

**SELECT COMMITTEE INTO THE OPERATIONS OF THE  
ROYAL SOCIETY FOR THE PREVENTION  
OF CRUELTY TO ANIMALS WESTERN AUSTRALIA (INC)**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 19 OCTOBER 2015**

**Members**

**Hon Rick Mazza (Chair)  
Hon Paul Brown (Deputy Chair)  
Hon Nigel Hallett  
Hon Lynn MacLaren  
Hon Sally Talbot**

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**Hearing commenced at 12.29 pm****Mr JOHN FLINT****Assistant Editor, The Sunday Times/PerthNow, sworn and examined:**

**The CHAIR:** Welcome, Mr Flint. I would like to introduce you to Hon Sally Talbot, Hon Paul Brown, Hon Nigel Hallett, Hon Lynn MacLaren and myself, Rick Mazza, as Chair. On behalf of the committee, I would like to welcome you to the meeting. For the record, I note that you appear as a witness before the committee as compelled by a summons to appear as a witness issued by the Legislative Council.

Before we begin, I must ask you to take either the oath or the affirmation.

[Witness took the oath.]

**The CHAIR:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mr Flint:** Yes, I have.

**The CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the committee?

**Mr Flint:** Yes, please. I have prepared a statement so that committee members can direct their questions to issues and subjects relevant to my research. Like the committee, I have been looking at the RSPCA’s powers in Western Australia and its use of those powers, its relationship with DAFWA and the competencies and training of its inspectorate, given the significant powers at the inspectorate’s disposal and the responsibilities and community expectations that accompany the use of those powers. Unlike the committee, I have not been looking at the RSPCA’s objectives or its political campaigns on issues such as live exports or recreational hunting on public land. My work has touched a little on funding but I have not sought to reconcile how each dollar of government grant money is spent because, although it is not an insignificant amount, it covers only a teeny fraction of the commitments outlined in the grant agreement. The generosity of the public and animal lovers in donating to the RSPCA ensures a fantastic deal for the state government. But I do think the RSPCA, like all charities, has to maintain the highest standards of integrity and honesty in its mail-outs and other fundraising literature. I refer to one mail-out from David van Ooran last year that claimed the RSPCA was not funded by the government. Had it said “fully funded”, it would have been correct. In fairness, this particular example has not been repeated to my knowledge. Former RSPCA president, Eric Ball, as you know, highlighted some other examples of what might kindly be described as gilding the lily. This might be a trivial issue to some but I think any act or statement that has the potential to dent the credibility or damage the RSPCA’s reputation should be of concern.

I am here today to answer questions on behalf of myself, not the newspaper, but I think I am on safe ground saying that the support I have received from my employer to look hard at these issues partly reflects a desire to protect the legacy of the RSPCA WA, even if that means publishing stories that those currently in charge of the organisation do not like. Any suggestion that I am anti-RSPCA or biased against the RSPCA, or that my employer is, is simply nonsense. It is a role of news journalists—the fourth estate—to scrutinise the use of power and to hold the powerful to account. It is especially important to look at those organisations that have a massive store of public trust and support because we tend to give them the benefit of the doubt. The word “untouchable” has been thrown at me a few times by various people who have wanted to tell me something but were wary of going on the record. Being critical of the RSPCA is a bad look. I think Eric Ball in his evidence here likened it to criticising the Dalai Lama. Shooting Bambi is also apt.

The RSPCA is iconic in this country and overseas, though its reputation has taken some knocks in the UK in recent years. Public trust can be abused. When discussing my research with a journalist colleague the other day, he remarked along the lines of “when the good guys go bad is when we really have something to worry about”. I am not going to tell you unequivocally that I think they have gone bad. For one thing, I have not concluded my research on some of the cases I have been studying and I think that conclusion would be unfair on hardworking RSPCA staff and volunteers who give their very best to the organisation. But I will tell you that I believe something is wrong there. I have amassed several large files but for today’s purposes I will refer to one document as a touchstone. It is a document I found on the national RSPCA’s online knowledge base. It is titled “How are RSPCA Inspectors accountable under law?” It says that RSPCA inspectors are subject to many of the same accountability measures that apply to other law enforcement officers. I will briefly address each of these but not in the same order as in the document. Firstly, the performance of RSPCA inspectors is subject to parliamentary oversight and review. This will usually take the form of a parliamentary inquiry, the document says. These hearings are proof of that. That said, the RSPCA has made its thoughts on this inquiry well known. President Lynne Bradshaw has not minced her words. The government Ombudsman is also referenced in the document. The experience of those I have spoken to, who have raised an issue with the Ombudsman, is that the Ombudsman will not look at a complaint while the matter is being reviewed by the relevant department—in this state, DAFWA—so people have struck out there. In WA, we also have the CCC; but no corruption has been alleged in any of the matters that have been canvassed with me, so the CCC cannot really help people where no corruption or criminal activity is alleged.

