just need to be expanded.

The CHAIR: Can I ask a broad question to all of you? Given some of the concerning evidence we've heard already today around the behaviour of some inspectors and the culture, is there a concern that if we create this independent office and we have this independent inspectorate run by the Government, common sense would apply that a lot of these people from the RSPCA or the Animal Welfare League that are out of a job will immediately want to apply for a job at this new inspectorate? Are we just transferring that cultural problem and that issue with governance and concerning workplace practices over into a government agency?

MICHAEL DONNELLY: That's a concern, Ms Banasiak, but, as Ms Davies pointed out, it would depend who's in charge. Her testimony continually said it depends who is in charge at the time. If you've got a chief animal welfare officer who is properly able to do that, then that problem would not exist because those inspectors would either not last very long or would not get employed in the first place.

SAM DAVIS: The oversight and accountability would need to be built into the system, and the management structure that I know we've been talking about behind the scenes, our committee, to manage that process, hopefully. I get it—from other government departments that I'm aware of, it's not a perfect system. That's for sure. But, hopefully, that would assist. One of the other problems I was going to say—on their annual reports, it would be nice to know how much they actually spend on doing compliance and enforcement, first up. At least let's know what the number is that both animal welfare and RSPCA—how much does that actually cost? Why that's not in their reports, I don't know. That doesn't make any sense.

The CHAIR: You've read my mind, because that was the next line of questioning. Do you think their annual reports or even their financial statements, which are now suddenly appearing on their website, adequately delineate the different activities that they've run and the different incomings and outgoings in terms of finances? Do you get a clear picture as to what's being spent?

MICHAEL DONNELLY: Simple answer from Animal Care Australia? No.

KRISTINA VESK: No.

TARA WARD: No.

CORRECTED

SAM DAVIS: I think that could probably be a simple recommendation of this Committee, that when they come back to the inquiry—and maybe somebody needs to move an amendment or something in Parliament—to ensure that they do actually report exactly how much their inspectorate functions cost each year.

The Hon. AILEEN MacDONALD: Could I add to that? In the questionnaire that was sent out—and 56 people responded—and also in the bulk of the submissions, that was the greatest call: a call for greater transparency and accountability. The funding concern and also the animal treatment and enforcement and legal framework—but the greatest call was for greater accountability and transparency in the reporting. It sounds like you all agree with that.

KRISTINA VESK: Yes.

SAM DAVIS: Indeed.

The CHAIR: Are you aware that, as charities, they also have to report to the national charity register?

KRISTINA VESK: Yes.

MICHAEL DONNELLY: Yes.

The CHAIR: Have you seen their reports that they give on the national charity register?

KRISTINA VESK: Yes.

The CHAIR: Are you aware that there are financial discrepancies between what they say on their annual report, on their website, and what they actually give on the national charity register? Are you aware of that?

MICHAEL DONNELLY: Yes, we most certainly are.

The CHAIR: Mr Donnelly and Mr Davis, can I go to an example you had in your submission. This goes to trying to get some understanding of what they're spending. You said that there were some birds that were seized, and then they were killed soon after they were seized but the then owner was charged a total of approximately \$20,000 in vet care and shelter costs. Are you aware whether that charge—was there an invoice? Was there an itemised invoice in terms of "This is what we spent it on"?

MICHAEL DONNELLY: We haven't seen the actual final court documents to be able to break that down for you. What we were aware of is the final report that was produced by the RSPCA as to the outcome of that prosecution, and that's where that figure has come from.

The CHAIR: One of the other funny money things that seems to be going on, you talked about pet food donations in your submission. You give the example of the Royal Canin donation, where they received close to \$1 million worth of pet food, which equates to, I think you said, \$23.84 per kilo. That would normally equate to—that's the per kilo price for that dog food, but that company actually sells that dog food for anywhere between \$10 and \$17.

MICHAEL DONNELLY: In the supermarket.

The CHAIR: In the supermarket.

KRISTINA VESK: Not Royal Canin?

MICHAEL DONNELLY: Yes.

The CHAIR: Do you have any idea as to what would explain this uplift in price?

MICHAEL DONNELLY: I guess that was why we put that in the submission, because it is a huge question mark. When we did our research, we went to websites for Petbarn, Woolworths and co, and we looked up the prices of the bulk buy of the Royal Canin that they were quoting and the prices that were on those websites for sale to the public, and we worked out the per-kilo cost. That's the difference that we quoted in our submission.

The CHAIR: Have you seen any similar examples with Animal Welfare League in terms of their finance or donations that they receive?

MICHAEL DONNELLY: No, we did not notice that in any of their reports.

SAM DAVIS: The bigger picture is that people who are donating, including Royal Canin and other pet industries, but also individual people—my understanding is that what they're donating to the RSPCA is for the rescue and for the—

KRISTINA VESK: Shelter.

CORRECTED

SAM DAVIS: The shelter-type stuff is what people are donating their money for, yet 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. But it seems a big mistake, at their executive level, to be removing the shelter stuff that I would have thought was why people donate, including Royal Canin.

The CHAIR: One final question from me before I pass on to anyone else: Are you aware of the RSPCA's standard operating procedures document?

MICHAEL DONNELLY: I have seen Queensland's one and I have seen South Australia's one. I must admit I haven't seen the New South Wales one. Having said that though, Queensland and South Australia's are pretty much identical to each other, so I would assume New South Wales would be the same.

The CHAIR: Ms Ward or Ms Vesik, have you seen this document or are you aware of this document? It essentially sets out the guidelines in terms of how the inspectorate is supposed to run and roles and responsibilities.

KRISTINA VESK: No, I haven't. To your other question about transferring culture to a new entity, I think that if you establish a clear and accountable governance structure and you have transparent protocols, which is what you're speaking about now—I don't know what they are, but if you have really clear and transparent protocols then they can be contested, they can be discussed, and they can be debated. And if you have transparent reporting, again, you can see what is going on. I think that if you want to build a culture in a new organisation, which is a wonderful place to start, it's from the ground up. It's about being open, honest and transparent. No-one gets everything right all the time, but the only way we can have any understanding of what is going on is for these things to be reported. We don't have an understanding of the deficiencies in—some of them we know because they're plainly obvious. But, more to the point, is there data that shows deficiencies in POCTAA as it stands, because there are X many complaints that are unable to be investigated because the threshold—we don't know. We know pretty much nothing from any of this.

The CHAIR: Do you think this SOP should be made public on their website as well as Animal Welfare's, if they've got one? Do you think that would improve the transparency and accountability?

KRISTINA VESK: I think it would help people to understand how they're making the decisions that they make.

MICHAEL DONNELLY: I question whether putting that up would have any purpose because if I, as a person, knew what the standard operating procedure should have been, there's nowhere for me to go when it's not being met. We all know that the SOPs at the moment, that I have seen, are not being met. Those standard operating procedures are not being followed.

The CHAIR: To take your comment about Queensland and South Australia being very similar, if we assume New South Wales is very similar to Queensland and South Australia, what are some examples where you would say that New South Wales has not been following those standard operating procedures?

MICHAEL DONNELLY: The first and foremost aspect of the standard operating procedures is the education aspect. The inspector is supposed to go in and assess the situation and determine what the next appropriate step is for that particular animal in the best interests of the animal, not in the best interests of the organisation, not in the best interests of the inspector's career, and not in the best interests of whether we can promote that we've now shut down a puppy farmer out in Dubbo because their family had actually called the local council to say, "My parents are suffering from senility and we need somebody to come and collect our dogs." What happens is that standard operating procedure would not have allowed for an inspector to walk out into that farm, seize those dog, parade them before the media and claim that they were puppy farmers when they were not.

SAM DAVIS: We've got an issue; I'm aware of a couple of situations. In the dying moments of the last Government, a bill was passed—I think Ms Hurst might have put it to the House—that now means that people who get penalty infringement notices, whether legitimate or not, if they choose to go to court over that and contest it, they risk, if they're found guilty in the court, being given a lifetime ban. That's massively significant for anybody, particularly people, obviously, where it's a pet shop or something like that, but obviously for anybody who's our member, and that's a real problem too. I think the intent might have been genuine and reasonable but, unfortunately—

The Hon. EMMA HURST: Could I just clarify that that's only for really high-level offences of animal cruelty, so it wouldn't be something that you're giving a—

SAM DAVIS: That's not actually the case. We can send you the documents. We've had advice from DPI and legal on that.

CORRECTED

The Hon. EMMA HURST: I am happy to see those documents, but I did write that legislation and so I know which aspects of the legislation it applies to. It does not apply to smaller penalties.

SAM DAVIS: I'm more than happy to forward the details to the Committee, because that's causing people to just pay the fine, basically, because of that risk, and RSPCA are aware of that. Inspectors are aware of that.

MICHAEL DONNELLY: To clarify, Ms Hurst, our advice through the DPI—in consultations we've had with the DPI—is, if you contest that PIN and you go to court to do so and the magistrate finds that the PIN is legit, you are found guilty and that's recorded.

The Hon. EMMA HURST: But the PIN is legit, as in, it is aggravated or serious animal cruelty.

MICHAEL DONNELLY: No, just any penalty infringement notice that you question.

The Hon. EMMA HURST: Why would that be levelled up from a general animal cruelty offence?

MICHAEL DONNELLY: That's the advice that we've been—

The Hon. EMMA HURST: Because it doesn't apply to animal cruelty offences.

SAM DAVIS: Currently it applies to all offences under POCTAA.

The Hon. EMMA HURST: No, not automatic lifetime bans.

SAM DAVIS: We'll send you the details.

The CHAIR: It's probably best to send us the advice that you received and then we can look at that.

The Hon. EMMA HURST: I am happy to talk to you offline about it as well.

MICHAEL DONNELLY: Love that. That would be great.

The Hon. AILEEN MacDONALD: If there was an independent operation, how would you see that funded, and where would the accountability be? Do you think that they could have an accountable organisation by having a separate one?

MICHAEL DONNELLY: Firstly, we wouldn't see it as a part of the department of agriculture, per se. It would not come under the Minister for agriculture, to answer that last part of your question.

The Hon. AILEEN MacDONALD: What would it look like, basically?

MICHAEL DONNELLY: What it would look like—I would rather take that on notice and provide that document to you, because that would outline that in far greater detail. Secondly, we've just been told and we've just heard testimony that the last Government found \$20 million to fund an enforcement agency—one of the two enforcement agencies, I might add. We also know by looking at adverts online that, roughly, an inspector costs \$100,000 per year, plus a vehicle, plus a few other minor expenses. If you put that \$100,000 into \$20 million, you are certainly capable of covering quite a substantial amount of an office of animal welfare inspectorate plus staff. So if the money is already there, why not continue to use it?

The Hon. AILEEN MacDONALD: Anyone else?

TARA WARD: If I could just add that the benefit of having a statutory authority is that you could build into the statute establishing the authority robust reporting requirements and any other sort of issue that could be dealt with at that establishment phase.

The Hon. AILEEN MacDONALD: Ms Vesk, in your submission you had concern for the shortcomings of the Prevention of Cruelty to Animals Act. Can you expand on that a little?

KRISTINA VESK: If you go back a little while, there's been a few rounds of consultation on improvements to POCTAA. One of the issues is that the bar is very low for what constitutes cruelty, and I'm just putting aside for the moment notions of where education is a completely appropriate response to a situation where an animal isn't getting the best of care. In cases of deliberate cruelty or really bad management that is not going to respond to education, the bar is just so low. But that's what I would like to know: Do we know whether the organisations are getting thousands of complaints that they are not pursuing because they don't meet the requirements of POCTAA but, in fact, they are things that the public would see as mistreatment of animals and of animal suffering, but it's not being pursued, but we don't know because it's not reported?

The Hon. AILEEN MacDONALD: Because that's not reported. In that questionnaire, we see that the public is deeply concerned about animal welfare.

CORRECTED

KRISTINA VESK: Yes, I agree with you completely. People do care and attitudes have changed over time as well. We're looking at a really old piece of legislation, and science has changed as well. But 70 per cent of Australians are sharing their homes with companion animals, and I think most of them love them deeply. Some people know more than others about the best way to look after them. But whether people have money or don't, if they love their animals and they are doing their best for them, then as a community we should do our best to support those people. But when people are violent to animals, when they disregard their needs or when they act with cruelty, we should take serious action not just on behalf of the animal—although I argue that in itself is required—but because this is a person who has disregard for life, whether that's animal or human life. They disregard someone else's suffering and we need to take that seriously.

SAM DAVIS: Just further on funding it, an assessment needs to be done as well of the benefits of owning animals. That's the negative side, and we totally agree that people who are clearly in aggravated cruelty and cruelty offences under the Crimes Act and so on—that needs to be enforced, for sure. But the reality is the majority of those 70-odd per cent of people who are keeping animals are doing the right thing, and there are huge mental benefits—and physical benefits too, health benefits—for the community. Whether that's a decent justification for the Government putting a little bit of money into this, society wants it. There are benefits in terms of mental health.

This sort of office also encourages people to keep animals. This is a worthwhile thing; society supports this and sees the advantages of it and of doing it properly. Maybe you can kind of argue that to the penny pinchers when it comes to whatever this amount is. Is it \$20 million? Is it \$30 million? I don't know. I'll go back to just finish off with what I said before. Maybe the first aim is to find out how much does it actually cost now for the limited compliance services of RSPCA and AWL. How much, at least, does that cost, so we can at least have some idea of what it would cost to implement this at the government level.

The Hon. AILEEN MacDONALD: That would then have what the community wants—more robust oversight and clearer accountability.

MICHAEL DONNELLY: Yes, clearer accountability and the ability to appeal decisions in both directions. Whether you feel you've been abused by an inspectorate or in the opposite sense—whether you've reported an animal cruelty case and it hasn't been acted upon correctly—there needs to be an appeal process for both sides of that argument.

SAM DAVIS: But this office is also educating the general public so that good animal welfare is just what you do. Do you know what I mean?

MICHAEL DONNELLY: It becomes normal.

SAM DAVIS: Raising standards across the whole community. It has to target the people that are doing the wrong thing; I get that. But the aim of this office is to raise animal welfare standards across the whole State.

MICHAEL DONNELLY: Which in turn then raises Ms Vesk's concern and point that the current thresholds are too low. If the public have raised their standards, those thresholds will rise accordingly.

The Hon. AILEEN MacDONALD: So a more humane approach to animal welfare.

MICHAEL DONNELLY: Yes, for sure.

SAM DAVIS: And it's no longer socially acceptable to have your dog chained up on a six-foot chain all day, or something, to the kennel.

MICHAEL DONNELLY: It's not.

SAM DAVIS: It's just not acceptable, and the neighbour and everybody else will—you just won't do it because you're going to cop it in a social sense.

The Hon. PETER PRIMROSE: In relation to that, you would agree with this comment from the submission from the Australian Veterinary Association:

The effectiveness of the law is not just about its existence but also its consistent implementation and effective enforcement.

MICHAEL DONNELLY: Yes, we would agree with that.

SAM DAVIS: And I guess people knowing what the law is. At the moment I think most people don't even know.

The Hon. PETER PRIMROSE: Neither do the vets.

MICHAEL DONNELLY: I would add the word "balanced". It needs to go either way.

CORRECTED

The Hon. PETER PRIMROSE: I quote the submission again:

A challenge is that POCTAA is enforced by charitable organisations who are already under resourced. In a study of 540 Australian veterinarians, dealing with a case of suspected animal abuse was the most stressful ethical challenge faced.

MICHAEL DONNELLY: Again that's unbalanced. Straight up, it's painting an unbalanced picture, so we don't have that balanced outlook or outcome.

The CHAIR: Are there any other questions? I have just one before we let you go. Mr Donnelly, in your opening statement you talked about a Great Dane incident where it was stuffed into a cage rather than being taken in an appropriate manner to a vet, and then the animal was later euthanised.

MICHAEL DONNELLY: Yes.

The CHAIR: Do you feel the example of it being stuffed in a cramped cage, to then be taken 40 or 50 minutes from its owner's property to Yagoona, was an act of cruelty?

MICHAEL DONNELLY: I do.

The CHAIR: If I'm talking about the same case, where this Great Dane received medication that was later determined to have actually caused the physical decline in the animal that then led to its euthanasia, would you say that is a case of animal cruelty?

MICHAEL DONNELLY: I do.

SAM DAVIS: We suspect in that case, as well—just to the previous witness that appeared behind us—that that was also the inspectorate trying to get back at that particular owner. There was a bit of a history.

MICHAEL DONNELLY: Some anecdotal evidence.

SAM DAVIS: Anecdotal, yes, going in behind.

MICHAEL DONNELLY: Can't prove it, though.

SAM DAVIS: The other thing is we haven't been asked about the brumbies yet, which is a bit of a shock. Can I say that ACA is absolutely disgusted. We agree with culling brumbies out of Snowy Mountains National Park—no problem. We're absolutely disgusted at the 7.5 shots to kill any animal. It is absolutely abhorrent and shocking.

The CHAIR: Can I just sidestep—well, not sidestep the brumby issue, but just go back to the Great Dane issue. You said that the owner couldn't take it to his regular vet so the inspectorate could actually hear about the treatment.

MICHAEL DONNELLY: Yes.

The CHAIR: This is something that we've heard several times where the RSPCA seemed to disregard the advice or the treatment that an animal is receiving from their local vet. They don't want to hear about it.

MICHAEL DONNELLY: Correct.

The CHAIR: Do you see that as problematic—to not even look at that and consider that as part of an investigation?

MICHAEL DONNELLY: It's totally problematic. If you were to flip that over to us dealing with a child and that child has been taken because of some supposed claim of mistreatment against that child, then that child's teachers, that child's doctors—every other individual involved with that child would be questioned about what that child's health is like and why that child is in the situation that it's in. Here we have the RSPCA, in particular, taking an animal. They do not take on the consultation with the treating vet. They do not even actually believe the person that tells them that the animal is being treated and is currently under veterinary treatment.

This Great Dane was under veterinary treatment. The only reason that this Great Dane had not been to that vet recently was that this occurred during COVID, so they were advised not to actually take the dog down because it was under treatment. It was being treated. All of its illnesses were being treated by the vet, just online. When they gave evidence in that courtroom that they had contacted the local vet to provide that detail, the information was that, yes, we confirmed the dog had not visited the vet recently. Clearly, because it was under COVID restrictions. They did not confirm that that dog was not under veterinary treatment. There's a huge difference in that statement. There's a huge difference.

The CHAIR: Ms Ward, did you want to add something?

CORRECTED

TARA WARD: Very quickly, if I can just add that we're becoming or our office is becoming aware of this very problem across contexts. It's becoming a real issue in the wildlife caring space as well. We've been contacted multiple times by very concerned wildlife volunteers, who do an amazing job but are so invisible, basically. This is also an issue where you're dealing with wildlife, so a very specialised set of skills are required to care for and rehabilitate these animals. This exact scenario is happening with those animals as well, where the consulting veterinarian is not being consulted or regard had to the existing veterinary care that is in place, as discussed between licensed carer and veterinarian.

MICHAEL DONNELLY: To that point, I'm also aware that some of those investigations relating to wildlife are being instigated by WIRES executive in order to ensure that they can actually remove that carer because they have a personal issue with the carer rather than the care the wildlife is being provided.

The CHAIR: Sorry. I've just realised we've gone way over. We are going to have to leave you there but thank you very much for your time.

(The witnesses withdrew.)

CORRECTED

Dr AMY LEE, NSW Division President-Elect, Australian Veterinary Association, affirmed and examined

The CHAIR: Dr Lee, would you like to make a short opening statement at all?

AMY LEE: Yes, thank you. Good afternoon. Firstly, I'd like to express our gratitude to the Committee for the opportunity for the Australian Veterinary Association to contribute to this inquiry through our submission and today's hearing. As the peak national organisation representing veterinarians in Australia, our members span across the whole veterinary profession, from clinical practitioners to researchers, all united by a common dedication to the health and welfare of animals. I serve as the president-elect of the AVA New South Wales Division. I also own a companion animal veterinary practice in Blacktown. The AVA has submitted a detailed response to this inquiry, and I'm here to reinforce our comments and recommendations to outline the urgent reforms needed to elevate animal welfare protection arrangements.

