



Animal Defenders Office

Using the law to protect animals

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PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE AND NATURAL RESOURCES

2021 Inquiry into the approved charitable organisations under the *Prevention of Cruelty to Animals Act 1979*

Responses to the Inquiry Survey by the Animal Defenders Office

Submitted 28 February 2022

TERMS OF REFERENCE

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

Interested individuals were invited to comment by completing an online questionnaire, open until 28 February 2022: <https://www.surveymonkey.com/r/5ZCJTVM>

Comments on matters contained in the annual reports of the approved charitable organisations, including financial statements.

The Animal Defenders Office (“ADO”) is concerned about matters that are not contained in the annual reports of the approved charitable organisations (“ACOs”) as published on their websites. These documents are crucial in enabling the community to evaluate how well (or not) our animal protection laws are operating and to identify issues for reform and areas requiring additional funding.

The annual reports should provide information on the following matters during a reporting period.

Complaints

- The type of animals complaints are about, regardless of whether the complaints were followed up.
- The number of complaints that lead to follow-up action eg an attendance or witness interview.
- The outcomes of complaints.
- The number of complaints not pursued due to a lack of resources or for other reasons (ie 'turn aways').

Inspectorates

- The number of inspectors employed by the ACOs.
- Investigations not pursued due to a lack of resources.
- The cost of running the inspectorates (this was difficult to find in AWL's annual report), what percentage of the total expenses that represents, and how much was funded by the NSW Government.

Prosecutions

- The number of prosecutions finalised in a reporting period, including:
 - the number and types of victim animals
 - the offences
 - outcomes eg charges dismissed, verdict, sentences, court orders
- The number of cases *not* prosecuted due to a lack of resources.
- Where successful outcomes at first instance were overturned on appeal, and why.

Stock welfare panels

The use of, and outcomes from, stock welfare panels, including their duration, their outcomes, and the fate of all animals involved (including those who do not survive).

Comments on the exercise by the ACOs of their compliance and enforcement functions under POCTAA.

The lack of transparency around the operations of the ACOs makes it difficult to assess how they exercise their compliance and enforcement functions under the *Prevention of Cruelty to Animals Act 1979* (NSW) ("POCTAA").

For example, the ADO represented a member of the public during the current financial year in making a complaint to an ACO about several farmed animals kept by a large charitable organisation. The ADO prepared a comprehensive complaint identifying potential breaches of animal welfare laws and codes of practice. Substantial evidence was provided, and the complainant/client indicated their willingness to make a statement and/or testify. No response from the ACO was ever received by either the ADO or the client. The client was extremely distraught at the lack of a response. Making the complaint took a considerable emotional toll on the client, who had spent much time, effort and money on compiling the evidence. Making the complaint and compiling the evidence also put the

client's personal safety at risk. To receive no response at all from a major enforcement agency represents a significant failure of our animal protection enforcement framework.

To properly assess how the ACOs exercise their compliance and enforcement functions under POCTAA, the community would need to know information that is currently very difficult, if not impossible, to obtain:

- The number of written directions and/or penalty infringement notices issued in a reporting period, and for how many animals, what type of animals, and which offences.
- The number of routine inspections undertaken during the period, at what type of establishments, and how many were unannounced.
- Whether routine (or any) inspections of wildlife harvesting programs (eg kangaroo shooting) are undertaken.
- How complaints about cruelty to animals in rural and remote areas eg about farmed animals or wildlife, or after-hours complaints are handled.

Any other comments

SHELTER KILL RATES

The ACOs must be required to report on how they can lower the euthanasia rates at their shelters. For example, according to the 'Animal Outcomes' table on p17 of the RSPCA's 2020-21 annual report on its website, the number of dogs and cats euthanased was more than half the number who were rehomed (dogs: 2,205 rehomed, 1,156 euthanased. Cats: 7,451 rehomed, 3,913 euthanased). For 'livestock', the number euthanased was more than 3 times the number of the same category of animals who were rehomed (900 v 277).

ACCOUNTABILITY

The ADO strongly supports the following measures to improve the accountability and transparency of the ACOs:

- Making the ACOs agencies for the purposes of the *Government Information (Public Access) Act 2009* (NSW).
- Creating a process to allow members of the public to make a complaint about ACO inspectors.
- Making public the reports provided by the ACOs to the Department.

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28 February 2022