Freedom of information: as public officers, the inspectors are subject to FOI and much of my information has been gleaned using FOI—though I note in November last year, Mr van Ooran wrote to DAFWA advising that the RSPCA does not agree with the department’s interpretation that a general inspector is an agency for the purposes of the FOI act. He also advised that one of his inspectors would not be accepting transfer of any FOI applications to do with the Culverwell case. I had hoped to query this. There might well be an explanation. But the RSPCA told me last week that it will no longer answer any of my questions. Also on FOI, I should add, one inspector is fighting an action in the Supreme Court to stop documents being released, appealing the decision of the FOI commissioner.

Finally, you have the department itself—the administrators of the Animal Welfare Act. For better or for worse, DAFWA are the administrators and their staff have a job to do. I understand where Jennifer Hood was coming from when she sat here and I agree with a lot of what she said about the department being conflicted. Nevertheless, the fact remains that DAFWA administer the legislation and its director general appoints general inspectors, including those nominated by the RSPCA. So how has that gone? Former RSPCA inspectors—and I have spoken to several—have explained that after the act moved to DAFWA in 2011, DAFWA was much more hands on as an overseer than the department of local government. The RSPCA inspectors had more of a free rein before. Inspectors were wary of DAFWA officers interfering in their domain. The fact that DAFWA was

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the farmer's friend did not help. At an operational level, in 2013 and 2014, tensions between some DAFWA officials and the RSPCA were boiling. The DAFWA officers, including Sarah Wylie and Mark Stuart, had been asking questions after getting complaints from people who felt very harshly treated by the RSPCA. DAFWA officers were even sitting in courtrooms taking notes. FOI documents show occasions where DAFWA officers were getting frustrated asking questions but not getting much in the way of helpful response.

[12.40 pm]

For example, there were a number of emails between Mark Stuart and chief inspector Amanda Swift in June last year. Mr Stuart was asking questions about one case and he was being told that the matter was before the courts, that being as much information as he was going to get. He had to remind her of section 37(1)(d) of the Animal Welfare Act, which requires general inspectors to provide information and assistance to the CEO of the department in relation to matters arising under the act. In another email, regarding a different matter but around the same time, Mr Stuart got an email from one of the RSPCA's pro bono lawyers, warning him that his questions of the RSPCA could be construed as seeking to influence the RSPCA's conduct of the proceedings and that he should direct all further questions to this particular lawyer. In another matter, where DAFWA had engaged an external investigator in relation to a complaint about the treatment of an animal in RSPCA care, the director general, Mr Delane, wrote letters to chief inspector Swift and another inspector, which included the following observation: "The findings of the investigator were limited due to an inability to obtain direct evidence from you and a lack of compelling evidence within the investigation report provided by RSPCA WA." These and other examples do not convey to me the absolute clear transparency and accountability that Mr van Ooran spoke about when he sat here. I should add that the RSPCA disagreed strongly with the views formed by some DAFWA officers, and your committee is aware that Mr Delane apologised this year to chief inspector Swift with regard to a strongly worded letter he sent her in April 2013. Some of the mistrust that existed in 2013 and 2014 is illustrated by several very broad FOI applications lodged by the RSPCA and some of its inspectors, seeking information on themselves held by DAFWA. It was a busy time for the department's FOI coordinator.

A lot of effort seems to have been made on both sides in the past year to improve the working relationship between DAFWA and the RSPCA, and some major concessions have been made by the department. For example, DAFWA's compliance, enforcement and prosecution policy, which was a condition of the RSPCA's 2012 grant agreement, was dropped from the 2014 grant agreement. When I asked DAFWA in May why it was removed from the new agreement, the official response was: "Like all new arrangements and partnership agreements, there is a process of review and change." And DAFWA no longer takes an interest in RSPCA prosecutions. When I queried this, I got the following response: "DAFWA's oversight does not extend to RSPCA prosecutions as the prosecutions are not commenced on behalf of the state." As I wrote in one article at the time, if these prosecutions are not on behalf of the state, who then? DAFWA's answer did not make sense to me then and does not make sense to me now. When general inspectors appointed by DAFWA, but employed by the RSPCA, police the Animal Welfare Act, they do so on behalf of the state. They are public officers upholding statute. So DAFWA has retreated and peace has broken out, with commitments in the latest MOU to achieve regulatory consistency between the two; but what about oversight and accountability, which is where I started? Perhaps this will be addressed in the minister's panel review.

