Animal Care Australia
2026

18th October 2026

To the Members of NSW Parliament.

Re: Prevention of Cruelty to Animals Amendment (Office of Animal Welfare) Bill 2026

Animal Care Australia is writing to inform you of our position on the POCTAA Amendment (Office of Animal Welfare) Bill 2026, recently presented to Parliament.

Since 2019, Animal Care Australia has consistently called on the government to institute greater oversight of the Approved Charitable Organisations (ACOs). In 2023, Animal Care Australia took that one step further, calling for the development and implementation of an Animal Welfare Commission, with the Commission continuously in the forefront of our position, including at the recent Inquiry into the Operation of the approved charitable organisations 2025, held on 2nd April 2026.

Given this, Animal Care Australia does support in principle a Bill that implements more oversight of the ACO's, and had the Bill been entitled 'Prevention of Cruelty to Animals Amendment (Office of Oversight of the Approved Charitable Organisations) – it would be a closer title for what this Bill is attempting to achieve. Unfortunately even if the title was different – this Bill is a 'toothless' glorified complaints department with a couple of extra tasks thrown in for good measure. No wonder the RSPCA have been so quick to support it.

To be clear – this Bill DOES NOT introduce an Office of Animal Welfare.

> *"The bill delivers on the Government's commitment to establish an Office of Animal Welfare in New South Wales. The office will strengthen oversight and assurance of animal welfare enforcement by approved charitable organisations and provide an independent source of advice to government on animal welfare matters*," Hon Tara Moriarty MLC – Second reading 15th October 2026. [1]

Animal Care Australia has serious questions relating to the above claim of 'independence.' The Office of Animal Welfare (OAW) is to be established within the Premiers Department [2] (i.e.: inside the sitting government); it is to report to the Agriculture Minister (inside the sitting government) - Section 24Z & 24ZA; and, it cannot commence a good portion of it's duties without the approval of the Minister (i.e. the Government) – Section 24ZA(2).

That is most definitely NOT independent.

The independence offered by the existence of the OAW is the shuffling of the day-to-day workload and ongoing complaints away from the Minister.

The oversight component of this Bill also leads Animal Care Australia to believe the OAW is being implemented in order to remove the continuance and purpose of future PC4 Regional NSW Inquiries into the Operation of the Approved Charitable Organisations under

[1] Hansard transcript Second reading
[2] Government media release

the Prevention Of Cruelty To Animals Act 1979.

There is little doubt these Inquiries have drawn out major issues and contentious factors relating to the performance of the RSPCA (in particular), and the subsequent growing disillusionment towards the ability of the RSPCA to be seen by the public as a trusted enforcement agency has resulted in the government and Ministers coming under fire for their continued support of the use of ACO's for animal welfare enforcement. This of course reflects poorly on the government. So, what better way to refocus that disdain away from the Minister and onto a new group of public servants.

Other concerning components of the Bill:

- ☒ *'prescribed by the regulations'* - yet again we find ourselves in the position of trying to evaluate a legislative amendment WITHOUT the real information and detail to do so.

Section 24Y: Objectives of the Office

> *(c) to promote best practice compliance and enforcement measures to be carried out by approved charitable organisations for this Act.*

To promote best practice? No. This has no consequence for the ACOs. It MUST be:

> **c) to ENSURE best practice compliance and enforcement measures ARE carried out by approved charitable organisations for this Act**.

Section 24ZD: Complaints to Office about approved charitable organisations

> *(8) After investigating a complaint, or a part of a complaint, the Office may make recommendations to an approved charitable organisation*.

The OAW has 'permission' to make recommendations to the ACO – **what is missing is the ability of the OAW to hold the ACO accountable.**

Therefore, Animal Care Australia STRONGLY recommends an amendment to read:

> **24ZD (8) After investigating a complaint, or a part of a complaint, the Office may make directions to an approved charitable organisation.**

and the following addition:

> **24ZD (10) Penalty for not complying with a direction under (8) to be a maximum of $** (insert an actual penalty)

We all insist on penalising the people who own animals. Police found to not be in compliance with the law or with poor behaviour are subject to some form of disciplinary action – BUT – we 'might' make a recommendation to the ACO? What a joke – that is not even a 'slap on the wrist'. This is clearly the outcome of the Ministers claimed stakeholder consultation being directly influenced by the ACOs and no one else.

24ZG: Power to compel giving of information

> *(5) A person must comply with a written notice under this section unless the person has a reasonable excuse*.