Our first major concern centres on the prosecution gap evident in the current enforcement of animal welfare laws across numerous legislations, including the Prevention of Cruelty to Animals Act, the Veterinary Practice Act, the Medicines, Poisons and Therapeutic Goods Act, the Stock Medicines Act and the Biosecurity Act. The agencies with the authority to investigate and prosecute animal welfare cases include the charitable organisations that have already been discussed under POCTAA, the police, NSW Health, the Veterinary Practitioners Board and the Department of Primary Industries. These various pieces of legislation cover aspects of animal welfare, but their enforcement is often inconsistent and ineffective due to overlapping authorities and really unclear legislative boundaries.

One stark example is the issue of unauthorised veterinary practice by laypeople. These illegal practices pose severe risks to animal welfare, and they're regulated by a confusing array of laws, leading to diluted enforcement efforts and scarce prosecutions. Charitable organisations which are tasked with managing these responsibilities find themselves under-resourced and unable to pursue all but the most straightforward cases. This gap is not merely a procedural failing; it represents a profound risk to animals and undermines public trust in our animal welfare regime. To address these challenges effectively, a thorough overhaul of the current legislative and regulatory frameworks is essential. We need a system that is robust, clear, and well-resourced to ensure animal welfare in New South Wales.

The AVA also notes we are concerned by recommendation 5 of the 2022 inquiry's report, which recommended the expansion and government funding of mobile veterinary clinics. This recommendation does underscore the vital service that these mobile veterinary clinics provide in disaster-affected and remote areas. Whilst the AVA supports this recommendation, it is imperative that the deployment of these mobile veterinary clinics does not undercut the operation of local veterinary practices. These mobile clinics should complement, not compete with, the existing services, ensuring that animal care is enhanced rather than fragmented. In closing, we recommend enhancing our legislative framework and supporting our enforcement bodies with adequate resources so that New South Wales can ensure that the welfare of animals is protected.

The CHAIR: Thank you. I'll just pass to the Committee for questions. Ms Hurst?

The Hon. EMMA HURST: Thank you. Thank you for coming today. You note in your submission that, when presented with cruelty cases or cases of unacceptable animal welfare, individual veterinarians are often left to help the animals without any sort of support or guidance from anyone authorised under POCTAA. For the benefit of the Committee, could you just give some examples of when this might occur and what kinds of situations vets are being left in?

AMY LEE: Yes. I think, in private practice particularly, there is inherent conflict because you're dealing with a client, a paying client. You're a commercial enterprise, but then you have this animal that obviously has an issue. For instance from our clinic, just the other week, we were having a discussion about a client who has a Shar Pei. Shar Pei have beautiful skin rolls that everybody loves from that toilet paper ad a million years ago, but the problem with this dog is that it has terrible entropion. At the moment, its eyelashes are rubbing on its cornea every day. It's like having something in your eye every day. It also has massive ear discharge and ear infection going on.

But the owner of that dog does not recognise that that ear discharge is a problem or that the eye folds are a problem, because to her that's a Shar Pei; that's normal. There's a lack of education there as to the welfare of this poor animal. Our vets were going, "At what stage do we involve the RSPCA in this? Will they even do anything about it?" because they're so under-resourced and this is quite minor, and it's a real conflict for my staff. A lot of them are vets that have been out five to 10 years, and they don't know what to do about that. Basically, if we talk to this client about it or report her to the RSPCA, nothing happens. She just goes off to the next clinic, and then the problem goes to the next clinic. That would be one example.

CORRECTED

The Hon. EMMA HURST: You mentioned the resources. Do you think that resourcing is one of the biggest parts of the solution? Or is it only one peg in all the things that possibly need to change?

AMY LEE: This definitely sounds like it is a multi-factorial issue, for sure, but resourcing comes up a lot. As it is, the way things exist, I think we've got 30 RSPCA inspectors, five AWL inspectors, 11 Greyhound Welfare and Integrity Commission inspectors. There are not a lot of people that are looking out for welfare there. And, obviously, the distribution of resources is something that's outside of our zone. But, yes, resources—money, people, training, vehicles—all that sort of thing seems to be a huge issue.

The Hon. EMMA HURST: Have you noticed any difference since the \$26 million that was put into the RSPCA? Have you felt that that's been adequate at fixing some of those resource issues? Or is it too early to tell?

AMY LEE: I think perhaps we're too distant from that, to be honest. In private practice, I noticed nothing, but that means nothing. AVA-wise, I'm not aware that we've had feedback on that at this stage.

The Hon. EMMA HURST: Thank you. You've also advocated in other forums for the Prevention of Cruelty to Animals Act to be urgently updated and modernised. Do you think that fixing those outdated laws is part of fixing the current situation as well, so that we've got more robust laws for the enforcement agencies to be able to enforce?

AMY LEE: Absolutely. I think this fragmentation that we have—at this stage, it just makes it so confusing for everybody. Even people working in those organisations, I think, sometimes don't quite know who steps in at what point. When you're talking about veterinarians, half the time we're not sure under which bit of legislation things will be coming, as well. I think that's where we have this issue with laypeople doing acts of veterinary science. The veterinary practitioners board will issue a cease-and-desist letter. But, honestly, that really doesn't do much when someone has a commercial enterprise that's involved in doing those sorts of lay acts of veterinary science.

If there were S4 drugs being involved or being illegally used by that person, yes, you might get NSW Health in there. But there's not really anyone to say that these people can cause really significant welfare concerns with animals in terms of pain and psychological distress and things like that. Often they think they're coming from a good place and they think they're doing the right thing because they just don't have the education. There's no-one to step in and stop those things. That is very clear.

The Hon. EMMA HURST: In fact, you observe in your submission:

... veterinarians are particularly concerned, feeling that there isn't a robust system to address illegal and cruel practices by laypeople, leading to frustration and career dissatisfaction.

We've got another separate inquiry, as the AVA is very much aware of, into the veterinary shortage.

AMY LEE: Yes.

The Hon. EMMA HURST: There has been discussion about the fact that vets are experiencing that stress and burnout even leaving the profession. Is it your evidence, then, that there's almost a link, in some part, between the failure of animal protection laws as they currently stand and enforcement and then obviously the stress that that puts vets under?

AMY LEE: Absolutely. I think we see that with that psychological distress of these welfare cases in private practices and things like that. I think that when you've got vets on the ground—for instance, equine vets doing equine dentistry and then you've got a lay dentist that's charging a fraction of the cost and clients are becoming abusive and unsettled about, "Why are they charging this much and you are charging this much?", and devaluing their services and their education. That absolutely affects them psychologically.

The Hon. EMMA HURST: What about cruelty cases that would potentially come into a vet as well—seeing the cruelty cases or hearing that it won't go to prosecution or that there's nowhere for the animals to go, like hoarding situations? Is that something that vets are confronted with as well?

AMY LEE: Absolutely, yes. I would say that multiple times a month you would see cases that could border on that. Some of them are worse than others, obviously. But, yes, there is always this ethical and emotional conflict about trying to educate clients and knowing that you can treat something but the client either doesn't want to or they don't have the funds or what have you and having to then euthanase that animal. It's very fraught.

The Hon. EMMA HURST: Something we've heard quite a bit about today is the fact that the RSPCA is stepping away from operating council pounds. I have also heard that several places, like Shoalhaven, for example, have not actually replaced that pound service but instead are offering more ad hoc impounding services by relying on veterinary clinics. I believe Canterbury-Bankstown, Liverpool and Camden are doing the same,

CORRECTED

where they're using a vet clinic instead of a pound. Given we've got this veterinary shortage and this stress already on vets, is this placing an additional burden on vets by all these pounds closing down?

AMY LEE: I think that is a definite risk there. I don't know that there's actually been great communication in some of those situations between the local veterinary practices and the pounds. I think, if those arrangements are made, the important things are that the vets are really properly remunerated for the services that they're doing for the pound, which has not always been the case, and that there's really good communication and systems in place between them so that everybody's clear on how that arrangement works and that it's not to the detriment of the vets and their staff that are involved. With the shortages, I'm interested to see how some of that could actually pan out. I'm also interested to see our veterinary clinics—we often work really hard not to bring contagious diseases and things like that into the clinic and, if we do, they have to be isolated. How does that work in terms of privately owned animals and managing those situations? There would certainly be some infrastructure issues around all of that.

The Hon. WES FANG: I will be brief because we've already held you over time. Thank you for appearing today. I note your title is president-elect. Congratulations.

AMY LEE: Thank you.

The Hon. WES FANG: I'm not too sure who the previous president was.

AMY LEE: Zachary Lederhose.

The Hon. WES FANG: I love Zach. I thought it might have been. I wasn't sure. I wasn't sure if it was a coup or a friendly handover.

AMY LEE: No, definitely not a coup.

The Hon. WES FANG: The politician in me loves to think like there might have been the numbers counted and everything else, but I suspect not. Vets are normally too nice. What I've really been trying to get my head around is that the AVA has a view on a lot of matters. How do you determine your policy when you are putting your positions on paper but also appearing at a hearing like this to talk about things like POCTAA?

AMY LEE: We usually reach out to our AVA membership via an email or what have you. We also have on our website a platform where, if there are current things under consideration, like this, or we are going to respond to an inquiry, a broad range of our membership can comment on those things and then the New South Wales division committee itself then discusses a lot of those issues and starts to put together the position in combination with our advocacy team.

The Hon. WES FANG: As the Hon. Emma Hurst indicated, there are a number of inquiries that are actually happening at the moment. One of those is the aerial culling of brumbies inquiry and Dr Secombe appeared for you. We then had evidence from Associate Professor Andrea Harvey, who I believe is also a member of yours, that indicated that the evidence that was provided by the AVA in relation to the aerial culling was probably not as accurate as it could have been and that she, in fact, wrote to your organisation about the inadequacy of some of the positions that were put in relation to the evidence. How do you resolve that within your organisation?

AMY LEE: I'm actually not aware of that particular specific situation so I might take that on notice, if you don't mind, and get some more information and then we can give you a bit more of a detailed reply than what I would be able to give you.

The Hon. WES FANG: That would be great because, I've got to say, Professor Andrea Harvey—I know I'm speaking for myself but I believe I would be also speaking for other members of the inquiry into that issue that we were very impressed with the evidence that she gave. I think she was quite clear that she was very disappointed with the evidence that was provided by the AVA on that matter. When you're determining a position, for example, that the aerial culling of brumbies is not unreasonable, do you look to have subject matter experts in equine to provide feedback to that?

AMY LEE: Yes. It's not uncommon with any inquiry for to us reach out to subject matter experts within our membership and what have you.

The Hon. WES FANG: If it's the case that there is a disagreement between the evidence that's provided and then subsequently more members come forward and say, "Actually, that's really not a great position that we should be adopting," does that policy exist within—

The Hon. CAMERON MURPHY: Point of order—

The Hon. WES FANG: —the organisation to actually challenge that?

CORRECTED

AMY LEE: Yes, absolutely—

The CHAIR: Sorry, Mr Fang, a point of order has been taken.

The Hon. WES FANG: I know. I just got the question out.

The CHAIR: I will let the witness answer and then I will hear the point of order.

The Hon. CAMERON MURPHY: Chair, the point of order is just that there is a whole other committee dealing with that question.

The Hon. WES FANG: I know.

The Hon. CAMERON MURPHY: It's difficult to see how this relates to anything about this inquiry.

The Hon. WES FANG: I thought you were going to raise this point of order five question ago but, since you didn't, I kept asking.

The Hon. CAMERON MURPHY: I let a few of them go to see if it would come back and it clearly won't, Chair.

The Hon. PETER PRIMROSE: We were trying to be polite, Wes.

The Hon. WES FANG: You were great.

The CHAIR: I was struggling to see the relevance to the RSPCA inquiry and the Animal Welfare League.

The Hon. WES FANG: Give me an inch and I'll take a mile.

The Hon. PETER PRIMROSE: I just don't think it's fair to the witness.

The CHAIR: It is up to you as to how you answer that, Dr Lee.

AMY LEE: I will answer it briefly. We do. We're a grassroots organisation. What our members are telling us, and with the new information and new positions that come forward, we always have to constantly review our policies and our positions on things, otherwise we couldn't exist anymore and people wouldn't put up with us. You've got to listen to the feedback that's coming back to you. We literally are constantly looking at and working through our policies.

The Hon. WES FANG: I appreciate the answer. I can see how you knifed the other guy, took the job and now all of a sudden you're here. Congratulations.

The CHAIR: Feel free to take that as a joke and a comment.

AMY LEE: The only thing I use knives for is surgery.

The Hon. PETER PRIMROSE: It's from the National Party. Just take it for what it is.

The CHAIR: Thank you, Dr Lee. Apologies that we kept you a bit longer. We appreciate the evidence you've given and your submission, not only in this inquiry but all the inquiries at which you've made submissions and given evidence. It's much appreciated.

AMY LEE: We're very grateful for the opportunity. Thank you.

The CHAIR: We will now break for lunch and return at 1.30 p.m.

(The witness withdrew.)

(Luncheon adjournment)

CORRECTED

Mr STEVEN COURTNEY, President, Professional Dog Trainers of Australia, sworn and examined

Ms TEALE SHAPCOTT, Board Member, Professional Dog Trainers of Australia, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our next two witnesses from the Professional Dog Trainers of Australia. Would either of you like to make a short opening statement before we go to questions?

STEVEN COURTNEY: Yes, I've got one, thanks. The PDTA wishes to thank you for the opportunity to provide information on this very important topic. I want to keep my opening speech short, hopefully leaving plenty of time for discussion and questions. My first point is that the Government have made a genuine effort to support animal welfare in New South Wales by appointing groups like the RSPCA to make sure that no animal is turned away or forgotten regardless of whether they are abandoned, neglected, injured, surrendered into their care, with an ultimate goal of improving animal welfare, education and keeping people and animals together—keeping our animals safe also. The concern is that, as a charity, their main focus has become to get funding from donors and others. In the 2019-20 report published by the RSPCA on their website, it details that almost 67 per cent of dogs euthanised were due to behaviour problems that did not respond to their behaviour modification programs. That's seven out of 10 dogs that present with any level of behaviour problem—could even be just jumping up on someone—being killed by those who are commissioned by the Government to care for them.

Professional dog trainers in New South Wales, including myself, would never survive in business with a 70 per cent failure rate. My company takes dogs from all over Australia for rehabilitation of behaviour problems, including severe aggression, and even the most severely troubled dogs—we modify their aggressive behaviours and they can go on to live long, happy and safe lives. No longer is the RSPCA webpage that displayed that information available; it was removed when organisations such as the PDTA and other various animal rescue organisations published these so that the general public could see them. Accurate statistics on how many dogs and cats are euthanised by the RSPCA for behaviour problems are unable to be found. They've been included—or hidden, if you will—with the medical problems caused for euthanasia.

The second point is that the RSPCA promotes that only certain training methods and training aids should be used as all other methods are cruel and unnecessary whilst they maintain a seven out of 10 kill rate. It is believed by many that this approach is to further gain donations rather than provide best results for the animals they are presented with. In the animal sectors of training, rehabilitation, behaviour modification, rescue and fostering of all animals, the RSPCA are considered to be corrupt, unhelpful and financially driven. The RSPCA have made many false claims and even lost court cases for injurious falsehood based on claims they have made about training aids and potential cruelty.

My third and final point is that the Government have empowered the RSPCA inspectorate to investigate, seize, charge and punish the animal-owning community. It's sort of like a judge, jury, executioner and benefactor. Revenue from these charges goes back to the RSPCA. Dogs seized from owners and sold on for thousands of dollars often within days of seizure funds back to the RSPCA as well. Officers of the inspectorate are simply law enforcement revenue raisers to keep funds in this top-heavy organisation in business. This is a recipe for corruption and all over Australia RSPCA have been accused and connected to corruption. Malcolm Roberts has numerous times brought this to light, yet we're still here. Whilst initially the idea of the RSPCA may have been an ideal answer to many problems, it has become a bigger problem in itself. The RSPCA needs to have strong oversight of its activities and policies by external professional organisations in each animal sector overseeing their work. I welcome any questions.

The Hon. GREG DONNELLY: The matter of the governance of the RSPCA at the State and Territory level—and I understand there's a chapter or division in each State and Territory in Australia. Its national body—do either of you have any particular insights into how that relationship works and whether what we're seeing in New South Wales coming out of this inquiry is New South Wales specific or, picking up a point that you've just made, something that may well be a national issue?

STEVEN COURTNEY: I think that the national body is the one who makes the rules, policies and then they share them throughout the States, who follow them through. That's my belief. There are different nuances in every State. Queensland RSPCA have been in trouble with the courts many times—lots of things like this. As a presenter for animal welfare training behaviour, I've sat on many of these types of things and listened to what RSPCA has to say about certain training methods and tools, only letting the dogs down a path of absolutely no chance of being rehabilitated and being put to sleep. It is a bigger problem—as in, it's one company with many small subsidiaries. But they all believe in that as well.

CORRECTED

The Hon. GREG DONNELLY: Do you have any insights into the processes nationally within the RSPCA which develop these policies, guidelines and practices? How are they created—I guess that's my question.

STEVEN COURTNEY: I don't know the exact process. I don't think they share that with anyone. But my understanding is that they probably have members from each State go there and they go along and make policy, just like I guess the Federal Government would and that goes back to State governments. There's no opposing—or opposition. It's just one unit.

The Hon. GREG DONNELLY: Have either of you seen, through your lengthy experience, policies of the RSPCA or guidelines or preferences change over time? Or has it been quite stable and static over time? Because I'm trying to understand—is this something that is finite and doesn't change and the RSPCA does what the RSPCA does? Or in fact is it something that evolves and changes?

STEVEN COURTNEY: I think there are definitely changes and what'll happen is they're updating the way that they communicate with the public to be more successful at what they do, which is obviously fundraising. In the recently probably five to seven years, I've noticed them getting involved in talking about how dogs should be trained, how they shouldn't be trained, those sorts of things. As this goes on, they're moving more into that space without any history of success. That's what we tend to see.

The Hon. GREG DONNELLY: How does that interface with the professional dog trainers like yourself about this national organisation called the RSPCA advocating a position on training of animals and the individual animal training organisations—how does that all gel together?

STEVEN COURTNEY: As I mentioned in the end, from the outside the general public, who doesn't get below surface level advertising—they always think the RSPCA are amazing, doing a great job. But the industry professional groups—be it the horse rescue, cat rescue, dog rescue, all of those—would say, "Don't go anywhere near them, because if they get a hold of your animals, they'll end up getting euthanised."

There is quite a disparity between the image portrayed and the purposes and business that they carry out.

The Hon. GREG DONNELLY: In terms of the euthanising of the animals, it's hard to imagine there would be a policy document that's written that says, "Euthanise seven out of 10." Do you have any explanation, specifically in regards to dogs but other animals as well, about the euthanising rate, how it has come to be as high as it is and the reasons behind it?

STEVEN COURTNEY: I know many other trainers in the industry, as I'm the president of this organisation, and I know a number of trainers who have worked in the behavioural unit of RSPCA NSW. Most of them have left with mental health issues, based on the procedures that they had to apply.

The Hon. GREG DONNELLY: Sorry, they being?

STEVEN COURTNEY: What they had to do and see. Generally, this 70 per cent failure rate is basically a retrospective number process. This particular person would say to me that dogs would come in and they'd be of a certain breed, and they'd say, "Nobody's going to buy this dog," so it would just get euthanised straightaway. There would be other dogs that were very popular—it could be a labrador retriever, a golden retriever or something of that nature. It has no health problems; it's already desexed. They would say, "We can sell this one." It was more about profit than ability. There are other specific cases I could go into of starting to work with a dog, and they said, "This dog is not suitable. We also have to deal with these three things. It will take too much time." They would euthanise the dog as well. At the end of the day, they're probably presented with a lot of dogs and this becomes the most efficient way of going through the process, but it doesn't meet the original obligation of their welfare and keeping them safe. This is what the problem becomes.

The Hon. GREG DONNELLY: Other witnesses, is there anything that you'd like to contribute on this point about the RSPCA?

TEALE SHAPCOTT: Not at this stage, thank you.

The Hon. WES FANG: Thank you very much for appearing today. I wanted to get a sense of some of the interactions that your organisation and membership might have had with the RSPCA and, subsequent to that, the feedback in relation to that interaction and how your members feel. With the seizure of animals and the interactions between themselves and inspectors and, if it's taken further within the upper echelons of the organisation, how do they feel about the professionalism and the consideration that is shown to them?