I mentioned in my introduction that I had looked at training. I had done this initially to perhaps understand why mistakes were being made and why DAFWA were unhappy with how certain things had been done. A lot of this relates to the Mariana May case, which I have looked at closely and will not expand on here in a public session because I have been asked not to. Quality training is even more important when you have a high turnover of inspectors, and that has been the case. Staff turnover and rampant HR issues within the organisation is a whole other story. In fairness to

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Mr van Ooran, I have been told that training was pretty non-existent before he became CEO. I am not talking about the basic induction training; I am referring to the certificate IV-type training that is now being provided. Credit must go to DAFWA who got the ball rolling in mid-2013; it offered places on a course it was putting its own inspectors through. Four RSPCA inspectors were put through that training by its former chief inspector, Simon Eager; though FOI documents show there was a bit of haggling over who would foot the bill. Improvements in RSPCA inspectorate training were also flagged by DAFWA in negotiations over the 2014 grant agreement and MOU. In the past year, the RSPCA has been using their own training provider to deliver cert IV training, and they have told you about other training opportunities for inspectors. Also, in 2014, DAFWA set up two training sessions for the RSPCA's pro bono lawyers and also inspectors. These sessions were presented by the State Solicitor's Office. There, as you know, has also been the initial direction notice training provided by DAFWA in 2013.

In closing, I just wanted to also comment briefly on prosecutions. Since I have been looking at all of this, the RSPCA has introduced a new prosecution policy. Now, decisions on prosecutions are made by a panel that includes the chief inspector, a general inspector and the organisation's internal legal counsel. Previously, I think up to about one year ago, prosecution files were going to Mr van Ooran for final sign-off. Mr van Ooran, with respect, is not a general inspector under the act, so I asked him if he thought it was right that the CEO of a private charity had final say on whether someone was prosecuted. He said to me that it was arguable—that he felt it was arguable. I have also been told by several former RSPCA employees that consideration on whether to prosecute during their time simply boiled down to whether there was a clear person of interest and the prospects for a successful prosecution. There was no checklist to determine whether it was the right course of action. Certainly, they did not have to satisfy all the criteria that is contained in DAFWA's policy. The RSPCA compares itself with other law enforcement agencies, but it is not a law enforcement agency and Mr van Ooran is not the police commissioner of the animal world. The RSPCA has employees who are given powers by the minister, via his department, and they are answerable to the department—or they were. The RSPCA cannot prosecute in its own name, yet prosecution notices have been lodged with the courts that erroneously cite the name of the prosecutor as the “Royal Society for the Prevention of Cruelty to Animals WA Inc”. That is wrong and it reflects a mindset that goes to the heart of what this inquiry is looking at. I will finish there so you can ask me some questions.

**The CHAIR:** Thank you, Mr Flint. Can I have an indication from members who would like to ask questions?

**Hon LYNN MacLAREN:** I will ask some after Paul does.

**Hon PAUL BROWN:** I am okay.

**The CHAIR:** All right. I am happy to ask a question or two.

**Hon PAUL BROWN:** We will see where we go.

**The CHAIR:** Thank you for your lengthy statement; there is certainly a lot of information in there. Just a couple of things that I would like to raise in regard to articles that you have written recently—one of them was in *The Sunday Times* on 10 May this year, and the headline says, “Inquiry must answer questions on RSPCA activism, funding”. Can you expand a little bit on what you mean by RSPCA must answer questions on activism?

**Mr Flint:** Well, I do not write the headlines, but I think the article you are referring to was simply just to cover the fact that submissions were in with the inquiry, and I just did a brief piece just summarising what some of the major stakeholders were saying to the inquiry. So, really, although my work, my investigations, have been along the lines of what I outlined, because it was known to the newspaper that I was looking at the RSPCA, it was thought wise for me to summarise some of those submissions. But, as I said in my outline, I have not been looking at some of the issues that

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have been raised by some of the lobby groups and some of the stakeholders in the commercial livestock sector, the farming sector; what I have been looking at is along the lines of what I outlined.