Again, where are the consequences for not complying with (5)?

Animal Care Australia strongly recommends the addition of:

(7) Penalty for not complying with (5) to be a maximum of $ (insert an actual penalty)

24ZJ: Periodic reviews of part

(1) The Minister must conduct reviews of this part to determine whether—
(a) the policy objectives of the part remain valid, and
(b) the terms of the part remain appropriate for achieving the objectives.

Referring back to the potential abolishment of the current PC4 Inquiries into the ACOs, this clause holds no one responsible for ensuring the functions of either the OAW or the ACO's realistically need to be assessed or held accountable for at least the next five years – six, if you include the additional 1 year the Minister then has to present the report of the Review. Section 24ZJ (3).

Section 34A Guidelines relating to welfare of farm or companion animals

Insert instead "representatives of relevant livestock industries and relevant stakeholders in relation to companion animals."

ABSOLUTELY NOT. This wording is NOT SUPPORTED.

1. What an extreme under-cutting of suitable stakeholder representation. POCTAA protects the welfare of ALL animals – not just livestock, dogs, and cats. This government SHOULD know better. POCTAA defines:
    - "Animal": POCTAA broadly defines an animal as a member of a vertebrate species (amphibians, birds, fish, non-human mammals, reptiles) or retail food crustaceans.
    - Distinction in POCTAA: Instead of "companion animals," the Act distinguishes between stock animals (such as cattle, sheep, goats, horses, poultry, and deer) and general/domestic animals.
    - Where Companion Animals Are Defined: The term "companion animal" is actually defined and regulated under a separate piece of legislation — the Companion Animals Act 1998, which primarily covers dogs and cats.
2. What or who defines 'relevant'? At least the soon to be abolished AWAC had a small resemblance of the different core groups of the animal industries.

Animal Care Australia is not stating all consultations must include everyone, every time. However, key stakeholders and other affected stakeholders must be more clearly defined. This is why Animal Care Australia's Animal Welfare Commission Advisory Committee [3] included a full list of all industry (and other) stakeholders as its core representative pool. (see Annexure 1)

The inclusion of 'other affected stakeholders' also further protects the 'unintended consequences' factor and core groups that are not directly animal industry such as wildlife carers, disabled persons reliant on assistance animals etc. During this current term of parliament, we have seen both of these groups directly affected by inadequate inclusion and consideration in POCTAA related matters.

It is strongly recommended the insert for Section 34A be altered to read:

[3] Animal Care Australia - Animal Welfare Commission

Insert instead "relevant representatives of animal industries, stakeholders of animals held in captivity, and other affected stakeholders."

Animal Care Australia notes the current AWAC term ends on Dec 18, 2026. There is a strong likelihood that some time will expire before a new OAW and/or CEO will be appointed and fully-functioning, therefore there is an obvious period of time where no statutory requirement of stakeholder consultation exists – leaving the possibility of altered Regulations without appropriate stakeholder consultation. It is our recommendation that a further clause be included that either:

a) Provides for the AWAC Term and the relevant statutory regulations governing their inclusion in consultations, be extended, or
b) A cessation of amendments to POCTAA and its Regulations be implemented ensuring nothing can be altered until the OAW is fully functioning.

Animal Care Australia also draws your attention to the 'Statement of Public Interest' [4] signed by the Minister and lodged on the 15th of October 2026. Within that document the following statements are made:

> *"Need: Why is the policy needed based on factual evidence and stakeholder input?*
>
> *Parliamentary inquiries, stakeholder engagement, and public commentary have raised concerns about the transparency, accountability, and oversight of the enforcement functions exercised by Approved Charitable Organisations. While existing complaint mechanisms are available, including through the NSW Ombudsman, there is no dedicated complaints pathway specifically focused on how Approved Charitable Organisations exercise their functions under the Prevention of Cruelty to Animals Act 1979."*

and:

> *"Consultation: Were the views of affected stakeholders sought and considered in making the policy?*
> *The proposed reforms have been informed by stakeholder feedback, parliamentary inquiries and reviews relating to animal welfare enforcement and the role of Approved Charitable Organisations."*

While it is true that Animal Care Australia has advocated for an expansion of oversight of the ACOs throughout Parliamentary Inquiries, submissions and other interactions with the Ministers Office and the Department of Primary Industries and Regional Development, including the provision of our proposed Animal Welfare Commission to all of the above, Animal Care Australia **WAS NOT consulted** on this particular option or Bill prior to it being tabled. As a key stakeholder who have made our position known to all parties, this is extremely disappointing and yet familiar with this particular Minister.