STEVEN COURTNEY: I don't have a lot of members that are getting approached by the inspectorate because I'm not sure that that's the level the inspectorate approach. They would normally go to pet owners and things like that, who are probably a little bit more vulnerable and uneducated. For example, three or four years ago I was having a discussion with two inspectorate officers about euthanising dogs. I said, "If you could just

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entertain me. What would happen if I said, 'I have this little dog. He's a medium-sized dog. I don't know what breed he is. He's no trouble. But I don't want him anymore. I thought he'd be bigger or smaller or a different colour.' So I rang up the RSPCA this morning—which I did—and I said, 'How much for me to drop him off there?' They told me close to \$500. I said, 'What are the chances that he will be rehomed?' They said, 'We'll do the best we can, but we know it's a three in 10 chance.'

They nodded and said, 'Yes, I agree.' I said, 'But I rang the local vet they said it is \$150 to euthanise the dog straightaway. What would you do?' They said, 'I'd go for the \$150 option. It's much cheaper.' I said, 'But you work for the Royal Society for the Prevention of Cruelty to Animals. And I said that there's nothing wrong with the dog.' And they just said, 'It's not against the law.' This is what it comes down to. It's simply a law enforcement principle of are you doing something you can be fined for or are you not. What we tend to be involved with is saying that not all dogs are the same. In fact, almost no two are. They're individual creatures and they deserve that respect, like people. What will happen is when dogs come in and see me, I can show you miles and miles of evidence of them being extremely human aggressive, and within a couple of days of me working with them, they're comfortable with me and licking my face.

After four or five weeks of rehab, they go back and live with the family without support. They live for another 10 or 12 years and never have a problem again. These dogs are not dogs that just jump on people; they are way, way worse. That's what my business is known for. At the end of the day it's very possible to be able to get these dogs and give them individual care, and this is funded by the owners. Some of those owners love their dogs. They borrow the money to do this. Some of them have the money. Some of them save up for a long period of time. What will appear is it's very possible, and the idea is if we're there realistically to make sure the animal has welfare, then we do what's needed for that particular animal in front of us. We don't limit ourselves to something that might not look good for us and stop donations coming in.

The Hon. EMMA HURST: I might ask some more questions about the euthanasia rates and the annual reports. Something that we spoke about last year a lot when we did this inquiry is the fact that it's very hard to understand how many animals have been euthanised within the organisation. Do you think that there should be some kind of mandatory requirement around both the RSPCA and the Animal Welfare League in regard to what should be reported on so that everything is consistent each year and there's a lot more transparency around things like euthanasia and other things?

STEVEN COURTNEY: I think it's a good point. The other thing I would suggest is that in 2019-20, they published these statistics on their website and it was almost 2,600 dogs that were euthanised that didn't respond to their behaviour modification programs. Since then, they don't publish that information. They include euthanasia for behaviour problems and medical problems in the same group, and that equates to around 92 per cent of dogs. So that's just over nine out of every 10 being put to sleep. Considering how much money that the Government is giving them to save animals, we're down to one in 10 now. So us looking retrospectively about what they're doing is probably too late. They need to have someone overseeing what they're deciding who has expertise in rehabilitation.

The Hon. EMMA HURST: In the panel before the last one, we talked about some kind of independent oversight body. Is that something that your organisation supports as well?

STEVEN COURTNEY: Absolutely.

The Hon. EMMA HURST: How do you see that working?

STEVEN COURTNEY: At the end of the day, policy would have to be made where we would design a criteria that the dog would have to meet in order to be euthanised. Our members will certainly make these assessments on the dogs as well. But rather than going to that expense, it might be a spot check where you say, 'Which dogs are scheduled for euthanasia this week? Where is their chart? How has this come to be?' At the end of the day if we're finding that they're making good decisions and that's what it is, then that's what it is. But at this stage, from the internal information that I get and using my own business as a model where there's more than 99.5 per cent of success without government funding, it's certainly the case that unless the dog is a very marketable item, it's not going to make it through there.

The Hon. EMMA HURST: Your submission also raises a lot about the lack of transparency generally about the operations. Apart from the stuff that we've talked about, is there anything else around the transparency that you think needs to change that you'd like to see as a recommendation?

STEVEN COURTNEY: There are quite a number of Facebook groups that are private, and they're called things like 'The RSPCA should be held accountable to a third party' and 'Bring the RSPCA to justice'. Of course, the people on there are very passionate sort of people. There are other people that have said, 'We were in a drought. My five horses were a little thin but my vet said they're in great condition. The RSPCA seized them

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and two days later put them through the auction and sold them for \$20,000." They couldn't have put them in good health in two days. It just couldn't have happened. At the end of the day, this was a great business venture—pick up all these horses and sell them for \$20,000 profit. All you have to do is float them around. How bad a condition could they be in when they were sold two days later? This happens to dogs—especially designer breed dogs—where they pick up French bulldogs and other dogs like that that sell for \$10,000 each. The criteria of where they'll seize them is extremely low, if they're worth money. If they're not worth any money, it becomes extremely high. We've seen this from internal sources telling us this.

The Hon. EMMA HURST: Have you got any screenshots of this or any evidence of these claims that you're able to share with us?

STEVEN COURTNEY: I can take it on notice and I can send it to you—absolutely. It's very, very common.

The CHAIR: Can I just ask one? You said you knew a lot of people that used to work for the RSPCA in this behavioural modification unit. To your knowledge, does that still exist?

STEVEN COURTNEY: Yes.

The CHAIR: Or is it just the vets onsite doing the assessment?

STEVEN COURTNEY: No, those assessors are there.

The CHAIR: To your knowledge, what is the level of training or qualifications required of those people in behavioural modification?

STEVEN COURTNEY: This particular person had no qualifications. She was hired to go and learn on the job there.

The CHAIR: For the benefit of the Committee, what level of qualifications do you hold and do your members hold?

STEVEN COURTNEY: They all vary. Based on my age, there weren't so many courses for dog training here, so most of my stuff was done in the US and Europe. But I hold a certificate III in behaviour, I'm an ANKC breeder, an accredited dog behaviour specialist, an accredited dog obedience trainer and a law enforcement dog trainer.

The CHAIR: And most of those courses are done at a certificate level or a diploma level?

STEVEN COURTNEY: Yes.

The CHAIR: To your knowledge, RSPCA doesn't require any of their behavioural unit team—

STEVEN COURTNEY: This person had no qualifications.

The CHAIR: Is there anything you think we've missed or anything burning that you want to get out that would—

The Hon. GREG DONNELLY: Or particular recommendations, perhaps?

The CHAIR: Particular recommendations, or anything like that, that you don't want to leave this room before we—

STEVEN COURTNEY: I think it's a big problem. I don't think it's anything that will be resolved with anything I say or don't say. I do think that a group that benefits from the work that they do—in terms of finding people, seizing animals and things like that—needs to have a pretty strong oversight. That needs to be a third party that doesn't benefit either way what they do, and that needs to be spot checked or constantly checked. Animals are important to people these days, and the more people that find out what's happening—at the end of the day, the buck stops with the people and the Government. When this is happening and all these dogs are being put to sleep, it's explained through behaviour problems but at what level? If a dog bites you, there's a bite scale. We're talking about a dog that bumped into you with his tooth; that might be a one. We're talking about a dog that held you down and was trying to kill you; that might be a five. There are none of these things used in their assessments. So the problem is that as soon as it's difficult or it doesn't respond to, "Here's a handful of food; change your lifestyle," then it's just too difficult and passed on.

The CHAIR: Have you seen any documentation around their assessments? Do they produce a report? You talked about a bite scale.

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STEVEN COURTNEY: I've seen them on YouTube. Someone has recorded them and so on like that—possessing a litter of puppies—deciding to put them all to sleep at six weeks because they thought they might be too aggressive, when those parts of their brains haven't developed yet.

The CHAIR: Are those YouTube links still active?

STEVEN COURTNEY: They might be, yes.

The CHAIR: Will you be able to point the Committee in their direction?

STEVEN COURTNEY: I'll take it on notice and find them for you.

The CHAIR: That would be great.

STEVEN COURTNEY: So those sorts of things. And, as I said before, often it's a matter of walking past a cage, looking at the age of the dog, the condition of the dog, the breed of the dog and going, "Yes or no", before any assessments are even done. That's what the staff have told me. That's why they couldn't work there anymore. One of them I hired couldn't continue working because they were traumatised by what they'd seen and done.

The Hon. GREG DONNELLY: Just jumping in again—sorry, Chair—Mr Courtney, you talked about your experience overseas, which was interesting.

STEVEN COURTNEY: Yes.

The Hon. GREG DONNELLY: I'm just wondering, are there any points, comments or reflections you'd like to make about the way in which animal welfare is managed overseas in your experience compared to what's operating here in Australia?

STEVEN COURTNEY: For a good example, the RSPCA in the UK is very similar to the one we have here. As we're all under the kingdom, that's probably an influencing factor. But in other countries throughout Europe they're quite different. If you've ever been to, for instance, France—Paris—you can take your dog into a restaurant. As soon as you come in and stop, they bring the dog a bowl of water. They're welcome just about anywhere, but the dog is required to be trained. They can't be running around crazy and things like that. So, at the end of the day, when this starts to happen, it's a culture to have your dog where it should be. In Sweden—Scandinavia and other places where IKEA are—they have little bays outside. When you go with your dog, you put your dog in a little bay and it waits there while you go in and do your shopping. It's air-conditioned. It gets drinks and food and all that sort of stuff.

The Hon. GREG DONNELLY: Can they help you build the furniture too?

STEVEN COURTNEY: I wish they did. Those flat packs are tricky. That's what I mean: It depends on every other country. New Zealand, for example, is very proactive. They have policies to protect the kiwi. It's their national bird. They use remote training collars to make sure that dogs are not going to be killing those. The dog must be wearing one of those when it's in an area so it doesn't do that. The dog can be taught through aversion training or obedience training not to be killing other animals. This can happen with our dogs here too.

The CHAIR: Thank you very much, Mr Courtney and Ms Shapcott for your time. I think you did take some questions on notice. The secretariat will be in touch in terms of those and getting them back to us. Thank you for the evidence you've given and thank you for the work that you do. It's very much appreciated.

(The witnesses withdrew.)

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

Ms LINDA GEDDES, President, Animal Welfare League NSW, affirmed and examined

Miss AMANDA GRAY, Chief Inspector, Animal Welfare League NSW, affirmed and examined

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

STEPHEN ALBIN: Yes. We'd like to thank you for the opportunity to address the inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. AWL NSW was formed in 1958 in Western Sydney by a group of community leaders concerned about the welfare of animals. In the early days its members undertook risky assignments to uncover instances of cruelty and report those to the authorities. This was the genesis of AWL NSW's inspectorate function. However, it wasn't until there was a legislative backing that AWL NSW's inspectorate function became institutionalised. With the introduction of the Prevention of Cruelty to Animals Act 1979, the roles and responsibilities of the inspectorate were codified and the role of the inspectorate was widened. Up until 2023, AWL NSW only received \$70,000 per annum in funding to run an inspectorate, which costs us about \$1 million per year to operate.

AWL as an organisation doesn't only provide inspectorate services; it's a complex, with some 3,500 animals rehomed each year. We operate an animal shelter, foster care services, a veterinary clinic, an animal care truck and an inspectorate, and we have over 20 branches. In 2023 it had a non-medical euthanasia rate of 0.32 per cent. I'm glad to report that in 2024 this rate has fallen to 0.2 per cent. It has annual revenues of approximately \$10 million and expenses of \$10.3 million. In 2023-24, AWL NSW, for the first time in its history, was the recipient of significant government grants. The first grant was a \$1.9 million Mobile Animal Care Services Grant. This grant has enabled AWL 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. In its first year, more than 2,800 animals were seen by the service, and 28 locations in regional and rural New South Wales were visited. In one year we reached 50 per cent of our three-year forecast of animals to be seen.

The second grant is the rehoming review grant of \$5.5 million from the Office of Local Government. The bulk of this grant was for enforcement, and \$500,000 was for domestic violence. AWL NSW will create an animal care precinct at its West Hoxton site, which includes an inspectorate command centre. It will also have three regional animal centres, in Bega, Orange and Glen Innes. Three new inspectors have been employed, trained and licensed to run these regional centres. They are presently operational. In total, we now have seven inspectors. Leases have been secured for two of the three centres and fit-out costs are being approved. The inspectorate command centre is presently going through the development approval process. This grant has seen a significant increase in inspectorate activity within the organisation—almost double the number originally anticipated—with the addition of the new inspectors. Out of the 96 kennels that we have at our Kemps Creek shelter, 42 of them are presently taken up by inspectorate cases.

AWL NSW is required to report to the Minister under 34B (3) of the Prevention of Cruelty to Animals Act 1979. The latest report is for the year ending June 2023, and this was prior to the OLG grant funding. AWL NSW received 1,133 cruelty complaints and attended 1,678 cases. Most of those cases related to neglect rather than cruelty. Most codes of practice inspections related to pet shops and boarding kennels. In that year, AWL NSW seized some 136 animals and 187 were surrendered. Our inspectors are highly trained in all aspects of animal behaviour, which sets them apart from other enforcement officers. AWL NSW also has specialised facilities to house inspectorate cases. Thank you for the opportunity to attend this hearing. We look forward to answering any questions that the Committee may have.

The Hon. EMMA HURST: Thank you for coming today. How many inspectors does the Animal Welfare League have at present?

AMANDA GRAY: We have seven inspectors. There's four metro inspectors, including myself, and three regional inspectors.

The Hon. EMMA HURST: I believe, according to the previous annual report, it was five. It has now gone up to seven?

AMANDA GRAY: Yes. We lost a couple of staff members. They pursued other interests. And then we were able to employ more with the grant that we received. We were able to make sure our metro team was restored after losing some staff, and we were also able to employ three regional inspectors as well.

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The Hon. EMMA HURST: Can I ask how the enforcement operations have actually improved as a result of the funding? How is it different day to day? There's a couple more inspectors, but what does that mean on the ground?

AMANDA GRAY: On the ground it means that we're able to respond to more reactive complaints. We are receiving more phone calls and emails from people concerned about animals. We're able to respond more to those. We're also able to conduct more proactive inspections. Our regional inspectors are currently taking out proactive inspections of pet shops, boarding facilities, breeders and horse agistment places—all of those sorts of businesses that hold animals.

The Hon. EMMA HURST: When I look at the reports, it seems that the number of attendances hasn't increased much. In 2021-22 it was 1,534; in 2022-23 it was 1,678. Will we see a much larger number next year? Is that just a slower layover from when the money has come in?

AMANDA GRAY: Yes, I believe so. I also think that the numbers weren't that increased in the last report because we were able to make decisions pretty quickly in regard to particular cases, rather than having to recheck them over and over again and monitor them. We've already noticed an increase in attendances this year, and that is likely to keep increasing.

The Hon. EMMA HURST: With only seven inspectors, and a few of those regional, are all of your inspectors going out in pairs?

AMANDA GRAY: No. It would be preferable. I've only been chief for two months officially, but in that time I've made it clear that if we go to apartment blocks in particular, which can be quite dangerous, or areas where we know there can be dangerous people, particularly in lower socio-economic areas, we will get flagged by police or RSPCA inspectors that have been to those places. They will often notify us that people can be a bit dangerous in those areas. It would be preferable for staff safety to be going out in pairs. I would absolutely love that. But most of the time, our inspectors are all by themselves when they go out to attendances.

The Hon. EMMA HURST: How much of the \$5.5 million has been spent?

AMANDA GRAY: I will send that over to our CEO, Stephen.

STEPHEN ALBIN: I will take that on notice, but what the grant is paying for is the operational costs of our inspectorate. Our expenses forecast for 2024 is \$990,000, our inspectorate vet costs are \$95,000 and our inspectorate holding costs—they're the animals in our shelter—are about \$1.2 million. That's what we've spent. We've also spent money on equipment for the inspectors. I'd be happy to give you the detailed breakdown. I'll take that on notice.

The Hon. EMMA HURST: Can I ask if the whole \$5.5 million has been spent?

STEPHEN ALBIN: No, it has not.

The Hon. EMMA HURST: Do you think that it will be spent soon? Is there a time line?

STEPHEN ALBIN: Until the development occurs, until we get our DA through Liverpool council, because that's a big chunk of our money—\$1.2 million or \$1.3 million—we won't have spent it. We need to get the development approvals through.

The Hon. EMMA HURST: So there's some money remaining, but that's only because there's a development application delay?

STEPHEN ALBIN: A delay in development, yes.

The Hon. EMMA HURST: That makes sense. So none of that money will be spent on making sure that there's two inspectors going out, because there's not enough within that 5.5?

STEPHEN ALBIN: No. That wasn't the way that we operated prior to the grant. We operated as sole inspectors and we'd invested in technology—some Motorola equipment—to ensure that we could track and have emergency alarms and alerts so that we could go one out.

The Hon. EMMA HURST: I'm assuming you know that the police, the DPI and now the RSPCA are attempting to go out in pairs for safety reasons. Would you like to see funding to ensure that Animal Welfare League inspectors could also go out in pairs?

STEPHEN ALBIN: Definitely.

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The Hon. EMMA HURST: We've highlighted apartments and things like that, but domestic violence is often associated with animal cruelty complaints. I'm assuming it would be a big impact for people in regional areas, where people own guns.

STEPHEN ALBIN: Now that we've got seven inspectors, it would be great if we could have two out on each trip. Seven is almost a critical mass for us to be able to service complaints in areas around Sydney. If we had double the inspectors, it would be even better.

The Hon. EMMA HURST: You would need funding to double the inspectorate. I'm happy for you to take it on notice, but what would that look like as a funding proposal?

STEPHEN ALBIN: We'll have to take that on notice, but if you just use the figures, like the expenses of about \$1 million, the vet costs of about \$100,000 and \$1.2 million for the holding costs of the animals, if it doubles—actually, you may not even have that because you're probably doing the same number of animals. It'd be like \$1 million and \$100,000.

The Hon. EMMA HURST: As part of the money—I think it was 5.5, but the 0.5 was specifically for domestic violence training. Has that money been spent?

STEPHEN ALBIN: No, that money hasn't been spent as yet. We are in discussions with a domestic violence organisation for them to give us some advice on how we would undertake the training of our inspectors in those circumstances. Another part of that money is that we're having 15 kennels dedicated to domestic violence cases in our West Hoxton command centre.

The Hon. EMMA HURST: Did your officers undertake training when the RSPCA did their training in that area?

AMANDA GRAY: Yes, we did. It was myself and three other inspectors, one of whom has left since that time. We were able to go to RSPCA headquarters and sit in on that domestic violence training last year.

The Hon. EMMA HURST: Great. And the RSPCA was happy for AWL to sit in and that RSPCA would cover the expenses for that?

AMANDA GRAY: Yes. We want to collaborate with their inspectors and have a nice working relationship, so they were happy for us to sit in and learn while we were at that domestic violence course. We've also attended other courses where inspectors from RSPCA have also been in attendance.

The Hon. EMMA HURST: Mr Albin, I understand there are 15 kennels, but what's the extra advice, then, that you're receiving?

STEPHEN ALBIN: We're looking at doing an education campaign on domestic violence and animals. That was what we were looking at: talking to domestic violence organisations, because also we want to get the message out there amongst those that are affected, and that's probably a pretty effective way to do that.

The Hon. EMMA HURST: Unlike the RSPCA, the Animal Welfare League doesn't have an in-house prosecutor or legal counsel. How do you ensure that the inspectors are up to date on legal advice about their powers under POCTAA and where they can or cannot take action in potential cruelty cases?

AMANDA GRAY: We have a good relationship with the DPI. If there are any questions that we need to know, they're very supportive in answering those questions. We also have one solicitor that we're able to call at any time, and he will also provide pro bono advice for us as well.

The Hon. EMMA HURST: Is that available for all inspectors to just ring to get that advice at any point in time?

AMANDA GRAY: Yes.