**The CHAIR:** Also earlier in the year you had a piece—I have a copy of it here—in relation to Izzy the little King Charles cavalier dog. I think it is part of the “Gone to the Dogs” articles that you had done.

**Mr Flint:** Yes, that was one of the first pieces.

**The CHAIR:** Yes, one of the first pieces—“Izzy’s bizarre tale”. The RSPCA have a response, or had an answer on their website, regarding Izzy the dog, and one of its pups had been rehomed. Do you have any further information to give us from the article?

[12.50 pm]

**Mr Flint:** I had the RSPCA’s statement in advance of writing that article. I was well aware of the RSPCA’s position on that. The reason why I wrote a piece was because I then went away and spoke to the people involved and their version of events is extremely different from what is in the RSPCA statement, so my interest—I was well aware of the RSPCA’s position on that matter but I went back because, as you know, the story of Izzy was doing the rounds on social media. It was getting a lot of talk out there in the animal world in the various groups that have a stake in animal welfare, so I went and spoke to the people concerned and got their accounts of what happened.

**The CHAIR:** When you say the people concerned, who do you mean?

**Mr Flint:** I think that is why I wrote in the second paragraph —

The story, which went viral on social media two years ago, continues to confound.

It confounded me because either the RSPCA statement is 100 per cent correct, or two vets and the foster carer are telling lies.

**The CHAIR:** So the people concerned you referred to are the vets—the ones that were in your story?

**Mr Flint:** Yes, Catherine Kirke was the foster carer and her husband was a vet, and there was another vet who got involved because I think he wanted to adopt one of the puppies and he visited the property.

**The CHAIR:** And what was their discussion with you on that?

**Mr Flint:** I have not had time recently to review my notes on that but exactly as my story told. I think there was disagreement over meetings with Mr van Ooran and what they were told at these meetings, from memory.

**The CHAIR:** So there is a conflicting view —

**Mr Flint:** Yes.

**The CHAIR:** Of what actually happened with those dogs.

**Hon SALLY TALBOT:** Did you publish the other side of the story or make reference to the other side of the story?

**Mr Flint:** Yes, I did.

**Hon SALLY TALBOT:** Where is that?

**The CHAIR:** The last paragraph.

**Mr Flint:** I can see a couple of mentions of Mr van Ooran in there —

Mr van Ooran said he personally advised the foster carers that Izzy and Morris had been rehomed ...

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I would have to read the whole piece again but I think it tells the story from all sides.

**The CHAIR:** Do any members have any further questions on that?

**Hon LYNN MacLAREN:** Sure, I will jump in. When you have got two competing sides to an issue, how do you go about verifying the evidence? How do you go about —

**Mr Flint:** Well you get a lot of stories and you see it across the media where—I call them, “He said, she said stories.” One person says one thing and another person says another thing. A lot of the time it depends on the amount of time a reporter has to work on the story, deadlines, whether it is something they are doing for the next day’s paper et cetera. Sometimes you do not have weeks or days to really drill deep. I always, as a rule, and it is expected of all journalists, seek out both sides of the story.

**Hon LYNN MacLAREN:** I do not know if you are aware but I started out as a journalist on a daily paper and it is difficult to verify facts when you are on a deadline. Are you aware that there are some concerns in relation to how you have covered the RSPCA about the balance of coverage?

**Mr Flint:** Absolutely.

**Hon LYNN MacLAREN:** How are you aware of that?

**Mr Flint:** Because they have complained directly to my editor.

**Hon LYNN MacLAREN:** And what was your response to those complaints?

**Mr Flint:** My editor responded. It was not difficult to respond to some of them because the complaints were themselves inaccurate, so it did not make it difficult for us to respond. I know in myself that I have tried extremely hard, probably I have gone over and above the usual, and that means putting off stories, holding them over for weeks awaiting responses. Trying to give the RSPCA extra time to answer some of my questions and they have not answered a lot of my questions.

**Hon LYNN MacLAREN:** Can you explain to the committee —

**Mr Flint:** For me to build a full picture of what has happened, particularly in relation to certain cases, I have wanted to form a full, well rounded view of everything, and that means talking to everyone. That is why I have had lots of questions for the RSPCA. I know they have given me assurances that everything is fine and above board and it was done properly, and that is all good and well, but I want to see the evidence, I want to see the detail. I know that might seem pesky to have a journalist sort of constantly hitting you up with questions, but nevertheless they are important for me to understand what has happened. At the end of the day, I will not publish a story, and there are certain stories that I have been looking at for a long time that I have not written about because I do not feel I know the whole story yet.

