



WESTERN AUSTRALIA POLICE

**OFFICE OF ASSISTANT COMMISSIONER
JUDICIAL SERVICES**

POLICE HEADQUARTERS

3rd FLOOR

2 ADELAIDE TERRACE, EAST PERTH

WESTERN AUSTRALIA 6004

TELEPHONE : (08) 9222 1422

Your Ref: RPA
Our Ref: eA1147494
Enquiries: Judicial Services ph.92221241

Hon Rick Mazza MLC
Legislative Council
Parliament House
Perth Western Australia 6000

Dear Mr Mazza

**INQUIRY INTO THE OPERATIONS OF THE ROYAL SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS WESTERN AUSTRALIA (Inc)**

Thank you for your correspondence of 14 March 2016, seeking a copy of the Western Australia Police, Police Manual, Prosecuting Policy and Principles, PP-1.7 Prosecutions under the Animal Welfare Act.

Please find the information you requested enclosed. I trust this will be of assistance and if you require any further information, please have your staff contact my Staff Officer on phone 9222 1241, and I will be pleased to assist.

Yours sincerely

DUANE BELL APM
ASSISTANT COMMISSIONER
JUDICIAL SERVICES

21 March 2016

PP-1.7 Prosecutions under the *Animal Welfare Act 2002*

Prosecutions commenced by Police

Where a prosecution is commenced by Police under the *Animal Welfare Act 2002* (the Act) the carriage of the prosecution will rest with the police prosecutor for the relevant district, unless exceptional circumstances exist as to why this should not occur.

Where it is considered there are such exceptional circumstances, the following process is to be followed:

- A report is to be prepared and forwarded via the relevant District Superintendent to the Inspector, Officer in Charge (OIC) of Prosecuting Services Divisional Office
- This report is to outline in detail why it is considered the matter should not be dealt with by the local Police Prosecutors.

A decision will then be made as to whether the prosecution is briefed out to:

- The State Solicitor's Office;
- A Private Legal Practitioner;
- An in-house solicitor or a prosecutor from Prosecuting Services Division; or
- Returned to the local District for handling by their local Police Prosecutor.

Nothing in respect to the above is to be seen as precluding advice being obtained from Prosecuting Services Division, Legal and Legislative Services, the State Solicitor's Office, the Department of Local Government (which formally administers the Act) or the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in respect to any specific issues pertaining to a prosecution under the Act.

Prosecuting Services Division will liaise direct with Legal and Legislative Services where the matter is to be referred to the State Solicitor's Office.

Other Prosecutions

From time to time external bodies, including the RSPCA and the Department for Local Government, undertake prosecutions under the Act (s82(1)). Generally, such external bodies are responsible for conducting all stages of these prosecutions subject to the court granting leave to a police prosecution to appear under section 172(4) of the *Criminal Procedure Act 2004*. There may be some exceptional requests for Western Australia Police prosecutors to assist in minor mentions.

Such an example may be where a prosecution has been taken in a remote part of Western Australia and legal representation is not readily available.

Any assessment as to whether a local police prosecutor is to be involved in a prosecution undertaken by an external body, is in all cases to be referred to the Officer in Charge, Police Prosecution Services for consideration and approval.