

ANIMAL WELFARE ACT 2002 — ADMINISTRATION

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

In relation to the provisions of the Animal Welfare Act 2002, would the minister please advise —

- (a) the name of the agency that is responsible for the administration of the act;
- (b) whether the RSPCA, as a private entity, has the legislative power to execute prosecutions in its own name;
- (c) whether the department has compliance, enforcement and procedural guidelines for prosecutions to ensure structural integrity;
- (d) whether inspectors employed by the RSPCA and empowered by the department are trained in any enforcement and procedural guidelines and, if yes, provide an outline of that training; and
- (e) whether the Department of Agriculture and Food approves and has oversight of each prosecution?

Hon KEN BASTON replied:

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

- (a) The Department of Agriculture and Food Western Australia is the department principally assisting me in the administration of the Animal Welfare Act 2002.
- (b) The 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 for offences under part 3 of the act—generally, cruelty provisions.
- (c) The Department of Agriculture and Food WA applies best practice prosecution policies based on the Director of Public Prosecutions’ “Statement of Prosecution Policy and Guidelines 2005”.
- (d) Yes. All inspectors are required to undertake an online training program before being appointed or reappointed. This course deals with offences under the act and the powers of inspectors.
- (e) DAFWA is not a party to prosecutions brought by RSPCA inspectors and therefore has no oversight of these proceedings.