**Hon LYNN MacLAREN:** Can you explain—how does it work? I know you are also a subeditor, is it; or a junior editor?

**Mr Flint:** No, my title is assistant editor. I am part of the leadership team within the editorial department. I have a range of responsibilities and duties as assistant editor and any reporting work I do is kind of in the time left over after I have completed those—so I sit on the newsdesk. Other reporters’ copy goes through me and another colleague on the newsdesk, and I help out in a whole range of ways. I manage all the legals and complaints, all sorts of things.

**Hon LYNN MacLAREN:** Great. Well, you will be in a good position to answer this question then because I wanted you to explain—because it is partly to help me to work out how this works out in Australia. If there is a concern about a defamation that has occurred, if you have written an article as a reporter and then an editor comes in and changes your article or maybe perhaps cuts it at that particular point where it then might only reflect one side of the story and put you in a—who is liable? Is it the reporter or the editor or the publication?

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**Mr Flint:** With defamation law, the plaintiff can sue the paper, the publisher; they can sue the reporter concerned; they can sue anyone who has had any role in the story. They can sue the paperboy who throws it on your lawn in the morning if they wanted to. Past experience is they sue the publication and they sue the journalist concerned.

**Hon LYNN MacLAREN:** Does *The Sunday Times* have an account for that? Do you actually have a risk management structure where you allow for a certain amount of defamation cases or how do you manage that?

**Mr Flint:** We try not to be in that situation. There are occasions where newspapers are sued for making errors, and there are other occasions where newspapers are sued for pushing the envelope, so to speak, where we take a strong position on something because we feel strongly about an issue. Libel law is a bit of a lottery; anyone can have a go at it. It is an expensive business for both sides. We would say we are professional litigants in that we have to deal with this every now and then. We try to minimise them for obvious reasons because they are expensive and time-consuming.

**Hon LYNN MacLAREN:** Just one more question because I know other members have questions. From your statement today, I am struggling to reconcile that with the evidence that we have already heard from DAFWA and Eric Ball and even the RSPCA. I was wondering if you had any documents with you that you wanted to table as evidence backing up some of your claims. One of them is about the high staff turnover and the HR issues, which when we investigated it there is very little evidence. I am wondering if there is any evidence that you have got there that would assist the committee to be able to reflect more fulsomely on your statement.

**Mr Flint:** I did not hear DAFWA or Rob Delane remark on staff turnover within the RSPCA, I cannot recall that. But —

**Hon LYNN MacLAREN:** No, it was Eric Ball.

**Mr Flint:** So you disagree with Mr Ball on that?

**Hon LYNN MacLAREN:** No. As far as HR issues go —

[1.00 pm]

**Mr Flint:** A lot of that, and I did not really want to go—I wanted to sort of keep things to the terms of reference.

**Hon LYNN MacLAREN:** There have been some claims made, but we have had very little evidence backing them up. What I am seeking is, if you have got evidence that we have not seen, maybe it would be worthwhile seeing it.

**Mr Flint:** In relation to HR issues, a lot of that, of my knowledge, comes from former employees who either I have contacted because I have wanted some information from them or, probably, in the majority of cases, people are reaching out to me having read some of my stories and realised I am looking at these issues, and then telling me their experience. I think it would not be overstating things to say that there was a period at the RSPCA when it was a HR basket case. Several people have described it as an absolute toxic work environment and a number of people who left needed counselling—psychiatric counselling—afterwards. It did not strike me as a happy workplace at all. Now, I am saying that as an outsider only hearing what people are telling me.

**Hon LYNN MacLAREN:** Yes, so far all we have is hearsay.

**Mr Flint:** A lot of these people are people who have left the RSPCA and have signed non-disclosure and non-disparagement clauses in agreements, and so they are absolutely petrified of being identified. They do not want to be in breach of those agreements and they are afraid of going public. I am only conveying to you—relaying to you—what has been said to me by these people.

**Hon LYNN MacLAREN:** So you do not have anything other than basically what we have heard before, sort of thing.

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**Mr Flint:** I think I only gave that one line in my outline. I said it is a whole other story, some of the HR issues that have been raised with me. But that again was not really the focus of what I was looking at in terms of looking at powers and use of powers. I did find it interesting, though, that they were telling me these things.

**Hon SALLY TALBOT:** Were they disgruntled employees involved in the City of Wanneroo case as well?

**Mr Flint:** It is alleged by the RSPCA that some of the people, some of the rangers at the City of Wanneroo, are former RSPCA employees.