Yet again we find ourselves in a position where our potential objection or disapproval of parts of a Bill has equaled no actual consultation.

Animal Care Australia does support greater oversight, accountability, and transparency of the ACO's – HOWEVER – we also want to see real consequences for the actions of the ACOs when they:

[4] Statement of Public Interest

- ☒ do not meet the basic reporting requirements of the MOUs, or expectations of stakeholders,
- ☒ breach the trust of the powers provided to them under the Act,
- ☒ flaunt those powers through intimidation and harassment,
- ☒ place socioeconomic considerations in determination of who to prosecute (or not)
- ☒ place the welfare of the animals second to the success of prosecutions
- ☒ do not meet stakeholder or community expectations

This Bill falls short of ensuring real oversight and consequences for the ACOs.

This Bill fails to live up to its title as an Office of Animal Welfare. (see Annexure 2)

Should you require further details please do not hesitate to reach out as we would be happy to meet with you and further discuss this matter.

Kind regards,



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Annexure 1: Excerpt of Animal Care Australia's Animal Welfare Commission Advisory Committee

5 Animal welfare management—application of Act

(1) For the purposes of this Act, ***animal welfare management*** extends to the following industries relating to the management of Animal Welfare in the state—

(a) commercial agricultural livestock,

(b) domestic animals,

(c) exhibited animals,

(d) animal research,

(e) horse and greyhound racing,

(f) rodeo,

(g) wild animals - both native and introduced,

(h) hunting and fishing,

(i) any other industry concerning Animal Welfare prescribed by the regulations.

Annexure 2: Comparison of what an Animal Welfare Commission (or legitimate Office of Animal Welfare) versus the proposed Office of Animal Welfare.

Animal Welfare Commission key components:

- **Leadership, Coordination and Governance:** Acting as a single, overarching body to provide central leadership, strategic direction, and a consistent approach to animal welfare across the state or territory, while reducing fragmentation and duplication.
- **Animal Welfare Legislation and Policy**: Reviewing existing laws, codes of practice, and regulations to recommend evidence-based reforms, promote minimum standards, support ethical breeding, and address emerging issues.
- **Compliance, Enforcement and Accountability:** Providing centralised oversight of enforcement officers – employed by (State & Local) government to ensure transparent, fair, and consistent handling of alleged offences, clear accountability, and public confidence.
- **Education, Prevention, and Improved Welfare Outcomes:** Promoting responsible animal ownership and best-practice care by prioritising education, early intervention, and collaboration between government, veterinary professionals, and animal-related industries.
- **Stakeholder Engagement and Expert Advice:** Establishing an Advisory Committee to facilitate meaningful consultation with scientists, veterinarians, breeders, and community organisations, ensuring practical hands-on experience shapes policy.
- **Transparency, Review and Continuous Improvement:** Setting clear performance measures, regularly evaluating legislation and programs, and publishing reports on the Commission's activities and progress.
- **Whole-of-Government and Whole-of-Life Approach**: Coordinating responsibilities across departments and local governments, integrating animal welfare into broader decision-making (such as domestic violence, family law, and environmental planning), and addressing needs from birth or acquisition through to end-of-life decisions.

Proposed Office of Animal Welfare

Under the proposed Bill, the Office would need a written request from the Minister for Agriculture before it could exercise key functions, including reviewing and advising on animal welfare matters.

Key points:

- **Statutory Establishment:** Formally creates the Office of Animal Welfare as a statutory corporation
- **Governance and Oversight**: Places the Office under the control and direction of the Minister (barring some circumstances permitting independent action),
- **Management** handled by a public servant Chief Executive Officer and supported by public service staff and delegated powers.

- **Charitable Organisation Complaints:** Sets up a process for the public to lodge, and the Office to investigate, refer, or dismiss complaints regarding how approved charitable organisations execute their functions under the Act. Fails to provide statutory powers to hold the charitable organisations accountable.
- **Information Gathering Powers:** Empowers the Office and its Chief Executive Officer to compel approved charitable organisations and public authorities to supply information deemed reasonably necessary for performing its duties. Does not state what action is to be taken when these directives are ignored.
- **Regulations and Consultation:** Updates regulatory processes by dissolving the Animal Welfare Advisory Committee and identifying some relevant stakeholders as mandatory consultative bodies for companion and farm animal welfare guidelines.
- Mandates a review of the new legislative part following five years of implementation.