The Hon. EMMA HURST: My office received correspondence that an Animal Welfare League inspector actually told a member of the public that they couldn't assist in the case of a companion animal being abandoned because it fell under the Public Spaces (Unattended Property) Act. This was a case where two individuals dumped a carrier at a Bunnings facility, and the Animal Welfare League inspector said that they weren't able to attend and assist. The Act actually specifically doesn't cover companion animals. Does it concern you that the team doesn't necessarily seem to understand when certain Acts come into play in certain circumstances?

AMANDA GRAY: It's a very ambiguous definition and it's one that I would welcome a review of, in terms of abandonment versus dumping. I am aware of that particular case, and our team were only notified almost a month after the fact where those animals were dumped at that particular place. The informant told me that she

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called the RSPCA and the police the day that the animals were dumped, and they weren't able to respond to that case, seemingly because they work under different jurisdiction. It was only 3½ weeks after, where the animals were actually safe and in care that we were contacted. We were contacted to see if we could actually follow up and potentially fine or prosecute the people involved in dumping those animals.

There is a lot of confusion about the "dumping" definition in POCTAA. We've often attended cases where a dog has been tied up in a park, and when we've arrived, council rangers have also arrived, and we figure out who's going to take that animal, because they work under section 32 of the Impounding Act, whereas we work under section 11 of POCTAA, for abandonment. There's constant crossover between councils and POCTA officers, and the definition is very, very blurry. How we see abandonment, generally, is where an animal has been left behind at a private dwelling, like an apartment or a house, and the people have just moved out and left that animal.

Generally, that's how we see abandonment. Obviously, we will check on that animal within a 24-hour period. If it hasn't been attended or fed or watered, we'll provide that for them, but then we'll check in that period. If our stickers haven't been torn and no contact has been made, then we will seize that animal. But, like I said previously, I would actually really welcome a review of POCTAA so that we're able to make a definitive understanding of what abandonment actually means.

The Hon. EMMA HURST: I agree with you there. I guess I'm just a bit confused as to where your concern is around the public land. Are you saying that if an animal is dumped or abandoned on public land, it then falls under the public spaces Act, even though companion animals don't fall under that Act?

AMANDA GRAY: It was considered, the public spaces Act, but it's also under section 32 of the Impounding Act, where animals cannot be left unattended. Like I said, there's always a crossover with council about that. We are constantly talking with council rangers about that. Often, they will follow up cases of abandonment of animals left in public spaces, and they will fine those people; other times, they want to delegate that over to us.

The Hon. EMMA HURST: Do you feel that part of POCTAA should be only private land, or should it also be public land as well when you're talking about an animal that has been abandoned?

AMANDA GRAY: I think it's a case-by-case basis. We will definitely take animals on public land that are in terrible condition or require veterinary treatment. I would welcome, though, a definite review of that. If it means that we have to attend on public land and collect that animal that has been abandoned, if that has been reviewed and approved, then we can do that. I would definitely welcome that. It has been a frustration for our inspectors and RSPCA inspectors and rangers for a very long time.

The Hon. EMMA HURST: Mr Albin, your 2022-23 annual report doesn't actually include the number of animals euthanised. It just has a figure of 4 per cent, which is slightly confusing because we don't actually know the total number of animals that were actually in care. Can you advise—and I'm happy for you to take this on notice—the total number of animals in Animal Welfare League's care in the last financial year and the total number of animals euthanised?

STEPHEN ALBIN: Yes, I can do that.

The Hon. EMMA HURST: It seems that the reporting and the statistics in the annual report changes quite dramatically each year, and I have noticed that as well with the RSPCA. It does make it very difficult to evaluate year on year what organisations are doing better or what is slipping and what probably needs more funding, for example. Would you support some kind of standardised reporting so that that was the same each year?

STEPHEN ALBIN: Definitely. I think following the last inquiry—and I read the paper. The parliamentary research office did correctly point out that some of the figures in there were different between the organisations. I tried to compare them. I found it difficult as well. If you've got a standard chart of accounts or you want standard information, we're happy to provide that.

The Hon. EMMA HURST: The Animal Welfare League has historically had much lower euthanasia rates compared to the RSPCA. I'm wondering what you attribute that to.

STEPHEN ALBIN: I think it's a philosophy that we have in the organisation. Our head of animal welfare services, Sam March, has changed the focus in our organisation considerably with respect to euthanasia, and we spent a lot of time trying to change the behaviour of animals. We also don't put a cap on how long they can stay in our shelter. Everything is integrated in terms of that animal journey, and we're focusing on that. Yes, we have very low non-medical euthanasia rates at the moment.

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The Hon. EMMA HURST: This might be a question for the chief inspector. Outside of funding, I'm wondering what other law reform changes you would like to see in order to be able to assist in actually responding to animal cruelty complaints more generally.

AMANDA GRAY: Could you repeat the question, Emma? Sorry.

The Hon. EMMA HURST: Outside of funding, I'm wondering what other law reform changes you would like to see. What sort of legislation needs to be reviewed or changed in order for inspectors to be able to respond to animal cruelty complaints more effectively?

AMANDA GRAY: I think a review of POCTAA, especially the "abandonment" definition that I mentioned previously. Also tethering—I think that would be welcome to be reviewed so that we're able to do our enforcement activities a lot more precisely and without confusion. I do think, in some cases, the harsher fines and possibly mandatory sentencing need to be imposed. But, yes, I think a review of POCTAA would definitely help us out.

The Hon. EMMA HURST: Can you explain what your concerns are around the tethering?

AMANDA GRAY: It's not clear. Obviously, it's not favourable to have to tether an animal at all, but it's not clear in terms of how often that animal should be let off the tether. We've got, in certain areas, one hour or four hours in a 24-hour period. It's not clear—and how long the tether should be. We roughly go by three metres. The tether can't be too heavy on the animal—and that it's easy to unhook as well, and the animal doesn't get tangled up. It's not favourable at all. It's not something you want to see—when we turn up to a place and see a dog tethered. But, yes, I would like to see a bit of a reform or a change in terms of how a dog should be tethered, if it needs to be.

Ms ABIGAIL BOYD: Good afternoon to our witnesses. I just wanted to touch on a couple of things. In relation to that domestic violence funding and training that you were talking about, do you know if that is being done in coordination with the Government's coercive control taskforce?

STEPHEN ALBIN: I am unaware. I don't think it is.

Ms ABIGAIL BOYD: But you are in touch with the credible organisations in the DV—

STEPHEN ALBIN: Space.

Ms ABIGAIL BOYD: —sector that are connected in with that work as well, I hope.

STEPHEN ALBIN: Thank you for that advice. I will make connection with that government group.

Ms ABIGAIL BOYD: That would be great. Excellent. Can I ask about the mobile vet truck. I have lost track; do we have one truck now or more than one?

STEPHEN ALBIN: We have one truck. That truck has been—thanks to the grant, it's had new steps put on it. It's been modified again so we don't need to tow a big generator around the State, so it's a lot more mobile. As I said, last year 2,800 animals were seen by us in rural and regional areas.

Ms ABIGAIL BOYD: Excellent. And how is that staffed? Do you have a permanent vet team, or do they travel out from Kemps Creek?

STEPHEN ALBIN: Yes. A lot of the staff like going on those trips, and we have vets that go on it. Our veterinary practice will take a couple of vets out of there to take them on the trip. Other staff who work in the shelter as animal attendants, sometimes they will go and we'll have veterinary nurses going as well. But there are no permanent staff. There is a project manager within our organisation that coordinates the trips.

Ms ABIGAIL BOYD: Do you have any data on how many trips are being made and things like the numbers of desexing and microchipping that is being done?

STEPHEN ALBIN: Yes, we do. We don't really desex on the truck. That's very difficult in terms of getting licences, but we've just got one in Narromine, which is great, and we have done some in Dubbo. I'm happy to provide a full report to you on that.

Ms ABIGAIL BOYD: I remember now that under the Act you don't have a licence for the actual truck as a surgery. Is that right?

STEPHEN ALBIN: That's right. Yes.

Ms ABIGAIL BOYD: That is something we possibly need to fix. In terms of when you choose to go out and do those microchipping runs, is that based on a perceived need, or do you have a schedule in advance of where you are going with the truck?

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STEPHEN ALBIN: Yes. We have a schedule that we do at the beginning of the year. One of the key challenges that we have with the truck is that we don't own the motor, so we have to hire a truck and a truck driver—as in the motor truck and truck driver. So we need to plan a year out, and we try to get areas in clusters. We know where a lot of the issues are, but we will visit areas on a specific route—three at a time, typically—and do it over four days.

Ms ABIGAIL BOYD: What is the capacity to scale that up? If you did get the additional funding, would you have the resources and the capability to get the numbers of people that you would need to be able to scale that process up?

STEPHEN ALBIN: That is a good question. I actually haven't looked at that yet because I had to come to grips with how expensive it was to operate it. We've managed to change its operations a fair bit to be cost-effective. So I've got to this stage, and I hadn't actually thought about expanding it but, if there was an opportunity to do that, we could certainly do more work.

Ms ABIGAIL BOYD: Do you mind taking it on notice to have even just a ballpark figure for how you could do it? How wide could you go with just the one truck but more funding for more staff et cetera, and what would that look like? That would be very useful.

STEPHEN ALBIN: Yes.

The Hon. WES FANG: Ms Gray, you mentioned you had three regional inspectors. Are you able to provide some information as to where you have those inspectors located?

AMANDA GRAY: We have one in Bega, one in Glen Innes and one in Orange.

The Hon. WES FANG: We heard earlier today that sometimes it is the case that you will respond to a complaint and another organisation—say, the RSPCA—might also respond to a complaint. Could you provide some insight as to what happens when two organisations tasked with investigating animal welfare issues turn up at the same place at the same time to look at an issue?

AMANDA GRAY: Yes. It happens a fair bit, actually. Whoever gets there first, basically, takes the case. We will check with RSPCA if the person of interest has said the RSPCA has already attended or if they haven't. We will call to confirm if an inspector is actually on that case. But generally, once one of us has taken the case on, the other organisation leaves that case to that organisation.

The Hon. WES FANG: In the circumstance where a complaint is made to a government organisation, what would be the protocol of that organisation to refer it on? The way that I would look at it is—National Parks and Wildlife Service might receive a complaint that there has been an animal injured in one of the national parks, and they wish to do an investigation. Who would they seek to contact in that circumstance?

AMANDA GRAY: If it was a native animal, we would suggest calling WIRES.

The Hon. WES FANG: Let's assume that the animal is deceased, but there are certainly signs that it was not an accident.

AMANDA GRAY: Well, RSPCA or Animal Welfare League inspectors would be able to help investigate that.

The Hon. WES FANG: Does the Government usually choose one or the other?

AMANDA GRAY: Generally, the Government will choose RSPCA because they're a much larger organisation and they have many more inspectors than we do.

The Hon. WES FANG: Does the Government ever seek to get advice from the Animal Welfare League where perhaps the RSPCA might be conflicted in any way?

AMANDA GRAY: I haven't experienced that personally, but I'm sure we would be consulted if there was a concern and we'd be able to proceed from there. Generally, we like to have a good working relationship with the RSPCA because they often help us out with a lot of cases that are much larger than we can deal with as well.

The Hon. WES FANG: We are getting to the nub of where I am going with a lot of these questions. There seems to be a lot of corporate agreement and professional respect between some of the entities. That is not unusual in a lot of circumstances, so I would guess there is a level of mutual respect and camaraderie between the Animal Welfare League and the RSPCA. Would that be fair to say?

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AMANDA GRAY: Yes, it's beneficial for us to get along with each other. I'm speaking of just inspectors alone, because that's all I have experience with. But we are actually friends with a lot of other inspectors and are able to ask them for assistance or they ask us for assistance, so it's a good working relationship there.

The Hon. WES FANG: So there's a collegial bond between the inspector level—

AMANDA GRAY: Inspector level, yes. That's all I can speak to.

The Hon. WES FANG: I've indicated that there's the National Parks and Wildlife Service, but let's go with Racing NSW, shall we say, for the moment. Racing NSW comes across a circumstance that they find concerning, and they advise the Animal Welfare League that they would seek to have that matter further investigated. What would be the process from that point on for you?

AMANDA GRAY: We would have to get all the information that they have and if they've got any evidence—photographic evidence. They would have to provide an informant that would be happy to be able to speak in court, if need be, and then we would be able to follow that up. They'd make the complaint and we'd assess it in terms of urgency and then, if they requested that, we would go out and actually attend to that case.

The Hon. WES FANG: In that circumstance, then, say you've got Racing NSW indicating that there are a number of horses of unknown origin that are being slaughtered in an illegal knackery somewhere. How long do you think it would take for you to triage and determine what would be required in relation to a site visit?

AMANDA GRAY: I know Racing NSW has their own type of inspectorate where they can check on their animals and follow up on animals that aren't being raced anymore. It depends on the size of the operation and the case involved. We're a very small team.

The Hon. WES FANG: Of course this is a complete hypothetical, but I'm going to say that that Racing NSW inspectorate, I'll surmise, has made the actual referral onwards. How long do you think it would take you to triage? Would it take months?

AMANDA GRAY: No, we would endeavour to get onto that case as soon as possible. Whenever any cruelty case comes in, we will endeavour to get to that within that day, or days—in a big operation, maybe a week.

The Hon. WES FANG: So let's go with a week. Then let's presume you visit the site, on the advice of Racing NSW, and you do a site inspection. Let's assume for the moment that you find approximately 500 carcasses on that property. Obviously Racing NSW has referred you, so there are concerns around whether they're thoroughbreds or not. How long do you think it would take you to make a determination in relation to whether or not there have been some animal welfare concerns in relation to that incident?

AMANDA GRAY: I can't speculate, but it would depend on that situation—whatever we saw, what information we received. I can't speculate on how long that would actually take, though.

The Hon. WES FANG: If you discover, say, that an unapproved illegal knackery is operating there and that the horses are being slaughtered for horse meat, and you become aware that the operator of that property not only is now on the excluded list with Racing NSW but also has had his rehoming approval removed by the National Parks and Wildlife Service, you might seek to actually do some further investigation. Would that be—

AMANDA GRAY: That would definitely require further investigation and also consultation through other government agencies in terms of that as well.

The Hon. WES FANG: Would that sound like a circumstance where there have been some animal welfare concerns?

AMANDA GRAY: It definitely sounds like there have been animal welfare concerns.

The Hon. WES FANG: How long do you think it would take you to finalise an investigation and commence prosecution?

AMANDA GRAY: It really depends. I wouldn't be able to give an answer to that.

The Hon. WES FANG: Do you think four months would be a reasonable time frame?

AMANDA GRAY: It really depends on resourcing, and also—

The Hon. WES FANG: Let's say you had \$26 million of government money. How long do you think it might take you then?

AMANDA GRAY: It would depend on evidence I could get from vets and other stakeholders involved as well, but I wouldn't be able to speculate on how long. I haven't had to deal with a case such as that as yet.

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The Hon. WES FANG: Let's shift track a bit. Sorry, Chair, does anyone—

The CHAIR: I note Ms MacDonald had her hand up for a question too.

The Hon. WES FANG: I've got quite a few more.

The CHAIR: I know. So do other people.

The Hon. WES FANG: That's why I thought I wouldn't be selfish and I would just see—

The CHAIR: Ms MacDonald, do you want to fire off a question, and then I'll fire off a couple, and then we'll go back to Mr Fang.

The Hon. WES FANG: I've got plenty.

The Hon. AILEEN MacDONALD: Mr Albin, in your CEO's message, you said that AWL NSW has successfully navigated a tumultuous three years and now you've emerged. Can you just go into a little bit of detail about what those three years entailed?

STEPHEN ALBIN: I think the three years started with the bushfires. In terms of those bushfires, we used that Fed truck; it was located in Tathra. And then we went into floods and we helped out at the Northern Rivers, and then we went through COVID. The organisation lost significant amounts of money during those periods, so we were about \$2½ million in deficit, and we've managed to claw a fair bit of that back. What we've done is we wanted to focus on the animal journey—we call it a "hope to love" journey—and focus on getting better outcomes for animals and finding them their forever home.

We've got a whole lot of ways that we do that. One is through proactive engagement and that basically sets the tone for our inspectorate. That's a pretty major one and there are a whole lot of other areas as well, such as to look at our products and services and build our foster network. It's important to know that we now have more animals in foster care than we do in our shelter, and that's intentional in our organisation because foster is a lot more cost-effective than running shelters. Our branch networks are very effective at rehoming animals. But we've got through those three years. We now have funding for the inspectorate, which has made it a lot easier as well, and we hope to be able to rehome a lot more animals over the coming years.

The Hon. AILEEN MacDONALD: I'm from the regions and I know the branch that you have in Armidale, so I was going to ask the next question. You alluded to your proactive engagement. Can you talk a little bit more about what that entails?

STEPHEN ALBIN: Would you like to do that, Linda, given we've got a branch member here? Linda is from Eurobodalla.

LINDA GEDDES: Eurobodalla branch, yes. Every staff member and every volunteer across New South Wales for AWL NSW actively engage out into the community, promoting what we do. As Mr Albin mentioned, seeking foster carers for our animals provides better outcomes for those animals because they're living in homes with family members. So that's part of the engagement that we undertake—to talk to members of the public about what we do and how we do it, and seek more people to assist in those better outcomes for the animals. By and large, out in the branches—and all branches are volunteer members—they're very successful in taking in animals and finding permanent care for them, and their future homes.

The Hon. AILEEN MacDONALD: Miss Gray, you said that rather than being reactive in some of your visits, you're proactive. Can you explain what that means?

AMANDA GRAY: Reactive is when a member of the public has called in to make a complaint about an act of neglect or cruelty to an animal, whereas our proactive inspections—inspectors have time throughout their day. If they are in an area and they can see a trade that's holding animals or selling animals, they will do those active inspections.

The Hon. AILEEN MacDONALD: So it isn't because someone has raised a concern; it's that you are in the area?

AMANDA GRAY: Yes, generally in the area or they will have a look online. If they are in a particular area that day and they have time to do another job, they will have a look online and see what businesses are in those areas and conduct those trades inspections. They also want to have good working relationships with those people as well, but it means that those attendances are generally unannounced. The inspector will go into that business and be able to offer advice if modifications need to be done. Otherwise, they just check that the codes are actually upheld and everything is compliant.

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The CHAIR: I might ask some questions about the finances and the grants, Mr Albin. In your financial statements for 2023 on page 7 it says that you received grants of \$7.987 million, roughly, but then on page 16 of that same financial statement it lists grants as \$346,890. Then if you look at the snapshot which appears on the ACNC register, it says that government grants equated to 3.52 per cent of your revenue, which is \$296,716. Can you help to explain that discrepancy between the different financial figures for grants, if possible?

STEPHEN ALBIN: Our figures are independently audited, but if I can take that on notice. I'm not aware of those.

The CHAIR: Yes, alright.

STEPHEN ALBIN: I'm happy to give you the response to that. It could be a classification error or it could be a timing issue. I'm happy to investigate that further.

The CHAIR: Can I ask you about the minimum training or qualifications that you require of your inspectors. What is the minimum qualification that you will accept for someone that's applying for a job as an inspector? Do you have a minimum qualification?

STEPHEN ALBIN: Yes.

AMANDA GRAY: Yes, they need to have animal handling experience.

The CHAIR: That's not a qualification, though; that's experience.

AMANDA GRAY: Certificate II in animal studies would be preferable, or if they've got a background or certificate in veterinary nursing.

The CHAIR: You say it's preferable but you don't have it set in stone, "This is the minimum that we'll accept"?

AMANDA GRAY: They also come from enforcement backgrounds as well, so we do get police that apply for our jobs too. But if I'm looking at hiring someone, I definitely want that animal experience there, so if they've done a certificate II, at least, in animal studies, and if they've done their government investigations course that's also a bonus. But I'm looking at hiring people that have had previous experience—either zookeeping experience as well or dog training experience—but with the relevant certification followed up with that.

The CHAIR: Would you employ somebody that doesn't have a certificate in government investigations? If so, how quickly would you put them out in the field before they've done that qualification or would you not put them out in the field until they've done that qualification?

AMANDA GRAY: It's not vital that they have that qualification. They are learning on the job, so they are learning with other inspectors and myself about POCTAA and the legislation following that. But they are usually trained on the job. If they haven't already got it, they can be trained on the job and we'll pay for that course to be done by them.

The CHAIR: How does that on-the-job training work when you just previously spoke about only going one out because you don't have enough staff? How would you mentor that person on the job if you're only going one out? Would you make it a point, as the chief inspector, of you shadowing them and mentoring them for a period of time?