**Hon SALLY TALBOT:** You do not think that is correct?

**Mr Flint:** But they are not the people who reached out to me in relation to telling me about their experiences. I am talking about different people. I have got to be careful in that I do not say so much that I identify who those people are, because I want to protect their anonymity, but some of these people were senior people.

**Hon PAUL BROWN:** Mr Flint, earlier in your story on 10 May, “Inquiry must answer questions on RSPCA activism, funding”, you highlighted in there that DAFWA’s answer to some of your questions about the grant agreement, I think it is—you said that DAFWA’s answers to your questions would make the writers of *Yes Minister* green with envy; that the minister, Ken Baston, had refused; and that it also should be attributing that DAFWA removed a clause in its grant agreement with the RSPCA that the charity’s inspectors adhered to the enforcement and prosecution guidelines. You also raised a question in there: was this at the insistence of the RSPCA? Have you been able to find out any further information about whether or not that removal of that clause was at the RSPCA’s insistence or that was just voluntarily done by the DAFWA?

**Mr Flint:** I think, sorry, it was simply comparing the documents and seeing what had changed and then going to DAFWA and saying, “Why was this taken out?” I gave you the quote in my outline from back in May, when I was looking at that. I think now, you have kind of reminded me of the article and I answered your question earlier thinking maybe it was another one—sorry. These were sort of, I think, 5 May, so it was several months ago. But, at the time, I was really curious about the changes that were made to the grant agreement and, you know, I put questions to DAFWA. You know, their answers to all my questions back then were really, really interesting. The line about prosecutions not being on behalf of the state—that one really, kind of, sort of, interested me. Sorry, I —

**Hon PAUL BROWN:** That is okay. I was writing some notes through some of your opening statement, so I just wanted to—that was something that was highlighted.

**Mr Flint:** If you want me to table the responses—my exact questions to DAFWA at the time and their responses to me, I would be happy to do that.

**Hon PAUL BROWN:** That would be great if you could table those.

**The CHAIR:** Take that on notice.

[*Supplementary Information No A1.*]

**Hon NIGEL HALLETT:** John, you backed the inquiry into this review saying that the public needed to get confidence back into the RSPCA.

**Mr Flint:** My editor wrote an editorial, a leader; and so he wrote that.

**Hon NIGEL HALLETT:** Yes. I know, fine. We lost a lot of confidence when we saw issues such as the recreational hunting bill that was debated. We saw misleading advertising over the hare, the deer et cetera. Are those the things that you are referring to in helping to restore—or the editor would have been—public confidence? And where do you believe that the RSPCA has sort of lost its way with resorting to that type of advertising and not the facts of an issue?

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**Mr Flint:** To be honest with you, I did not look. I am aware of it because I know it was news on the ABC at the time, so it was being covered by other media. So I was aware of it, but because I was not looking at that recreational shooting issue—I was not looking at live exports or any of that. One thing that did grab me, though, was in Eric Ball’s report, when he did talk about the letters that went out that had Mr van Ooran talking about Don Don the kelpie that he had seen and it was the worst case ever and all that kind of stuff. That kind of stuff interested me and, you know, I accept the point that yes, Don Don the kelpie was saved by the RSPCA—saved by the RSPCA in New South Wales. What I did not understand at the time was why they did not present examples—I am sure there are many great examples—from RSPCA WA. That might not be his fault; that might be someone underneath him who has served up that example. But truth in advertising or truth in what you put out, I think that is important, particularly with an organisation like the RSPCA, which is held in such high esteem and regard. I think that is important. I mean, I do not want to parrot what Mr Ball said, but I agree with him on those points.

**Hon PAUL BROWN:** Why did not you look at—particularly with the recreational hunting it was a very appropriate and popular topic publicly at the time. I mean, I understand the live export; it is an ongoing topic continually. But why did not you review the RSPCA’s actions in regard to the recreational hunting?

