

ANIMAL WELFARE ACT — PROSECUTION

181. Hon RICK MAZZA to the Minister for Agriculture and Food:

Minister, on 12 September 2014, the Department of Agriculture and Food was the prosecuting authority in an action against Mr Robert Rose in the Narrogin Magistrate's Court under the Animal Welfare Act, which alleged cruelty on the basis that Mr Rose had failed to kill a lamb when he discovered that it had a broken leg. The court dismissed the prosecution and found that Mr Rose had no case to answer.

- (1) What action has been taken to ensure that DAFWA employees have the capacity to make competent assessments of cruelty?
- (2) What qualifications are held by the DAFWA officer who pursued the prosecution of Mr Rose?
- (3) What action has been undertaken to protect the farming community from unfair prosecutions of this nature?
- (4) Has any recompense been offered to Mr Rose for his time, expense and distress caused by this failed prosecution?

Hon KEN BASTON replied:

I thank the honourable member for some notice of this question.

The matter has been referred to the State Solicitor's Office to provide advice on the case, noting that it is still within the appeal period. I would be pleased to provide and clarify details of this case once this advice has been received and any resulting action has concluded. In this context, I answer the honourable member's question.

- (1) DAFWA general inspectors have been trained in the code of practice for sheep in Western Australia, have significant livestock industry experience, and therefore have the capacity to make competent assessments of potential breaches of the Animal Welfare Act 2002. Additionally, veterinary assessment is sought either immediately or as part of the investigation, with final approval by the State Solicitor's Office before a prosecution is commenced.
- (2) The DAFWA officer has a certificate IV in government statutory compliance and 21 years' experience in animal welfare regulation.
- (3) The action taken was in accordance with the DAFWA compliance enforcement and prosecution policy, and the complaint was made to the department by a third party. All Western Australians have responsibilities under the Animal Welfare Act to ensure the welfare of animals in this state.
- (4) Mr Rose was awarded costs by the court.