AMANDA GRAY: Yes, when they are hired they have to go through an authorisation process. Their authorisation is done at the DPI and that can take between four and eight weeks sometimes for that to be processed. In that time they are not allowed to actually go out by themselves and do attendances; they have to shadow an inspector. Also in that time it's very valuable for them to be learning about POCTAA and also doing any extra study—as in, that government investigations course as well—before they get authorised.

The CHAIR: What is involved in that authorisation process at DPI?

AMANDA GRAY: We do the hiring at first if we think the person is suitable and then with the DPI we will send off their resume, also their driver licence, passport photo, any certificates that they've done in terms of behaviour or if they've done that government investigations course, and a letter of recommendation from myself. That's all sent off to DPI for them to then assess and then get approved with the Minister.

The CHAIR: Can I ask about a hypothetical question as well, though not as elaborately put as Mr Fang.

The Hon. WES FANG: Go on. Have a crack.

The CHAIR: I'll try. What are the guidelines for an inspector who would come across a potential biosecurity issue? Obviously there have been a lot of issues around biosecurity over the last couple of years. Say

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a spreadable disease or pathogen like parvo. If you went to a suspected parvo outbreak but you also saw animal welfare concerns on top of that, what is the priority, seizing the animal or containing a potential communicable outbreak? Do you have a procedure for this at all?

AMANDA GRAY: We do. We wear PPE. In terms of if there is a parvo outbreak, we will notify the shelter and we'll have an isolation area in the veterinary clinic and in the shelter for animals that are suffering from infectious diseases. The animal needs veterinary treatment, first and foremost, if they have parvo, in your example. That animal will be given veterinary treatment in isolation at our shelter veterinary clinic.

The CHAIR: You wouldn't keep them on the property or onsite and administer treatment there?

AMANDA GRAY: I wouldn't be able to keep it on the property if it wasn't receiving sufficient vet treatment because dogs will die from parvo.

The CHAIR: In terms of your complaints handling process, Mr Albin, can you talk us through that? How are complaints or concerns handled around Animal Welfare League's activities? Could you give us a figure for the last financial year: How many complaints have you received and how many have you acted upon?

STEPHEN ALBIN: Is this just for the inspectorate?

The CHAIR: Yes, let's just say the inspectorate.

STEPHEN ALBIN: I am unaware of receiving any complaints about the operations of our inspectorate. I'm not aware of any.

The CHAIR: How would you handle that if someone wants to complain about a particular inspector or the chief inspector?

STEPHEN ALBIN: We would normally do an investigation into the matter. We have policies and procedures with respect to any complaints, whether it's internal or external. It often runs with either myself and we get HR involved. We talk to myself, but HR is the key source of the complaint mediation process. Ultimately, once that is done and if there is cause for further investigation, we will get an independent investigator in to investigate the matter.

The Hon. PETER PRIMROSE: We heard earlier today from the Australian Veterinary Association about, essentially, the fragmentation of responsibilities within this field, and there are so many different agencies involved. As they state:

Resource constraints can impede effective oversight and prosecution. This is further complicated by the involvement of multiple agencies like DPI, NSW Health, VPB, and the police, each approaching the issue from a distinct perspective—

to which we would obviously add local government because, as you mentioned earlier—

this fragmentation often leads to breaches not being investigated and contributes to a lack of clarity on jurisdictional responsibilities.

I was wondering if you could comment on that, whether you'd agree with that statement and what should happen as a consequence if you do?

STEPHEN ALBIN: I'll address it first. I've been in many other industries and the number of clearance points in this industry are no greater than the property industry, for instance. You've got a lot of agencies that you are dealing with there as well. If you reduce the number of clearance points in any industry, and the joint action that is required, it often makes it a lot easier for things to happen in terms of prosecutions. You need checks and balances in an industry to ensure that you are doing the right thing as well. I don't think it's a major issue, but Amanda might have a different view on that.

AMANDA GRAY: We follow up any complaint. We do receive complaints from vets as well in terms of following up cases they've not had returned to them in terms of veterinary treatment. I just want to say that, yes, we will follow up on any other complaints made to us as best as possible and in a timely manner.

The Hon. PETER PRIMROSE: Do you suggest, then, that there's no lack of clarity on jurisdictional responsibilities between those many agencies that are involved?

STEPHEN ALBIN: There can be.

The Hon. PETER PRIMROSE: Are there, or are there not?

STEPHEN ALBIN: Yes, there are.

The Hon. PETER PRIMROSE: Can you elaborate on that?

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STEPHEN ALBIN: Yes. You've got the Companion Animals Act and you've got POCTAA. Just those two Acts alone create confusion in terms of regulation and who does what, when. I think we spoke about that earlier—

The Hon. PETER PRIMROSE: Yes.

STEPHEN ALBIN: —with regards to the rangers and the inspectorate. Areas like that do cause confusion. Do you have any other examples, Amanda?

AMANDA GRAY: That's the only example I can use for now, but I can take it on notice.

The Hon. PETER PRIMROSE: Please. Could you also take on notice how does an inspector—as to the Chair's questioning earlier—without any formal training, who's sent out by themselves, decide what an appropriate jurisdiction is?

AMANDA GRAY: Yes, I can take that on notice.

The Hon. EMMA HURST: Can I ask something in clarification? I am just looking up online—I don't think the Impounding Act exists anymore. Can I just make sure we're talking about the same Act?

AMANDA GRAY: Yes. When I was talking to rangers earlier today, they still mentioned section 32 of the Impounding Act in terms of an animal being left unattended. They were saying that they will often go out and collect that animal or we will go out and meet them there, basically, if we've received the same complaint.

The Hon. EMMA HURST: Do you mind me asking which rangers these were?

AMANDA GRAY: I can't say. I work with a number of rangers, but they did quote section 32 of the Impounding Act.

The Hon. EMMA HURST: That's interesting. Thank you.

The CHAIR: Mr Fang?

The Hon. WES FANG: Thank you. Where were we? I think we were discussing—

The Hon. PETER PRIMROSE: Hypotheticals about brumbies.

The Hon. WES FANG: I didn't say they were brumbies. I just said they were horses. You've made an assumption, Mr Primrose, and I'm not sure the hypothetical went that far.

The Hon. PETER PRIMROSE: I know you too well, Mr Fang.

The Hon. WES FANG: Ms Gray, let's assume for a second, in this hypothetical that we're discussing, that somebody comes across a horse which has been aerially culled that they believe has not been done in relation to the SOP that the organisation doing the aerial culling would have done. They make a complaint to an organisation. In the first instance, what would be the process that you would undertake there? Let's say it is a horse that is in a national park. How would you go about triaging the complaint?

AMANDA GRAY: I haven't been consulted about the brumbies, but to answer your question, I would consult with National Parks, find out what training was involved in terms of shooting the animal—what was behind that. We do have a lack of resources in terms of being able to assist in the brumbies. We have a very low number of inspectors, as you know.

The Hon. WES FANG: Yes. I'd imagine it'd be the poor inspector from Bega that would have to travel across.

AMANDA GRAY: Yes. That inspector is still on probation too, so still receiving lots of training in terms of experience. Our hands are kind of tied in terms of experience and also resources to be able to assist with that, but consultation would have to be made with National Parks in terms of how the animal was shot, if it was suitable to shoot that animal. But, like I said, we haven't been asked to assist with the brumbies and that situation that's ongoing.

The Hon. WES FANG: Let's say in this hypothetical, theoretical world that we're having this discussion in, you attend, you have a vet with you, and the complainant indicates that they believe that the animal died not instantly but sometime after being shot. The complainant insists on opening the animal up. The complainant discovers that the animal has a lung full of blood and has likely drowned in its own blood from a gunshot wound and didn't die instantly. Would you consider that to be animal cruelty?

AMANDA GRAY: You'd want an animal to die instantly if it was shot, but I would be consulting with the vet that I had with me because vets are expert witnesses, so I'd go with their testimony.

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The Hon. WES FANG: Say you opened up the animal onsite where it was found lying. How long do you believe it would take you to make a determination and then provide a report?

AMANDA GRAY: I'd ask the vet that was with me because they would know more about how the animal died, in specifics, than I would. But, yes, if they made that determination, then we would be able to conclude fairly quickly.

The Hon. WES FANG: The last question I want to ask is something you actually said in response to one of my questions. Of course, it was hypothetical, but I was talking about a horse that was shot in a national park and you said that you haven't been consulted on the brumbies. Had it been the circumstance that instead of the RSPCA being consulted around the SOPs for aerial culling, and let's assume it was the Animal Welfare League that might have been tasked with reviewing the SOPs, what circumstances do you think you might have insisted on, or employed, or in fact would you have at all approved or given feedback on concerning those SOPs?

AMANDA GRAY: I'd have to take it on notice because I'm not an expert in the field of the culling of wild animals, so I would have to take that on notice and get back to you about that.

The Hon. WES FANG: As an inspector, do you think you would proffer an opinion about the lack of a foaling season in relation to brumbies? Do you think that you, without a veterinary degree, would feel confident in providing feedback around whether brumbies had a foaling season or not?

AMANDA GRAY: I'm not an expert in wild horses. I've bred domestic horses and we will breed in the warmer seasons—spring and summer—but I'm not an expert in wild horse behaviour so I wouldn't be able to comment definitively on that.

The Hon. WES FANG: Do you think you might give that advice at a parliamentary inquiry? Do you think you might provide feedback as to foaling seasons of brumbies at a parliamentary inquiry?

AMANDA GRAY: I'd have to get more information before—

The Hon. PETER PRIMROSE: I think we're going a little bit overboard now, Chair.

The Hon. WES FANG: It is entirely relevant, and you'll understand why a bit later.

The Hon. PETER PRIMROSE: I may understand later, but I don't understand now, so I'll leave it to the Chair to decide.

The Hon. WES FANG: I appreciate that, Mr Primrose. I'm happy to leave it there, Chair. I think I've made my point.

The Hon. CAMERON MURPHY: I have a question that is probably best directed to Ms Gray. In the Veterinary Association's submission, they raise an issue about laypersons performing veterinary services sometimes using poisons or restricted medical equipment—anaesthetics and other things. Does it require a complaint for something like that to be investigated, or would you just actively investigate where people, for example, are advertising those services as a layperson who's not qualified?

AMANDA GRAY: We usually rely on complaints. We haven't had to attend where we've seen something advertised like that, but we will rely on complaints, especially if it's by vets as well.

The Hon. CAMERON MURPHY: How many of those types of investigations would have happened over, say, the last year?

AMANDA GRAY: In my time, I haven't seen any of those sorts of investigations where people have been using anaesthetics or conducting their own surgeries or procedures on animals, instead of vets.

The Hon. CAMERON MURPHY: Even though people might be advertising dental work on horses or any range of other things who say they're not a qualified vet, that wouldn't warrant an investigation without a particular complaint, you're saying?

AMANDA GRAY: Yes. Just in the time that I've been at the Animal Welfare League as an inspector, I haven't had any of those complaints or haven't attended any of those complaints.

The CHAIR: That concludes our time with you. You have taken some questions on notice so the secretariat will be in touch regarding them or any other supplementary questions we have. Thank you very much for taking the time and thank you for the work that you do.

(The witnesses withdrew.)

(Short adjournment)

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

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

Ms KATHRYN JURD, General Counsel, RSPCA NSW, affirmed and examined

The CHAIR: Welcome back to one of the afternoon sessions regarding the inquiry into the ACOs with regards to POCTAA. We now welcome our next set of witnesses: representatives from the RSPCA NSW. Does any of you wish to make a short opening statement?

STEVEN COLEMAN: Yes. Thank you, Mr Chair. Good afternoon, honourable members of the Legislative Council. Although the last financial year presented some unique operational challenges, we remained wholeheartedly committed to our vision: to prevent cruelty to animals in New South Wales through community education, advocacy and animal care. We are a membership-based not-for-profit organisation with five shelters, two behaviour and rehabilitation centres, three veterinary hospitals and one education centre. We are supported by over 500 staff and thousands of volunteers, donors, members and supporters. Our inspectorate is the country's largest animal welfare enforcement unit in Australia, serving New South Wales for more than 90 years.

While we are one of three agencies with enforcement powers under POCTAA, more than 99 per cent of the public engage with the Act through RSPCA NSW. We answered 74,507 calls, with 21,081 being cruelty calls that led to 13,883 cruelty complaints. Wherever we can, we seek to resolve as many complaints as possible through a proactive, preventative approach involving education, practical support and referrals to our programs. However, no two reports are the same, and RSPCA NSW inspectors respond to an array of welfare concerns, from deliberate acts of animal cruelty to cases of unintentional neglect. The inspectorate brought 1,861 animals into our shelters, and we initiated 108 prosecutions, issued 799 written directions, 18 official cautions and 111 penalty infringement notices. We have commenced and completed more prosecutions than ever for four consecutive years, with a prima facie success rate of 100 per cent.

Our veterinary team has a diverse range of expertise and knowledge, providing high-quality treatments that have a lasting impact on animals and the community. They undertook almost 25,000 veterinary consultations and conducted more than 30,000 treatments. We launched our Access to Vet Care program, which helped 1,819 clients in its first year and is currently on track to help more than twice that in its second. RSPCA NSW officially opened its state-of-the-art education centre, which reached almost 3,000 students and their teachers. As a registered training organisation, we offer a range of courses to help shape the future of animal welfare, with 150 graduates through our accredited courses alone, 36 of whom found work at RSPCA NSW.

Our shelter network provided care for 14,535 animals, with 1,470 reclaimed and 6,956 rehomed. This is thanks to our shelters, that have 140 animal care staff working alongside 984 incredible volunteers who gave more than 200,000 hours of their time and 852 committed foster carers who tended to 4,548 animals in their homes. We are an active contributor in communities right across New South Wales. Keeping pets and people together is often the best outcome for the pets, their owners and the community. This is what RSPCA NSW strives to achieve with our community programs, which help people experiencing domestic violence, homelessness, financial hardship, mental health problems requiring emergency boarding, and seniors in need. Last year, we helped 322 clients and 488 animals. Our community outreach teams delivered crucial services across the State, including to remote Indigenous communities and other regional towns without access to a veterinarian. They provided 2,206 clients with desexing, microchipping and vaccinations for 2,959 animals. This engagement has been instrumental in driving our prevention and education efforts deeper into the community.

Despite these strides forward, we remain challenged by persistent funding constraints over the forward estimates. The Government has significantly increased funding for our inspectors at RSPCA NSW, with \$20.5 million providing operational funding for a significantly increased inspectorate for one financial year, while a review is completed ahead of this year's June budget. It was provided on the basis that Australia's largest animal welfare enforcement agency would be dramatically increased to help ensure workers' safety. We know that, where there are animal welfare issues, there is a very high risk of violence to people as well. Pairing inspectors as much as possible protects against potential harm from individuals involved in cruelty cases. It means our inspectors on the front line, day in and day out, can do their jobs and get home safely. Recurrent operational funding to support this remains our most pressing concern.

We strongly support transparency and accountability, which is evident in our detailed annual and financial reports, the section 34B reports that we provide to DPI on an annual basis, parliamentary oversight through this annual inquiry, our participation in multiple committees and parliamentary inquiries each year and in over 100 cases proceeding through the New South Wales courts every year. We believe in maintaining an open

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dialogue with the Government and the public and are committed to ensuring that every dollar allocated to RSPCA NSW is spent judiciously to improve animal welfare. We look forward to answering any questions.

The Hon. AILEEN MacDONALD: Thank you. Organisations—it's about people and money, so I'll go to the money question first. You mentioned in your opening statement about the \$20.5 million. Can you detail how that recent inspectorate funding has been utilised to improve animal welfare and safety across New South Wales.

STEVEN COLEMAN: If I may, I might defer to Mr Beerden, who's got the breakdown.

WILLIAM BEERDEN: Thank you. In terms of how we've contributed, the funding provided for 37 full-time staff, ranging from inspectors; digital intelligence officers; a 24-hour call centre, which we've implemented; and some capital funding as well, for motor vehicles, for example, and equipment. The majority of those additional uplifting inspectors have been employed, albeit, like any organisation, we experience turnover, so we've got some vacancies at the moment. But, at the moment, we've got 53 inspectors, with 33 of those being deployed in regional areas and 18 in the metropolitan areas. We've also got the chief inspector and the deputy chief inspector in place at the moment. In terms of just some metrics or outcomes, I've got some year-to-date outcomes. If you bear with me for a moment, I can go to those and give you some detail about that.

The Hon. WES FANG: Happy if you want to table them as well.

WILLIAM BEERDEN: Yes. No problem. Just by way of comparison in terms of last year, last financial year we had 18,680 inspections. Up until the end of the March quarter—for the first nine months—we've had 17,749. So we expect another 3,000 or so. That'll exceed last year's numbers. Similarly with the complaints received, last financial year we had 14,420. Up until the March quarter, we've had 13,061. Similar to the evidence given by the Animal Welfare League, we've seen an increase in complaints coming in and the number of visits as a result of those complaints. Last year, we did 18,680. Up until the end of the March quarter, we've done 17,749. There's been a significant uplift in not only the number of complaints but the number of matters attended to.

The Hon. AILEEN MacDONALD: Thank you. Just on that, your funding was for one year. For the next five years or even the next year, what do you think your projected funds would be, needed to continue the work that you do?

WILLIAM BEERDEN: It has been challenging on a number of fronts. In terms of performing the enforcement function—so the inspectorate function and all the ancillary functions that come off that, which includes our legal function and prosecutions, the animal care and the veterinary care—we have already spent almost all of the \$20.5 million to date. I think we have spent about \$20.2 million or just under, year to date. But we are expecting that, with inflation, to be around about \$24 million per annum. Over the forward estimates, just to maintain the existing level of service, we would need about \$100 million.

The Hon. AILEEN MacDONALD: Across—

WILLIAM BEERDEN: Across the forward estimates. Across four years.

The Hon. WES FANG: He's asking for \$100 million.

WILLIAM BEERDEN: If I could just point out, that would be maintaining existing services. Were we to offer additional services and more community programs—spending more money at the prevention side is much more effective in terms of animal welfare outcomes generally and reducing instances of cruelty—we would need more money to expand those services.

The Hon. AILEEN MacDONALD: On the prevention side and the community engagement aspect of your operation, can you tell us about or expand a little bit more on that type of outreach program that you are doing and how these programs contribute to your mission?

STEVEN COLEMAN: We can table some information about that, but it's fair to say that the direction of our organisation for some years already has been about continued investment in prevention. That led to a significant decision-making process in our exiting council pound contracts. It is imperative that we have capacity for the animals that the inspectors need to bring in, together with capacity to accommodate all those additional programs that we run. For a period of time we've had to say no to some of those programs because we simply didn't have the kennel space available, and that is a tragic set of circumstances for those people. Any additional funding going forward that can assist us in continuing to invest in the prevention side of community work is the direction that we have taken.

The Hon. AILEEN MacDONALD: I have just covered the preventative side. What about the other side, where we are talking about when you have to react and when there are claims made? How do you operate that way?

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STEVEN COLEMAN: The funding goes directly towards the inspectorate at mitigating the safety risk by promoting as many opportunities for the inspectors to be working two out as possible. It then funds the veterinary work that is required for many, if not all, of these animals that are brought in, together with the sheltering expense and the rehab of those animals going forward. Bear in mind, some of these animals, particularly if they are the subject of a prosecution—we might have these animals for in excess of two years. They are not our animals. We can't move them. They are subject to a court process. It's important that their journey within our facilities is the best that it can be so that if we end up with custody of those animals at the other end of a prosecution we can increase our prospects of rehoming those animals as best we can.

The Hon. AILEEN MacDONALD: One of the earlier witnesses said that there is a conflict of interest in that a charitable organisation shouldn't take on that inspectorate role. What's your view on that?

STEVEN COLEMAN: In terms of the technicalities of conflicts of interest, I might defer that to our general counsel.

The Hon. WES FANG: I can't wait for this one.

The CHAIR: Ms Jurd, you have the call.