**Mr Flint:** One, because it had been already covered by the media and had been, sort of, canvassed quite widely. Secondly, it is about how I got involved in looking at these issues in the first place. And it all really stemmed from a phone call I got from an old colleague, a guy I used to work with on *The West Australian* back many, many years ago. I worked there from ’98 to 2000. This chap who is now retired was a bit of a legend crime reporter—massive. He called me out of the blue and said, “Hey John, I’ve got this case. I think you should have a look at it.” It was the Mariana May case. At the time I was busy doing other things—I have always got other stories on the go—and I said, “When I get round to it.” I promised him I would have a look at it. He had been to *The West* first off, and they did not even want to hear what it was about. It was just, “No, we do not write anything bad about the RSPCA, full stop.” But he said that I would find the story very interesting and that he felt that Ms May had been very harshly treated. So I said, “Look, when I get round to it, I will have a look at it”, and that is what I did and it kind of snowballed from there. So then, obviously, because of that case I started looking at powers, the act itself, you know, how DAFWA administers the act, the interaction—I started looking at all those things and it just snowballed from there. So I was coming at it from that angle. That is the genesis of it all.

**Hon SALLY TALBOT:** Mr Flint, do you perceive that there has been some kind of shift in emphasis in terms of the RSPCA’s activities over the years?

**Mr Flint:** Again, I have not gone back looking through past statements and what they have said in the past. You notice when you go to their website that you have got the live export thing because it comes up straight away. I think that is for other people to know. I have not really been looking to see whether they are becoming more militant. I accepted—I saw the points that Eric Ball raised in his report where he talked about the potential for a hostile takeover of the board—hypothetical. But again that was not the —

[1.10 pm]

**Hon SALLY TALBOT:** I think you probably were here for Mr Ball’s —

**Mr Flint:** I was not, actually. I have read —

**Hon SALLY TALBOT:** Or you have seen the transcript.

**Mr Flint:** I have gone through his transcript, yes. Obviously there was a lot in his submission to the inquiry that crossed over with his private report to the minister.

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**Hon SALLY TALBOT:** I know you have said you did not like the editorial and I assume that you did not like the editorial, but the editorial does talk about rumblings that the WA branch has lurched from welfare to activism.

**Mr Flint:** Did you say I did not like it or I did not write it?

**Hon SALLY TALBOT:** Did not write it.

**Mr Flint:** Okay, yes. That was what was being ventilated in the media at the time. There was talkback; that was what was out there at the time. There was this question mark, there was this allegation out there, and the editor, in writing the editorial, was mindful of that. These were questions to be answered rather than forming a conclusion on the issue.

**Hon SALLY TALBOT:** As an investigative journalist you go looking for the smoking gun?

**Mr Flint:** Yes, I drill deep into stories. Sometimes —

**Hon SALLY TALBOT:** The editorial refers to disgruntled shooters; that is the issue that Hon Nigel Hallett raised. You have talked about disaffected former employees.

**Mr Flint:** I mentioned them briefly, yes, in my outline.

**Hon SALLY TALBOT:** Where else did you find groups or individuals who seem to have a substantial case against what the RSPCA was doing or the attitudes that the RSPCA was promulgating?

**Mr Flint:** I looked very closely at the Mariana May case. I became familiar with other cases. I spoke to former inspectors about prosecutions. I looked at training. Sorry, do you want to —

**Hon SALLY TALBOT:** No, no, it is a straightforward question.

**Mr Flint:** That is answering your question? Okay.

**The CHAIR:** Have you finished, member?

**Hon SALLY TALBOT:** Thank you.

**Mr Flint:** Just to recap: a lot of my direction or my compass bearings were coming from not just things I was being told by former staff, but also what I was uncovering myself through FOI and through interviewing people and looking—that might be going through court transcripts, that might be looking at affidavits, that might be looking at other statements, just to put the parts of the jigsaw puzzle together so that I can fully understand what has happened in particular cases.

**Hon SALLY TALBOT:** But I think in your opening statement you referred to the fact that all the evidence is not in —

**Mr Flint:** No, I am —

**Hon SALLY TALBOT:** — or it is not available.

**Mr Flint:** No. It is not helped by the fact that —

**Hon SALLY TALBOT:** Or there are lots of missing pieces.

**Mr Flint:** Yes. For example, I have got an application in for court transcript, because obviously some of these court hearings were back in 2013, 2014, so for me to accurately inform myself of what was said in court, the only way is to obtain transcript. I have got another FOI application in, which will answer a lot of questions for me, hopefully—I am confident it will—and I have got further questions for the RSPCA. That is really attempting to get the full picture from their side of the story. I am certainly not rushing to print any of this stuff where I have not, or I do not feel, it is ready. There are some stories where you cannot progress any further for a variety of reasons and the reader can make of the story what they want. There are other stories which are proper investigations where I am making a genuine attempt to understand all the facts.

