

ANIMAL WELFARE ACT 2002 — ADMINISTRATION

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

I refer to the minister's responses to my question without notice 551 yesterday. His response to part (b) was that 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 under part 3 of the act.

The response to part (e) of the same question was that the Department of Agriculture and Food is not a party to prosecutions brought by RSPCA inspectors and has no oversight of those proceedings.

- (1) For whom do the RSPCA inspectors act —
  - (a) the RSPCA; and, if so, does that conflict with the minister's response to part (b) of the question; and
  - (b) do the inspectors act for DAFWA; and, if so, does that conflict with the minister's response to part (e) of the question?
- (2) Would the minister please clarify which is the prosecuting body?

**Hon KEN BASTON replied:**

- (1)–(2) I thank the honourable member for no notice of the question. How I understood that answer yesterday is that basically an inspector is trained under DAFWA's jurisdiction, then as an RSPCA inspector they have the right to prosecute. If they are not, if they are just an appointed inspector who has not been trained through DAFWA, then they cannot carry out a prosecution. That is how I understand it but I would like the member to put the question on notice so that I can seek further advice.