KATHRYN JURD: The RSPCA has enforced its powers under the Prevention of Cruelty to Animals Act for 90 years. In my tenure at the RSPCA, which is a bit over six years, we have prosecuted 650 cases before the New South Wales local, district, supreme and high courts. Obviously, the High Court is not a New South Wales court. In that time, the court has had the opportunity to examine and determine the evidence available at a prima facie level and then again at a decision in respect of determining guilt or innocence and, ultimately, ordinarily, sentence. In my experience—and I have spent now nearly 17 years prosecuting offences all through the New South Wales criminal justice system, including 10 years at the DPP and now seven years at the RSPCA—there is no conflict of interest in the performance of the RSPCA's investigative or prosecutorial function.

The Hon. WES FANG: Mr Coleman, I've got the CEO, I've got the head of business and I've got your chief counsel here. Where are your inspectorate staff? Where's Mr Scott Meyers?

STEVEN COLEMAN: He's on leave. I couldn't tell you where he is.

The Hon. WES FANG: Why have you not got anybody from the inspectorate here today for this inquiry?

STEVEN COLEMAN: We do, Mr Fang. We have the head of the inspectorate.

The Hon. WES FANG: Where are the inspectorate staff?

STEVEN COLEMAN: They are working or on leave.

The Hon. WES FANG: Where is Megan Richards? Why didn't she attend today?

STEVEN COLEMAN: She wasn't asked to.

The Hon. WES FANG: I'm going to drill down a little bit on this first—we've spoken about conflicts of interest already. Could you detail how Mr Scott Meyers came to enter the organisation and his progress to be promoted to the head of inspection?

STEVEN COLEMAN: Yes, I can answer that. I can't tell you the exact amount of years or the exact year that he took on each of the roles, but he's had a number of roles with RSPCA NSW, including in the animal ops space, in shelter management and shelter supervising. He became an inspector—again, I can't tell you which year.

The Hon. WES FANG: In 2012.

STEVEN COLEMAN: Okay, 2012. I will take your word for that. He was an inspector for many years. He was then a team leader of the northern region for a number of years. We had a position—again, I can't recall the exact year, but he had an opportunity to apply for the deputy chief inspector's role.

The Hon. WES FANG: Ms Jurd is trying to help you.

KATHRYN JURD: It was in 2017. He started as DCI and I started as general counsel on the same day.

STEVEN COLEMAN: There you go.

The Hon. WES FANG: Look at that. It's amazing. I just want to understand in a better way how promotion works within the RSPCA. Obviously, Mr Coleman, you're the exemplar here. You were a private

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investigator. You've become an investigator with the RSPCA. You've then risen through the ranks to become CEO 16 years ago. Is that about right?

STEVEN COLEMAN: Roughly.

The Hon. WES FANG: Tell me how people attain improvement in their roles.

STEVEN COLEMAN: Are you referring to development or the application for different roles?

The Hon. WES FANG: For example, if your head of the inspectorate chief inspector role opens up, how do you select somebody to fill that role? Do you advertise it? Is it an application process or do you just select somebody that you like?

STEVEN COLEMAN: It's not the latter, but it's all the things you mentioned before. As a position becomes available, we go out to market, including internally, and the best applicant for the role wins the job, consistent with every other organisation.

The Hon. WES FANG: Are you confident that that's the case—that the best person for the job wins the role?

STEVEN COLEMAN: Yes.

The Hon. WES FANG: What if I was to say to you that we've had a number of complaints—and when I say "a number", I mean a large number of complaints—that say that your organisation seeks to promote nepotism and a workplace culture of bullying, and that the promotion of people who you like is usually put ahead of talent and people who have spent a lot more time within and have a lot more experience within your organisation?

STEVEN COLEMAN: I would refute that. The best person gets the job.

The CHAIR: Sorry, could I just pick up on that? How is the best person for the job determined when you are assessing their CVs, their interview and their referees et cetera? I look at your standard operating procedures and I look at the desirable qualifications and essential qualifications for the chief inspector and they're not qualifications at all; they're just, I would say, experiences. Appropriate investigative experience is an essential qualification, ability to manage human resources, sound knowledge and capacity to implement an EEO policy. And your desirable qualifications are relevant post-secondary qualifications with no further detail. How does the panel—I'm assuming it's a panel interview. How would they assess that when your own standard operating procedures are so vague, I wouldn't even know what the essential qualifications are for the role that Mr Fang is describing?

STEVEN COLEMAN: Mr Chair, if I can divert—Mr Beerden also manages our HR function. If we can just spend a couple of minutes talking to the recruitment process—

The CHAIR: Mr Beerden, what are the real essential qualifications? Because what you've got listed in your SOPs—I don't know how you would assess that in any quantitative way.

WILLIAM BEERDEN: Any recruitment process—what we typically do is we would, as Mr Coleman said, advertise for it. We would have some desirable qualifications, skills, competencies—some that are essential, some that are non-essential. We'd also take on board any in-house or on-the-job experience into consideration for any applicant, and it'd be a combination of those things when we initially shortlist candidates. Then we would conduct interview processes and decisions would be made based not only on qualifications, competencies et cetera but also on the responses that are given by the people who are in the interview process. Just in terms of the skills and qualifications et cetera, I've got a training matrix of what we have as compulsory training.

The CHAIR: Perhaps on notice—I'm just trying to observe time. We only have about 25 minutes left with you. If you could table that perhaps—

WILLIAM BEERDEN: Sure.

The CHAIR: Obviously, check with your counsel as to whether that's okay or not before you do that. But if you could table that—

WILLIAM BEERDEN: I think that'll be fine to table. There are no individuals, although we do have a training matrix with everyone who has done particular training. But the recruitment process isn't outside any other industry standard. Occasionally we might direct-appoint somebody to a role, but I've been with the organisation for about 4½ years. That's rare. It's pretty standard. I've come from outside of this industry—had 15 years experience as a HR manager and director, and it's pretty standard fare. There's nothing really—

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The Hon. WES FANG: Mr Beerden, where there would be a potential or perceived conflict of interest in relation to the application of a candidate for those roles, how would that be declared or handled within the organisation?

WILLIAM BEERDEN: If there was a real or perceived conflict, we'd expect that the candidate disclose that conflict prior to the application process. I could check, but it might actually be one of the questions that we ask. Certainly in our employment contracts, I'm pretty certain that we say that there's nothing that's not in conflict that would prevent them from conducting the role. I think it's an essential term of contract as well.

The Hon. WES FANG: If people had a platonic but friendly relationship outside of work, would that be something that you would expect declared?

WILLIAM BEERDEN: I don't know.

The Hon. WES FANG: Or if a family member applied?

WILLIAM BEERDEN: I suppose it depends on the context. I can expand on that if you like.

The Hon. WES FANG: When was the last time that a job applicant declared a conflict of interest to you?

WILLIAM BEERDEN: I'd have to take that on notice. I should just say I don't look after day-to-day recruitment. We have a recruitment officer who—

The Hon. WES FANG: But you're head of HR, right?

WILLIAM BEERDEN: No, I'm head of business services.

The Hon. WES FANG: That's what Mr Coleman has indicated.

WILLIAM BEERDEN: Mr Coleman said that I was heading up HR in the sense that that function reports to me, along with finance, IT and some other functions.

The Hon. WES FANG: But let's go with the fact that Mr Coleman was right and you're effectively in charge of HR. Is that correct?

WILLIAM BEERDEN: I'm not the HR manager so, no, that's not correct.

The Hon. WES FANG: We can argue about the chain of responsibility a little bit later. In relation to the deputy chief inspector position, when did that become vacant?

WILLIAM BEERDEN: I can't exactly remember the month, Mr Fang, but I think it might be about six months ago, maybe a little bit more.

The Hon. WES FANG: What was the process for the employment of a new deputy chief inspector?

WILLIAM BEERDEN: Again, I think, if my recollection serves me correctly, we would've advertised internally for that role. I don't know if we actually went external on that role. I can't remember. I'd have to check. But I can take that on notice.

The Hon. WES FANG: How many applicants did you have for that position?

WILLIAM BEERDEN: I'll take that on notice as well.

The Hon. WES FANG: Who was on the interview panel for that position?

WILLIAM BEERDEN: It would've been Mr Meyers—Chief Inspector Meyers.

The Hon. WES FANG: The person who's not here, correct?

WILLIAM BEERDEN: Correct. I would have to take it on notice. Again, I don't get involved in the day-to-day recruitment of individual roles.

The Hon. WES FANG: It was advertised internally. Do you know how many people internally applied? You don't remember at all?

WILLIAM BEERDEN: I'll have to take it on notice.

The Hon. WES FANG: Do you know how many people were shortlisted?

WILLIAM BEERDEN: I'll take that on notice if that's okay.

The Hon. WES FANG: Do you know how many people were interviewed?

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WILLIAM BEERDEN: It's fair to say I can take any question specifically about the appointment of that role on notice and I'm happy to get back to you on that.

The Hon. WES FANG: What I'm seeking to find out is how many people within your organisation had more experience than the person that actually won the job?

WILLIAM BEERDEN: I can't answer that.

The Hon. WES FANG: Do you know if the person who won the job had any personal relationships, friendships or any connection with people inside the organisation that was declared?

WILLIAM BEERDEN: No, I'm not aware. What I can say is that the deputy chief inspector was a senior New South Wales police officer of many years and had a distinguished career in the NSW Police Force.

The Hon. WES FANG: My questions are not around the distinction in service. It's whether somebody who had more experience and was more suitable for the role was overlooked for this person to be put in the job. Mr Beerden, tell me about how you handle internal complaints. Say you've got a complaint around bullying and harassment within your organisation. How many have you received in the past, let's say, three years?

WILLIAM BEERDEN: I've got some statistics on the last 12 months if that'll assist you?

The Hon. WES FANG: Perfect. Let's go.

WILLIAM BEERDEN: First, let me go to the process. We have a bullying and harassment policy. We've recently rolled out bullying and harassment policies along with our *Respect@Work* handbook, which covers a number of things, including a whistleblower policy. You mentioned conflicts of interest, for example, so those sorts of things are covered there. Everyone has been through that training, been signed off on it.

The Hon. WES FANG: Can we get to the numbers now?

WILLIAM BEERDEN: Did you want to know about the process for bullying and what happens?

The Hon. WES FANG: I want to know the numbers and how the process works—the step by step.

WILLIAM BEERDEN: Sure. In the last 12 months we've had 23 grievances in total. Of those, 11 of those were informal. So 12 were remaining and the 12 remaining were all bullying allegations. There were multiple allegations of bullying in that 12. Thirty-six in total, so 12 separate grievances—

The Hon. WES FANG: An average of three per complaint.

WILLIAM BEERDEN: Average, but the average really skews the numbers.

The Hon. WES FANG: That's all right. Let's go with 30.

WILLIAM BEERDEN: Well, it's important context because a couple of those count for more than half. There are reasons why that might be the case. An employee might be aggrieved, for example.

The Hon. WES FANG: How many employees do you have, out of curiosity?

WILLIAM BEERDEN: Around about 500, give or take.

The Hon. WES FANG: So we're talking around 2 per cent of the—12 complaints, 500.

WILLIAM BEERDEN: In terms of complainants, yes, so 12 made bullying complaints, 36 in total. Now, within those grievances, of the 36—so 36 bullying complaints—four were substantiated and 32 were unsubstantiated. So we currently have two bullying grievances that are under investigation.

The Hon. WES FANG: Who determined that they were unsubstantiated? Let me rephrase: Who does the investigation?

WILLIAM BEERDEN: It depends on the escalation process. There is a process but, initially, it's done by an HR officer, who's very experienced in this. We've employed somebody, and they conduct investigations, not necessarily just about bullying, of course. But they undertake those investigations.

The Hon. WES FANG: For the ones that have been substantiated, what happens then?

WILLIAM BEERDEN: It depends on what it was. It would typically be counselling, so it might be some coaching, for example. It might be a communication issue, either verbal or written, so they might get coached or counselled. If it warranted disciplinary action, it might result in a warning or a final warning, depending on the severity of the matter. Part of the process is that we like matters to be resolved at the lowest level possible between the individuals concerned.

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The Hon. WES FANG: Why is that?

WILLIAM BEERDEN: Because it's a better outcome if people can resolve their differences together rather than—

The Hon. WES FANG: For whom? Is it a better outcome for the complainant or is it a better outcome for the RSPCA?

WILLIAM BEERDEN: I think it's both. But the reality is, in any workplace—I'm sure it's no different in Parliament House—you would have a policy that says if you can resolve a matter with the person involved, that would be the first step. That's typical in a grievance process. I'd say standard industry practice is what we apply.

The Hon. WES FANG: What happens when the complaint is against somebody in the executive?

WILLIAM BEERDEN: That hasn't happened to my knowledge, since I've been here.

The Hon. WES FANG: How long have you been there?

WILLIAM BEERDEN: About 4½ years.

The Hon. WES FANG: And you're saying that not one of the complaints relates to anybody within the executive group?

WILLIAM BEERDEN: I'm not aware of any complaints internally about any executive manager since I've been here.

The Hon. WES FANG: How many of these complaints have been referred for external investigation?

WILLIAM BEERDEN: Of the 23 that I mentioned?

The Hon. WES FANG: You said that there were 12 that were investigated? How many of those do you refer to an outside organisation to look at? Because obviously the HR person who you've investigated to look at these issues works under the executive group. If there's a complaint against the executive group, then I imagine you would have to get somebody external to have a look at it.

WILLIAM BEERDEN: If it was against somebody in the executive, we'd make sure there wasn't a conflict of interest. If that warranted external assistance, we'd seek that. What we do typically do, particularly if something warrants termination or potential termination, and/or there could be some reputational damage, is we might seek external assistance from an employment lawyer. We've got people who we use, and we'd have them involved in our process to make sure that we're transparent and that we're following due process and providing the complainant natural justice.

The Hon. WES FANG: Did SafeWork provide you with unsafe work notices, or did they provide you with improvement notices in relation to the way that you conduct your operations?

WILLIAM BEERDEN: We've been working with SafeWork over the last few months, in particular—

The Hon. WES FANG: That's not the question that I asked. Did they give you official—

WILLIAM BEERDEN: Yes, I'm getting to the answer. We've been working with SafeWork over a number of matters. And we have had some—I can't remember exactly if they were improvement notices. They might have been. They were more around process—about how we deal with people.

The Hon. WES FANG: You don't remember if you had improvement notices from SafeWork.

WILLIAM BEERDEN: Sorry, we've had improvement notices. I can't remember—

The Hon. WES FANG: That's not what you said originally. You said, "I can't remember if we've had improvement notices." You then said you did.

WILLIAM BEERDEN: I withdraw that. Can I answer the question again?

The Hon. WES FANG: No, this comes down to—I asked you specifically, "Did you have improvement notices?" You said, "I can't remember if we had." You knew very well that you had. You were just trying not to answer that. Is that correct?

WILLIAM BEERDEN: No, that's incorrect. We've had a number of interactions with SafeWork. I'm pretty sure we've had improvement notices.

The Hon. WES FANG: Pretty sure? You just said you had.

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The CHAIR: Would you like to take it on notice so you can provide an accurate answer?

WILLIAM BEERDEN: Thank you, Chair. I'll take that on notice.

The Hon. WES FANG: What do these improvement notices relate to?

WILLIAM BEERDEN: Some were in relation to training and others were relating to grievance management.

The Hon. WES FANG: You were forced to update your policies because your grievance management policies were not up to scratch?

WILLIAM BEERDEN: No, that's incorrect. We updated our policies last year, and we've been rolling them out since early last year.

The Hon. WES FANG: And the improvement notice?

WILLIAM BEERDEN: Those matters on which we've been dealing with SafeWork—we've been dealing with them over the last couple of months, as late as yesterday. We're still dealing with some of them at the moment.

The Hon. WES FANG: Despite all of that, you're telling me that not one of the bullying and harassment complaints that have been made within the RSPCA related to anybody within the executive group, which required you to have an external organisation look at it, and didn't relate to a member of the executive?

WILLIAM BEERDEN: That's correct. I don't recall that.

The Hon. WES FANG: Forgive me for not feeling exactly confident about that. We'll drill down on that a little bit later.

The Hon. EMMA HURST: I might ask a couple of follow-up questions from this. There are the improvement notices you have spoken about. Were there also any SafeWork orders?

WILLIAM BEERDEN: I'll have to take it on notice.

The Hon. WES FANG: How can you come to this hearing and not know that?

The Hon. EMMA HURST: Mr Coleman, as the CEO, I'm assuming you would be aware if there was a SafeWork order put into place on the inspectorate. Was there a SafeWork order?

STEVEN COLEMAN: I'm not aware of a SafeWork order, Ms Hurst.

The CHAIR: Ms Jurd, as in-house counsel, would you be made aware of legal orders being brought before the inspectorate?

KATHRYN JURD: That's a function that Mr Beerden undertakes.

The Hon. WES FANG: Apparently he doesn't.

The Hon. EMMA HURST: Mr Coleman, have any horses seized by the RSPCA ever been agisted at properties owned by families or friends of RSPCA staff?

STEVEN COLEMAN: I believe so.

The Hon. EMMA HURST: Can you provide records on how much they were being paid to agist these horses in the past five years?

STEVEN COLEMAN: Can I take that on notice, just to be really clear? But my understanding is that it was significantly cheaper than market rate.

The Hon. EMMA HURST: Do you see any conflict of interest if horses are being agisted with either staff or family of staff?

STEVEN COLEMAN: If the conflict is declared up-front, it's something that we must manage. But if it's declared, we've got an operational budget to try to work toward, together with a welfare component of geography when we seize horses. So it depends.

The Hon. EMMA HURST: Have any incidents occurred or complaints been raised internally in regard to the horses that have been agisted with family or friends of staff?

STEVEN COLEMAN: Not that I'm aware of.

The Hon. EMMA HURST: There have been no internal investigations with concerns raised internally?

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STEVEN COLEMAN: Not that I'm aware of. In relation to horses?

The Hon. EMMA HURST: To the horses being agisted with staff or their family.

STEVEN COLEMAN: No, not that I'm aware of.

The Hon. EMMA HURST: Have you provided a submission to the New South Wales Government about the funding that the RSPCA needs to continue its enforcement operations going forward?

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: Can you provide us with a copy of that on notice?

STEVEN COLEMAN: Subject to checking that off with the Minister.

The Hon. EMMA HURST: You're able to provide that to us?

STEVEN COLEMAN: Yes.

The Hon. EMMA HURST: Thank you. Ms Jurd, I wanted to ask you about the case of Daniel Brighton, which recently concluded. Can you explain why the RSPCA agreed to allow Mr Brighton's sentencing appeal and agreed that his sentence was manifestly excessive, resulting in Mr Brighton receiving no jail time for his criminal conduct?

KATHRYN JURD: He received an intensive corrections order, which is a form of imprisonment served in the community. A decision was taken in respect to not pressing aspects of the—sorry, I'll start again. The RSPCA was the respondent to his appeal. When he withdrew his appeal in the Supreme Court in December, there was nothing essentially able to be tried left before the Supreme Court. However, there was an outstanding District Court appeal.

At that point, the matter had been before the New South Wales local courts in the Local Court at Campbelltown, the District Court at Campbelltown, the Supreme Court twice—once before Justice Rothman and once before Justice Hamill—and the Court of Appeal once. It had been before the court for over five years. It was the case that we needed to get to a point of finality without litigation, the result of which was the withdrawal of the appeal in both the Supreme Court and the District Court and that concluded the proceedings.

The Hon. EMMA HURST: What I'm trying to understand is obviously there were two very high convictions. In fact, they were some of the longest jail sentences that have ever been received. In fact, you promoted that win when it first came through in the jail sentence, because it was such a high conviction. I'm just wondering why suddenly it would get dropped and why you would agree that it was manifestly excessive when two of those court cases had given very high jail sentences?

KATHRYN JURD: There was some nuance between the decision at first instance before Justice Rothman and a determination he had made with respect to objective seriousness of the offending conduct and how and whether that was capable of being appealed or overturned by either the Local Court at Campbelltown when the matter was returned for rehearing or the Supreme Court when it went back for its second appeal. Sentencing is a complicated area of the criminal justice system and reasonable minds may differ as to whether or not an outcome is appropriate or not or what the sentencing outcome is.

The Hon. EMMA HURST: It's not so much about what any magistrate decided. I understand that it did go back to the Local Court and again a very high jail sentence was imposed and he appealed it again. What I'm trying to understand is what led to the RSPCA's decision to agree that those sentences—or that last sentence, at least—were manifestly excessive?

