

ANIMAL WELFARE — RSPCA INSPECTORS

1251. Hon Rick Mazza to the Minister for Agriculture and Food:

In relation to the Minister's response to my question without notice on 14 May 2014, the Minister responded to part (2), that the Royal Society for the Prevention of Cruelty to Animals (RSPCA) cannot bring any prosecution in its own name, however RSPCA inspectors appointed as general inspectors under section 33 of the *Animal Welfare Act 2002* can commence proceedings under part 3 of the Act. The Minister's response to part (5) of the same question was that Department of Agriculture and Food Western Australia (DAFWA) is not a party to prosecutions brought by RSPCA inspectors and has no oversight of those proceedings. I therefore ask:

- (a) for whom do the RSPCA inspectors act;
- (b) if in response to (a) the answer is the RSPCA, does that conflict with the Minister's response to part (2) of my question without notice;
- (c) do the inspectors act for DAFWA;
- (d) if yes for , does that conflict with the Minister's response to part (5) of my question without notice; and
- (e) will the Minister please clarify who is the prosecuting body?

Hon Ken Baston replied:

- (a) The *Animal Welfare Act 2002* does not distinguish between general inspectors employed by DAFWA and those employed by the RSPCA.

A general inspector employed by the RSPCA can commence proceedings for offences under the *Animal Welfare Act 2002* (other than those relating to Part 2 and any matters in relation to using animals for scientific purposes). In practice this power would be limited to matters investigated by general inspectors employed by the RSPCA.

- (b) The response to part (2) of the question without notice is consistent with the *Animal Welfare Act 2002*.
- (c) See answer to (a).
- (d) The response to part (5) of the question without notice is consistent with the *Animal Welfare Act 2002*.
- (e) Proceedings for an offence under the *Animal Welfare Act* may be commenced by the Director General of DAFWA, a general inspector (who may be employed by the RSPCA) appointed under the *Animal Welfare Act* (other than offences relating to Part 2 of the Act and any matters in relation to using animals for scientific purposes) or a DAFWA officer authorised by the Director General of DAFWA.

The *Animal Welfare Act 2002* does not refer to the term "prosecuting body".