KATHRYN JURD: The position put by senior counsel for the RSPCA in the Supreme Court was not to take contention with the categorisation of the sentence imposed.

The Hon. EMMA HURST: That was legal advice that you received. Obviously this was the case that went for years through the court.

KATHRYN JURD: Yes.

The Hon. EMMA HURST: And I'm assuming you would have got legal advice throughout it.

KATHRYN JURD: I was there 65 times in the five years.

The Hon. EMMA HURST: I'm sure you were. I think I was there with you once. Did that legal advice suddenly change? In which case, why did it change, given that you would have obviously received legal advice leading up to those other jail sentences?

CORRECTED

KATHRYN JURD: I knew from the outcome before the Supreme Court on the first occasion that certain obiter which is not binding but which is going to be fairly persuasive on any court below the Supreme Court was going to cause problems for maintaining a sentence of imprisonment subsequent to that decision. After 2020 I was aware that the dicta of Justice Rothman might cause problems for us maintaining the sentence of imprisonment at any future or subsequent date. It's not that the advice changed—I was aware of the consequence of that dicta—but the Supreme Court very rarely, as you would be aware, weighs in on issues around section 530 of the Crimes Act. It was going to be persuasive and there was not much we could do about it. It was essentially a consideration of the legality of the litigation that I was faced with that day.

The Hon. EMMA HURST: The second case that was heard at Campbelltown wouldn't have negated that in any way in regard to the first conviction?

KATHRYN JURD: Not weighing a Local Court magistrate against a Supreme Court justice, no.

The Hon. EMMA HURST: Obviously it returned to the Local Court to start again but that didn't end up being dealt with because there were concerns. My understanding—and sorry, this is a very rough explanation for it, and excuse my nonlegal ease—is that the argument was something along the lines that the animal was acting in a feral way at the time, even though the dog was microchipped and was someone else's dog, and there are exemptions for animals that are—and I don't want to use the word—feral.

KATHRYN JURD: Wild.

The Hon. EMMA HURST: "Wild" is better. Therefore, if the animal was acting in a way of being wild despite being microchipped—no? You're shaking your head, so I won't keep going.

KATHRYN JURD: I'm shaking my head, sorry. At first instance—so the first Local Court proceedings—for the first two days of the hearing, Mr Brighton made a claim of self-defence or defence of another. He sacked his counsel and then for the second two days of the hearing they ran a statutory defence of extermination of pest animals. At first instance that defence was unsuccessful. It went before Justice Rothman and Justice Rothman said that he was entitled to rely upon that defence. The RSPCA appealed to the Court of Appeal and the Court of Appeal agreed with the RSPCA that Justice Rothman had erroneously interpreted the statutory language of extermination of pest animals as capable of being cut up into pieces and understood as a piecemeal.

The reality is that it's not. The Court of Appeal, though, were worried about an issue of specific intent that's required in section 530 of the Crimes Act, so they remitted it for re-hearing rather than quashing the first orders of Justice Rothman. The matter was re-heard at Campbelltown Local Court and a third defence was proffered, that the prosecution could not prove the element of specific intention beyond reasonable doubt. Clearly we said we could. The Local Court magistrate for the second time convicted him and he was sentenced. At that sentence proceedings, obviously everyone—defence counsel and counsel for the RSPCA—were aware of the Rothman decision, if I can call it that.

There were a lot of submissions made as to whether or not the Local Court should feel constrained. The Local Court did not feel constrained and sentenced, notwithstanding Justice Rothman's position, a sentence of imprisonment. Between the conviction date and the date of sentence, Mr Brighton appealed to the Supreme Court for the second time. It's kind of complicated as to why the original appeal didn't proceed. An amended summons was filed and detailed, lengthy submissions were filed. However, on the basis that the conviction appeal was withdrawn, the RSPCA did not oppose the imposition of the original intensive corrections order that Justice Rothman initially mooted. That's how it happened.

The Hon. EMMA HURST: Is it of your opinion that the sentence applied to him at the Campbelltown court was manifestly excessive?

KATHRYN JURD: That's a complicated question. I think the intensive corrections order was within range. I don't think a sentence of imprisonment in respect of the conduct displayed by Mr Brighton was out of range. I think they are both available.

The Hon. EMMA HURST: Mr Coleman, does resourcing ever have an impact in regard to major prosecution cases like this when they are going through the court system for many years?

STEVEN COLEMAN: No. I say that, Ms Hurst, because this is the nature of the function. We end up with the lion's share of POCTAA-related complaints because we do our best to deal with them. But a consideration about whether or not we proceed against somebody—the issue of cost is not a factor. In fact the DPP prosecuting guidelines is the primary benchmark with which we form a view.

The Hon. EMMA HURST: Can I ask on notice how much it cost the RSPCA to run this case?

STEVEN COLEMAN: Do you know that?

CORRECTED

KATHRYN JURD: I know essentially what it cost, but I'm willing to take it on notice.

The Hon. EMMA HURST: I say "on notice", so if there are problems with that then I'm happy for you to put—

KATHRYN JURD: I instructed counsel in the Local Court both times the same very experienced barrister from Forbes, I instructed counsel at the Supreme Court, I instructed counsel and senior counsel at the Court of Appeal, and Mr Game of senior counsel the second time.

STEVEN COLEMAN: If I could just add to that, if the issue of cost became a reason to withdraw or deviate from process, that would have occurred a lot earlier in that Brighton matter, and it didn't.

The Hon. EMMA HURST: I've got one more question, because I know people want to move on. Have all inspectors received training on defence tactics and the use of batons and handcuffs before going to work in the field?

WILLIAM BEERDEN: I can answer that. Ordinarily, they would. That's certainly the process that we have in place at present. We found a gap in that training area. While we're talking about the inspectorate, can I just address a question that Mr Fang asked earlier about improvement notices? I want to correct the record.

The Hon. EMMA HURST: Can you also answer my question as well? I was a bit confused about what that answer was.

WILLIAM BEERDEN: The answer is that baton and handcuff training, along with a number of other compulsory training activities, are undertaken during induction, which can take up to three months for somebody who doesn't have an enforcement background or, typically, for someone who does have an enforcement background, in six weeks.

The Hon. EMMA HURST: So all inspectors are currently—

WILLIAM BEERDEN: That includes baton and handcuffs, verbal tactics—

The Hon. EMMA HURST: —issued with batons and handcuffs after they've finished those first three months?

WILLIAM BEERDEN: That is the current process. As I said, Ms Hurst, there were some gaps there. We had some issues with getting handcuffs from the handcuffs supplier. That's my understanding. But that's been corrected now.

The CHAIR: Can I go to some financial questions, Mr Coleman? In 2023 the gross income from government grants, according to your financial statements on the national charity register, reads at \$7.065 million. How does that reconcile with the Government's announcement in that same year of \$20.5 million? I'm happy for you to take this on notice because there are more conflicts. It also conflicts with the 2022-23 annual report, where you report a total revenue of \$16.5 million, but your annual financial statements on the register state \$75 million in total revenue in 2022 and \$65 million in 2023. Where does that \$50 million-odd disappear to between one financial report and another? There seems to be a lot of financial discrepancies between what you have on your website and what is being reported federally to the ACNC register. On notice, can you come back to us and clarify that?

STEVEN COLEMAN: Yes.

The CHAIR: Are you able to provide on notice any further breakdown in terms of wages in terms of expenses and staff? How much of that \$35 million is inspectorate? How much of it is CEO, deputy chief inspector and the 500 other employees?

STEVEN COLEMAN: I can take that on notice.

The CHAIR: Can I go to the board structure? Does the board receive honorariums for their work?

STEVEN COLEMAN: We pay expenses, but they're volunteers.

The CHAIR: So they issue an invoice for their expenses, whether it's travel or accommodation et cetera, and you pay?

STEVEN COLEMAN: Yes.

The CHAIR: Is there a limit in terms of what you'll accept? Is there a maximum that you'll accept in terms of expenses?

CORRECTED

STEVEN COLEMAN: We generally organise their accommodation and travel, and we make sure that it's reasonable.

The CHAIR: Define "reasonable". What would you accept as reasonable? Is there a limit?

STEVEN COLEMAN: It depends what the location is. Obviously city accommodation is more expensive than regional.

The CHAIR: And regional accommodation is sometimes limited.

STEVEN COLEMAN: Correct.

The CHAIR: But there's not a set rate that you have in terms of per night or anything?

STEVEN COLEMAN: We have a set rate for staff.

The CHAIR: What's that? On notice, if you want to—

STEVEN COLEMAN: Yes, I'm happy to supply that.

The CHAIR: Can I go to one board member? I'm just concerned about how this isn't a conflict of interest. If you read Ms S. Cruickshank's bio, it says she's "currently a senior executive in the NSW Department of Premier and Cabinet and has amassed three decades of experience in policy development, public affairs and strategic communications". So she is still working for the Government in a fairly senior role and she's on the board of your company that receives government grants. To me, that's a clear conflict of interest. How is that conflict of interest managed?

STEVEN COLEMAN: She is not part of any submission. She is not part of discussions that relate to the formula that we apply to provide a submission for funding. She's at arm's length.

The CHAIR: What's the process of joining the board? Is there a minimum and maximum time period in terms of board positions? Are they elected annually or biannually? Perhaps on notice, can you provide—

STEVEN COLEMAN: Our constitution reflects a board that can have up to eight member-elected directors. If we have a skills gap, the board can coopt up to four directors to bridge that gap. Elections are every second year.

The CHAIR: Do you have to follow the normal procedures in terms of Fair Trading in notifying members in writing within 28 days of an AGM?

STEVEN COLEMAN: Yes.

KATHRYN JURD: The constitution covers corps Act compliance.

The CHAIR: Can I pick up on a couple of questions from Mr Fang on workplace safety? You've talked about the number of complaints. How many of those complaints resulted in workers compensation claims? How many of them were actually reported to your nominal insurer for claims?

WILLIAM BEERDEN: I'll have to take that on notice, Chair.

The CHAIR: On notice, can you also come back with how many workers compensation claims you've had over the last three years for what would best be described as psychosocial hazards—bullying, harassment, stress and mental health? We've heard from the vet inquiry that vets are under extreme pressure. Inspectorate officers would be under the same stress, dealing with what they're dealing with. I'm interested about how that's manifesting like with other industries.

WILLIAM BEERDEN: I can certainly do that. To Mr Fang's point, if I can correct the record, we have indeed had a couple of improvement notices relating to the inspectorate, one of which was psychosocial claims. The other one was in relation to training, which was baton and handcuffs training. It goes to both of your questions. If there's any supplementary questions, I'm happy to take them now or on notice.

The CHAIR: There's one final question from me, and then I'm happy to pass back to other people. From an operational perspective, are RSPCA inspectors allowed to lie to potential or alleged offenders in the course of their investigation to secure evidence? Are they allowed to mislead in any way?

KATHRYN JURD: No.

The CHAIR: Are they allowed to set up false Facebook profiles as part of some sort of digital intelligence gathering?

CORRECTED

KATHRYN JURD: I don't know about fake Facebook profiles. I would suggest that investigation techniques are not normally the subject of disclosure where it might tip people off to how the RSPCA comes into possession of evidence. That's what I will say.

The Hon. PETER PRIMROSE: Can I ask for your comments in relation to the terms of reference dealing with annual reports and financial statements? I want to take up matters that were raised in the Animal Care Australia submission that we've received. On page 4 of their submission, they state:

... the Inspectorate operations for both RSPCA and AWL are not reported separately to the Shelter and Vet Clinic operations. This means that the wages for inspectors, the operational costs, animal care costs and legal expenses are not able to be assessed or reviewed in any meaningful way. For example, does the Deferred Income: Grant Funding: \$28,186,000 include the \$20.5m provided by the Govt in February 2023?

I was wondering if you'd like to comment on that.

WILLIAM BEERDEN: I can answer that. The answer is yes, the \$20.5 million funding is included in that. It's accounted for and acquitted on a quarterly basis. I have got the exact figures here. To March this year, from 1 July 2023, we've acquitted \$20,178,000 of the \$20.5 million of the one-off grant funding.

The Hon. PETER PRIMROSE: In addition to that specific example, the point they're making is that it's difficult for members of the public to disaggregate their particular concerns from the documents that are presented.

WILLIAM BEERDEN: I've got a breakdown of some of those figures here. For example, over that same period from 1 July 2023 to 30 March 2024, there was \$12,678,000 spent on the inspectorate. Shelters and clinics was \$3,956,000, our cost centre was \$1,138,000, legal was \$571,000, our domestic violence outreach program was \$343,000 and our overheads were \$1,492,000.

The Hon. PETER PRIMROSE: Mr Coleman, in your previous evidence in an answer to Ms Boyd, you spoke of section 34B of the Act, requiring you to provide a very detailed report of your inspectorate activities to DPI by the third month of the end of the financial year. You had said you would have no problems with that being made publicly available. Why isn't it publicly available?

STEVEN COLEMAN: Mr Primrose, I actually think that 34B report would go a long way to answering a lot of the questions that continue to come up. We provide that as a statutory requirement of the Act to DPI. We would maintain that in a de-identified way. We would have no issue with releasing that information—it is very detailed—but we currently provide it to the DPI.

The Hon. PETER PRIMROSE: Is there a legislative requirement that would prevent you from making that document publicly available?

KATHRYN JURD: No. It's a report to the Minister, though. If it's to be released, it should be released with the Minister's approval.

The Hon. PETER PRIMROSE: If you take out the bits that you're worried about, is there any reason that a detailed document, not with all of the material—that's up to the Minister, as you say—but which would allow such as the inspectorate operations to be disaggregated, as we have heard, if that is going to resolve the problems for a lot of people, is there any reason why you couldn't release that as a separate document?

KATHRYN JURD: For the last two years, I have provided—the report goes via Chief Inspector Meyers, but it goes having been checked by lots of staff, including me. For the last two years, I have provided a de-identified version of that report, in case the Minister wanted to make it public and because I was aware, obviously, that this inquiry may enquire into the terms of that report. Then I provided a fulsome one that was not de-identified, in case the Minister wanted to investigate any of the particulars of the matters that I had redacted. Our position since 2019 has been that if the report needs to be tabled, it can be, and I've taken steps to make sure that that can be achieved for two years.

The second aspect I would say is that whilst the year in review is created for a particular purpose—that is, it goes out with our AGM notification for members, volunteers and supporters of the RSPCA—what this inquiry is interested in, they're not necessarily the same thing. Yet, there are detailed statistics available. For example, our Keeping Cats Safe at Home program has a detailed return on investment report. There are more details available on the website that's just not printed in a little report.

The Hon. PETER PRIMROSE: I'm just trying to understand. Mr Coleman, again today you have correctly stated that a lot of the concerns would be overcome. I appreciate that there may be some information and details that are provided to the Minister that you would not like to make available. However, we're talking about data. Surely it would be appropriate for the RSPCA to make a much more fruitful and substantive document

CORRECTED

available online to the public to overcome the concerns that others have expressed that you believe that that data would actually assuage.

STEVEN COLEMAN: Mr Primrose, can I give you an undertaking? I'm happy to have this conversation with the current Minister and, unless government can provide us with a legitimate reason as to why we couldn't do that, we will do that.

The Hon. PETER PRIMROSE: Thank you. I appreciate that.

The Hon. WES FANG: Mr Coleman, I've got a couple of questions that relate to brumby issues. You would be well aware that we're probably going to have another hearing. I expect that you will be called, and I hope you bring Mr Meyers and maybe he can bring his leave app and show us that he was actually on leave now. Your enforcement team visited the illegal knackery near Wagga Wagga earlier this year, didn't you? Is that correct?

STEVEN COLEMAN: We attended a property near Wagga, yes.

The Hon. WES FANG: Under the direction of Racing NSW?

STEVEN COLEMAN: In September of last year, yes, I believe so.

The Hon. WES FANG: That was recently attended by Wagga Wagga City Council, where they found approximately 500 horse carcasses. How was it that—

STEVEN COLEMAN: Prior to September, do you mean?

The Hon. WES FANG: No, they attended it recently and found 500 carcasses in any number of stages of decomposition, but certainly there would have been a number of carcasses at that site at that point. What have you done in relation to that and why has it taken so long? Why did Wagga Wagga City Council have to end up closing up that illegal knackery?

STEVEN COLEMAN: There are two parts to that question, Mr Fang. Why did it take RSPCA so long?

The Hon. WES FANG: Yes. I mean, I thought you attended in January this year, but you're telling me now it was September last year.

STEVEN COLEMAN: We attended on both occasions, yes.

The Hon. WES FANG: So you've attended twice?

STEVEN COLEMAN: In respect of welfare complaints, that's right.

The Hon. WES FANG: Did your inspectors see the 500 horse carcasses?

STEVEN COLEMAN: No.

The Hon. WES FANG: Did you see any horse carcasses?

STEVEN COLEMAN: We saw remnants of skeletons, yes.

The Hon. WES FANG: Did that prompt you to ask questions about why there were remnants there and what had happened to the horses?

STEVEN COLEMAN: Yes, it did.

The Hon. WES FANG: Were you aware that that was operating as an illegal knackery?

STEVEN COLEMAN: No, and I'm not—

The Hon. WES FANG: Your inspectors didn't think to ask that?

STEVEN COLEMAN: Mr Fang, unless I've missed something, I'm not aware—there are allegations of an illegal knackery, and we've certainly put questions to the person of interest, all of which has been denied. That, together with dealing with complaints around their dogs on the property, all of which were considered to be in reasonable condition—

The Hon. WES FANG: Let me ask, then: Is there a current ongoing investigation into the property in Wagga, where the illegal knackery was located by Wagga Wagga City Council?

STEVEN COLEMAN: The most recent complaint that we received was this week, and we have responded.

The Hon. WES FANG: Is there a current ongoing investigation in relation to that property?

CORRECTED

STEVEN COLEMAN: I believe that the Food Authority is still investigating, or through DPI. I believe that the Wagga Wagga City Council are still investigating.

The Hon. WES FANG: The two previous visits where you attended the property, has the RSPCA concluded its investigations into those two previous visits?

STEVEN COLEMAN: Yes.

The Hon. WES FANG: Did you find any animal welfare concerns?

STEVEN COLEMAN: No.

The Hon. WES FANG: Are you kidding?

STEVEN COLEMAN: No.

The CHAIR: Order!

The Hon. WES FANG: What happened in relation to the brumby that was shot in Kosciuszko National Park that your investigators attended to with Mr Byrne?

STEVEN COLEMAN: Is that Shannon Byrne?

The Hon. WES FANG: Yes.

STEVEN COLEMAN: I think two inspectors attended with an independent veterinarian.

The Hon. WES FANG: Correct.

STEVEN COLEMAN: Mr Byrne took our inspectors and that independent veterinarian to the carcasses. I think they were the subject of a post-mortem.

The Hon. WES FANG: What has happened with the investigation?

STEVEN COLEMAN: The conclusion was that there were no POCTAA breaches. Those animals had been shot appropriately.

The Hon. WES FANG: You told me previously at the brumby inquiry that you had spoken to National Parks about 360-degree cameras.

STEVEN COLEMAN: Yes.

The Hon. WES FANG: They denied that, and then they've said that nothing has happened. What have you done in relation to that?

STEVEN COLEMAN: We've had more discussions about cameras and the challenges that National Parks—

The Hon. WES FANG: Great. The discussions seemed to go nowhere last time. What concrete action are you taking around this?

STEVEN COLEMAN: Mr Fang, National Parks, as far as I'm aware, are not mindful of including cameras, consistent with your request.

The Hon. WES FANG: I appreciate that, but it was also your request, Mr Coleman.

STEVEN COLEMAN: Mr Fang, if I got compliance with every question I asked, I probably wouldn't be working—

The Hon. WES FANG: Mr Coleman, given that you've given feedback on their SOPs, given that they're using you as the scapegoat for their current aerial culling programs and given that the only reason that they're doing it is because they're pretty confident that you're not going to prosecute—you are the scapegoat. If you insist on it, I'm pretty sure it'll happen.

The Hon. PETER PRIMROSE: This is a series of allegations. How about letting him answer the question rather than just making allegations?

The Hon. WES FANG: An hour, and I haven't had one single answer yet.

The Hon. PETER PRIMROSE: All we've heard is you.

The Hon. WES FANG: Honestly, all I've heard is that your organisation is bullying—

The Hon. PETER PRIMROSE: We've heard you endlessly making political statements.

CORRECTED

The CHAIR: Order!

The Hon. WES FANG: It's not a political statement. I have never seen an organisation this badly run.

The Hon. PETER PRIMROSE: It's called the National Party.

The Hon. WES FANG: Mr Coleman, you've been there for 30-something years. I think the RSPCA needs new leadership.

The CHAIR: Order!

The Hon. PETER PRIMROSE: Have a look at the National Party.

The Hon. WES FANG: I'm not confident that you are the person to lead the RSPCA.

The CHAIR: Order!

The Hon. PETER PRIMROSE: It's the RS National Party.

The Hon. WES FANG: I do not believe that you have the ability to lead this organisation.

The CHAIR: Order! Mr Fang!

The Hon. GREG DONNELLY: Point of order—

The Hon. WES FANG: I believe your organisation is—

The CHAIR: Order! Mr Fang, that is enough!

The Hon. WES FANG: You should stand aside, Mr Coleman. The time for questions has lapsed. Can I just put a final question on notice regarding the 500 horses? Was your visit in September 2023 the result of an email that was sent to you by a Ms Mavrides regarding the fact that Mr Talbot was on the Racing NSW banned list? Can you confirm whether that was the cause for you go out to that site or not?

STEVEN COLEMAN: I don't believe so, Mr Chair.

The CHAIR: My apologies that we have ended in that way. You have agreed to take several questions on notice. The secretariat will be in touch in terms of getting those answers back, and there may be supplementary questions as well. Thank you for your time today.

(The witnesses withdrew.)

CORRECTED

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

Dr KIM FILMER, Chief Animal Welfare Officer, Department of Primary Industries, before the Committee via videoconference, affirmed and examined

The CHAIR: We have our next witnesses online. Did either of you want to make an opening statement or are you happy to proceed with questions?

KIM FILMER: Happy to proceed with questions and get straight into it.

The CHAIR: We have agreed to have free-flowing questions. I just ask that the Committee members indicate who they are and who they are questioning so Hansard can decipher.

The Hon. EMMA HURST: As the department responsible for administering and overseeing POCTAA and its enforcement, I wonder why the DPI did not make a submission to this inquiry.

JOHN TRACEY: Thanks, Ms Hurst. There is a lot of interest in this topic, so we have a lot of direct engagement and we felt it was not appropriate for us to make our own independent submission.

The Hon. EMMA HURST: We have been told for a while that the DPI is conducting a review into funding for the two enforcement agencies, consistent with the Government's election commitments. Can I ask where this is up to and, noting that we are very close to the end of the financial year, if you are aware if a decision has been made?

JOHN TRACEY: That review has been completed, and that will be considered as part of the upcoming budget process.

The Hon. EMMA HURST: So, as far as you are concerned, that has gone to the Minister and is still sitting with her?

JOHN TRACEY: I think the Minister has seen that and approved it, but it will now be considered as part of the broader budget process for New South Wales Government.

The Hon. EMMA HURST: Sorry, so the Minister has approved your recommendation rather than the recommendation made directly by RSPCA?

JOHN TRACEY: She has just approved the report.

The Hon. EMMA HURST: The actual funding amount hasn't been decided.

JOHN TRACEY: That's right.

The Hon. EMMA HURST: We heard that the RSPCA has put in their own budget submission. Have you read that submission and considered that as part of your own review?

JOHN TRACEY: It has been considered as part of the review, yes.

The Hon. EMMA HURST: Within the DPI?

JOHN TRACEY: Yes, that is my understanding.

The Hon. EMMA HURST: You would have heard in the evidence that the RSPCA just gave—at least I know Dr Filmer was watching in—that the RSPCA advised that it had received SafeWork improvement notices because it was sending out officers on their own, without baton and handcuffs and without appropriate training. Was the DPI aware of this?

KIM FILMER: We weren't.

The Hon. EMMA HURST: You were not aware? Does it concern you and would you expect, as the Department of Primary Industries that oversees the RSPCA, that you would have been told about SafeWork issues that had come up?

KIM FILMER: I don't think we would normally expect to hear about that, because that is an operational matter and the MOU that we have with the RSPCA and the Animal Welfare League articulates that they have a policy to deal with things like that. So they would normally deal with that within the organisational level.

The Hon. EMMA HURST: You don't have any concerns?

KIM FILMER: No.

CORRECTED

The Hon. EMMA HURST: I assume then that you won't be taking any further action or meeting with the RSPCA to discuss the SafeWork issues that have come up?

KIM FILMER: We meet regularly with the RSPCA and the Animal Welfare League. We have fairly formal meetings quarterly with them but have other ad hoc meetings for various reasons throughout the year. So we do have a lot of interaction with them, and it is something that would possibly come up. We have discussed the inquiries and recommendations that have been in the past in terms of them going two up and what a risk-based enforcement agency would look like. There has been some general discussion around that, but that is an operational matter that they would handle and have oversight of themselves.

The Hon. EMMA HURST: Will it be given any consideration in regard to the ongoing funding?

KIM FILMER: The ongoing funding is a matter for government.

The Hon. EMMA HURST: Obviously, it is something you have only become aware of now and that review is completed. If there were further reviews, is it something that would be considered?

KIM FILMER: If there were further reviews, anything that is of interest or of note of course would be considered.

The Hon. EMMA HURST: A witness that came to the inquiry today said that they got advice from the DPI that someone who goes to court and challenges a PIN could end up with one of the automatic lifetime animal bans that exist for aggravated animal cruelty or serious animal cruelty. My understanding is that this would not be correct. Did this advice come from the DPI?

KIM FILMER: I am not aware of that advice being given at all.

JOHN TRACEY: Dr Tracey, are you aware of any advice that people challenging a PIN could end up with an automatic lifetime animal ban?

JOHN TRACEY: No, I am not aware of any advice like that.

The Hon. EMMA HURST: Is it your understanding that it does not exist for the majority of offences that are able to have a PIN imposed?

JOHN TRACEY: I would have to check that, but that does sound appropriate. I might have to confirm that one.

The Hon. EMMA HURST: My understanding is that the only provision would be illegal animal fighting. I am not sure why a PIN can be imposed for animal fighting, but if someone was charged or given a PIN for illegal animal fighting and took that PIN to court and was found guilty for animal fighting, they could end up not so much with a lifetime animal ban but a court-imposed ban unless special circumstances exist. I think that's probably the only provision that I just wanted to confirm. Is it a concern of the DPI that the Animal Welfare League only has one inspector still going out to inspections, when obviously there's a movement within the RSPCA to move to at least two inspectors for safety reasons? Obviously DPI has a policy to make sure that there are two, and the police have two. Is it a concern that the Animal Welfare League, with only seven inspectors, are often only going out with one?

JOHN TRACEY: Yes, we may be concerned; it just depends on the level of work and so on. In terms of our policy, we don't always send two out. It depends. For the serious cases we would; for single cases, depending on what it is. If it's an audit or standard inspection, we often do have only a single inspector go out. So it depends on the circumstances of what they're doing. It's difficult to answer in a general sense.

The Hon. EMMA HURST: Sorry, what do you mean it's difficult to answer?

JOHN TRACEY: It depends on the circumstances of the activities that they would be undertaking as to whether it would be a concern or not.

The Hon. EMMA HURST: Did you hear the evidence given by the Animal Welfare League inspector on this?

JOHN TRACEY: No, I didn't.

The Hon. EMMA HURST: She explained to us that the majority of times they would be going out with just one inspector. Unless someone has been specifically alerted as being a violent or aggressive person, or there was something to highlight that that might be the case, they could be walking into an unknown situation. Is that something that will be considered in regard to funding for the Animal Welfare League?

CORRECTED

JOHN TRACEY: I think all of those aspects are part of the consideration, both in the review and as something that the department can be taking into consideration.

The Hon. EMMA HURST: Did a review occur for the Animal Welfare League as well as the RSPCA?

KIM FILMER: Yes.

JOHN TRACEY: Yes.

The Hon. EMMA HURST: And so that was included in that review—that they would like to double their inspectorate to 14, as they said at this inquiry, so that they can ensure that they are sending out two for the safety of their workers.

JOHN TRACEY: I'm not sure that that, specifically, was considered. In general, the overall size of the number of inspectors, the workload and the funding were part of the review, so in general terms that would be.

The Hon. EMMA HURST: Can you take that on notice, then?

JOHN TRACEY: Sure.

The Hon. EMMA HURST: A major concern that we've heard throughout this inquiry is the lack of robust, consistent reporting and that real transparency around reporting. There's a strong consensus this should be mandatory, and obviously that was a previous recommendation in the inquiry last year. Why hasn't this been implemented?

KIM FILMER: The 34B reports, the POCTAA reports, that's what you're referring to—the reports that go to the Minister?

The Hon. EMMA HURST: No, what I'm talking about is the fact that there's no consistent reporting, that the two organisations give very different reports each year and that there's a lot of information that doesn't ever need to be made public, for example. There's a strong consensus that there should be mandatory public reporting and that that should be consistent for both of those organisations, so that people can understand what's actually inside those reports each year.

KIM FILMER: Are you talking about financial reports or shelter statistics? I'm a little bit confused.

The Hon. EMMA HURST: People are talking about all of it. It's not one specific thing that people want reported; it's all of it that people are talking about wanting transparent reporting on.

KIM FILMER: That's certainly something that we can discuss with them. I've watched most of the inquiry today, and there does seem to have been an acknowledgement by both the organisations that they would be willing to increase the amount of reporting that they do.

The Hon. EMMA HURST: Obviously this is something that came up last year at this inquiry. I understand you're saying that you're happy to talk to the organisations now about doing it. I'm just wondering why nothing has happened over the last year.

KIM FILMER: There's been discussion around specifically those section 34B reports that go to the Minister. That seemed to be the main thrust of discussions at the last inquiry, from my memory of it. I might be wrong but that's what I seem to recall. There has been some discussion around those reports and whether, rather than just being given to the Minister, they could be tabled or released. In the format that they were previously provided in, there would have to be redactions or there would have to be some change in the way the information was presented, because I'm pretty sure that there would be privacy issues with some of the detailed information that's provided in there. It's a matter of deciding.

If those reports are going to be released, either the way they're presented or what's put in there in the first place would have to be slightly modified, or they'd have to have some redactions. That makes reports read a bit funny, if you have to black bits out. But you would have to change it because—I'm not a lawyer, as I've probably said in this forum before, but I'm pretty sure there would be privacy issues with some of the information that's provided in there. If they are to be released, I think it's going to be important that the format is changed a little bit. As you know, it's legislated under section 34 what information has to be provided, and they do their best to provide good, detailed information to the Minister. Without removing the detail and then having something suitable to be released, that's going to be the balance in terms of what could be released to the public.

The Hon. EMMA HURST: Thank you, I appreciate that. One of the key concerns that's been raised in this inquiry is that at the moment there isn't really anywhere people can go if they've got concerns about the enforcement activities under POCTAA. What is the DPI doing to address that concern?

KIM FILMER: Could you just explain your question, please, with respect to its—

CORRECTED

The Hon. EMMA HURST: Sure. A concern that's come up today, particularly, is the fact that if there is an investigation, or no investigation, or somebody is being investigated and they feel like they've been wrongfully targeted, or somebody has not been charged when they feel like clearly they should have been—we've heard all sorts of concerning accusations today—there's nowhere for people to go to have that investigated. We've been told that the only place they can really go to have that investigated is to the organisations themselves, and people have said that they don't feel that that's an adequate process. I'm wondering what the Department of Primary Industries is doing to help address that concern.

KIM FILMER: You'll probably recall from the animal welfare bill that was put up a couple of years ago now that there were some proposals in there to engage the use of the Ombudsman to look at situations like that. As you know, that didn't go through, so we're still working on the amendments to POCTAA or the reform to POCTAA—things like that. I don't know what the outcome of that process is going to be, but there certainly was an intent, as you know, a couple of years ago when we had the animal welfare bill up in front of Parliament to have some of those issues looked at through that animal welfare bill that went through.

The Hon. EMMA HURST: We have no time line on any new draft animal welfare bill. Is there anything people can do now, until we potentially see the new bill and see if that Ombudsman clause is back in there?

KIM FILMER: As you will recall from budget estimates, the Minister has said that we will be undertaking a review of POCTAA and it's to be in Parliament by the end of the year, so that's the time frame that we're working towards. There'll be opportunity for people to comment on that bill. I don't have the time lines on that but the intent is for that to be done, as was stated at budget estimates, by the end of the year.

The Hon. EMMA HURST: If somebody actually had a complaint or concern now, there's still nowhere they can go until we pass this animal welfare bill at the end of the year?

KIM FILMER: I'd probably have to take that on notice. I think I'd have to ask that as a legal question, sorry.

JOHN TRACEY: People can always come to DPI about those factors, as I know you have, Ms Hurst, around this issue. Then we can pick it up once it does. We can always take some feedback, anytime.

The Hon. EMMA HURST: With that in mind, Dr Tracey, has the DPI ever taken any steps to ensure that the enforcement agencies are appropriately upholding POCTAA, including conducting investigations and prosecuting cases where appropriate?

JOHN TRACEY: The department doesn't have a role in overseeing that function, but we do work closely with both RSPCA and Animal Welfare League so we're often in conversations about compliance. We undertake compliance activity and investigations together so there is joint work and discussion. There are quarterly meetings so there's a lot of interaction between the agencies. We work very closely with both.

The Hon. EMMA HURST: If somebody came to you to say that there was a case, hypothetically, that an inspector didn't prosecute somebody because they knew them really well, and they went to the DPI in this scenario because at the moment there's nowhere else to go to, would it just be a conversation if the DPI decided to look into it?

JOHN TRACEY: Yes, it wouldn't be our role to investigate that. What I will say is that if there is corruption, there is a pathway through ICAC that people can refer—so it depends on the matter that's being raised. As Dr Filmer stepped through in terms of complaints, with incidents that happen in an inspectorate, if it's not related to corruption, the process then would be an internal one. That often does involve external audits and investigations. You've got the chief inspector, the CEO and the board there that can take action in terms of both internal and external reviews of those matters.

The Hon. EMMA HURST: It's still an internal process, realistically, until there's some kind of legislative change—which may come at the end of the year. I also want to get an update on where the work is up to on the independent office of animal welfare. One thing that's come up a bit today is whether or not that office will have a role in overseeing and managing the functions of any inspectorate. Can we get an update on where that's up to and any known timeline?

KIM FILMER: It's probably too early to say. It's too early to say what the actual functions of that independent office will look like. There's work being done on that. As you know, it's a new concept so it's quite untested is how you would describe it. Working through the options for that is going to take some time and needs to be carefully considered. Again, that's an election commitment that we are aiming to have completed by the end of this year. That's probably as much detail—I can't give you a lot of detail because we're still working through that detail at this stage.

CORRECTED

The Hon. EMMA HURST: Will some of the evidence that has come up in this inquiry be included in considerations around the functions of that office?

KIM FILMER: Absolutely. I think these inquiries are an opportunity to look at people's concerns, look at what's being said and determine whether the evidence that's been given is factual and has basis to it and therefore can be used to help inform decision-making.

Ms ABIGAIL BOYD: I feel like we've been, for the last few years, talking about funding a lot. We are always at this position where we don't have enough inspectors and animals are being put in harm's way because of it. We know that rescue organisations across the State have been taking up a lot of that slack. Has the department done anything in terms of analysing exactly how much work is being done by rescue organisations and what it would take to provide them with some core funding to help them keep doing what they're doing?

KIM FILMER: Most of that rescue operational work sits with the Office of Local Government in the companion animals space. You're talking about the rehoming aspects of animals. Is that what you're referring to?

Ms ABIGAIL BOYD: Yes, it covers everything from cattle—cows and horses and everything else—as well as rescue organisations for wildlife and also rescue organisations for dogs and cats. It's a large group of different animal organisations that are doing that work.

KIM FILMER: Yes, I think if you look at the functions that we have, our function is around the pieces of legislation for POCTAA, animal research and exhibited animals. That's our main, core function. Rehoming the wildlife aspects sits with National Parks more and then the rehoming companion animals part sits more neatly within the Companion Animals Act—that's its function—which sits within the Office of Local Government. I'm not trying to duckshove your question but that specific area probably does sit with those other two agencies a little more than it does with ours. Ours is more around the legislated functions of POCTAA, exhibited animals act and the Animal Research Act.

Ms ABIGAIL BOYD: Thank you. I know that you talked a bit about this with my colleagues but it's been a bit shocking to hear some of the testimony given today in relation to the RSPCA in particular. What actions has the department taken to get itself comfortable that there are not endemic problems in the RSPCA and that it's back on track?

JOHN TRACEY: It's not the department's role to oversee the operation of RSPCA but we do, as we've talked about, work closely. If we do see issues, we work with RSPCA and Animal Welfare League. We have a close working relationship and we regularly communicate with them. Beyond that, typically we don't engage in terms of investigating operational matters of the RSPCA. That's the responsibility of RSPCA, which then report to the Minister.

Ms ABIGAIL BOYD: Given the consequences if those organisations aren't as doing as well as we might want them to, and given just how much of the Government's responsibilities are outsourced to those organisations under legislation, this underscores the need then for an independent office of animal welfare to really oversee. If the current position is that the DPI is not the one, then these organisations are acting as quasi-agencies for the Government. Is that a role then that we would see for an independent office of animal welfare?

KIM FILMER: I think that's something that certainly could be considered. As I said, the independent office is being worked on and we're looking at what gaps there are. If that's perceived to be a gap in this inquiry—if that's what is highlighted—then that's something that we'd certainly look at as part of the development of that new independent office.

The CHAIR: To close that loop in terms of the relationship between you and the ACOs, do you have vision at all, even just to look at the ACOs' standard operating procedures in terms of how they actually operate? Do you have vision of their SOPs at all, in terms of their inspectorate activities?

KIM FILMER: Yes, we do. We've got copies of their SOPs. Is that the question?

The CHAIR: Yes. You have copies of them? Do you ever have cause to have discussions with them about improving those SOPs or their adherence to those SOPs?

KIM FILMER: As we've stated, it's not our role to be overlooking their operational matters so, no, we're not looking at that but—

The CHAIR: Even if a concern was presented to you because a member of the public has no other option? They come to you with a concern around one of those ACOs not following their own SOPs but you would have no way of having that conversation with those ACOs about that potential breach.

CORRECTED

KIM FILMER: If somebody came to me, I would always pick up the phone and have a conversation with them. We have a working relationship in that sense so if the public is concerned, then I'm concerned, and if it's necessary to raise it, then it would be discussed.

The CHAIR: One final one from me to do with the report that's provided to the Minister. The legislation is unclear as to what actually is in that report. Does it include financial information, in terms of how the money that is given by the Government to assist with the inspectorate activities, and actually detail or itemise how that has been spent? Because their annual reports, both on their own website and also on the national Charity Register, are conflicting in terms of their expenditure and their revenue. Even how much money they received from government grants is conflicted, so I'm wondering what level of detail in terms of finances comes back to the Minister in that report.

KIM FILMER: As you know, under section 34 it details quite specifically what information they are to provide in that report. It's not a detailed financial report but it pretty well accounts for every animal that they've ever looked at in the space of 12 months. It's got very detailed information around the types of animals and the types of complaints being made about the different types of animals. There's a breakdown of all those sorts of things. It has a breakdown of the inspectorate: how many inspectors there are and what training they've undertaken. It's got information about—what else has it got in there?

The CHAIR: Do you think that's a deficiency in the reporting functions and something that may be needed to be improved in terms of any review of animal welfare? If we were to keep the ACOs performing this role and they're receiving government money, shouldn't that report include how they've spent government funds?

KIM FILMER: Yes, I think that's correct. It's possible that, rather than an MOU with them, the Government could have a service-level agreement, which would probably require that sort of information to be provided. That's something that, again, is being considered as part of the review process.

The CHAIR: As there are no further questions, we have an early mark. I don't believe you took any questions on notice. If you did, the secretariat will be in touch in terms of timeframes on getting them back, and any supplementary questions we may come up with after. Thank you very much for your time.

(The witnesses withdrew.)

The Committee adjourned at 17:00.