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**Hon SALLY TALBOT:** In your opening statement you quoted, I think it was a colleague saying that when the good go bad and then you —

**Mr Flint:** That just stuck in my mind because of some discussion about, “The RSPCA is such an iconic institution, it is a bad look to be investigating them.” My colleagues said to me, “No. With those organisations that have got a huge store of public trust, it’s even more important because that trust can”—I am not saying it is being abused but it can be. The need for journalists to run their eye over things is important.

**Hon SALLY TALBOT:** But you are not saying that it has been abused?

**Mr Flint:** I am certainly forming negative views of how the RSPCA conducted itself in the Mariana May case and some other cases. I am deeply concerned about some of the things that have been said to me by informants and some of the information that is coming through, but I am not yet ready to write that particular story. Certain aspects of that story might turn, depending on information that comes in—that is still to come in. But I do believe, as I said in my outline, that there is something wrong there and I think it is attitudinal. It is the mindset that, “We are the animal police, we’ll do what we want; DAFWA can”—dealing with DAFWA questions in a dismissive fashion. That has concerned me.

**Hon SALLY TALBOT:** You have been told that—who is dealing with DAFWA questions?

**Mr Flint:** I have read the email interaction —

**Hon SALLY TALBOT:** Between the RSPCA and DAFWA?

**Mr Flint:** Yes, and I have spoken to inspectors during that time period who have said that they did not, as I said in my outline, appreciate DAFWA interfering on their patch and I am told—I do not know; I have got to be careful because I do not like talking about things I am not certain about, but —

**The CHAIR:** Just on that particular subject, Mr Flint: in your opening statement you did speak about it being muddled between DAFWA, the RSPCA, public officers, private prosecutions —

**Mr Flint:** Big time.

**The CHAIR:** If you could just expand a bit on that. We had evidence from the State Solicitor’s Office last week that suggested that RSPCA inspectors appointed by DAFWA are in fact not public officers.

**Mr Flint:** That is contrary—I heard that and I am really keen to read the transcript when it is available. That is at odds with what the RSPCA is saying in their own submission to your inquiry. That runs contrary to everything that has been put out. My understanding was there is no such thing as private prosecutions in WA. The Animal Welfare Act is state law. The inspectors are appointed by the DG, delegated from the minister, and they are enforcing compliance with state law. If they were not public officers, we would not be able to FOI them and they would not be subject to scrutiny from the Ombudsman and the CCC and all these other bodies that the RSPCA tell you they are accountable to. So, I am curious about that. It goes to the heart of some of the complexities and I feel sorry for you in your role in trying to sort of get your head around the complexities.

**Hon SALLY TALBOT:** It is okay; we are coping.

**Mr Flint:** Yes; you are coping, that is good.

**The CHAIR:** We will leave that one if we can, Mr Flint.

**Mr Flint:** Just to elaborate: it is a unique situation. These people get their power from the DG, from the minister, but their loyalty is 100 per cent to their private employer. DAFWA, as I said, for better or worse were trying to administer and oversee, and there was a whole lot of friction in 2013, 2014 and I acknowledged in my outline that the evidence I have seen is that things are much improved.

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**The CHAIR:** Hon Lynn MacLaren had a couple of questions.

**Hon LYNN MacLAREN:** Yes. I think Hon Paul Brown raised this as well: you talked about the prosecution policies being different between DAFWA and the RSPCA. You are aware that the RSPCA are the only ones who have really waged successful prosecutions. What is it about their prosecution policy that you think is flawed?

[1.20 pm]

**Mr Flint:** Their new prosecution policy, I am not saying there is anything flawed in it. It is a lot shorter than the DAFWA one that was meant to apply and did not apply. Lots of prosecutions in 2013, where DAFWA's policy that was part of the grant agreement, it was not applied—so I am not critiquing their new prosecution policy; that is for down the road. But the information that has come back to me from former inspectors is that it was a bit ad hoc in terms of: we have got a case, we have got a clear person of interest and we think we are going to win, plus we have got this huge armoury behind us—all these pro bono lawyers; that is a massive factor in all of this—and then they run with it. I have been told that there was not this checklist that exists in the DAFWA policy. With regard to all the successful prosecutions, that tells you part of the story; it does not tell you about those cases where the charges have been withdrawn or dismissed prior to court, so you are not getting the full picture. Again, this is hypothetical: if you are charged with something and you know that to defend yourself you are up against some of the best law firms in town with endless resources and it might cost you \$200 000, or I think the Carricks quoted a figure in relation to their case, to actually defend yourself, a lot of people are encouraged by their lawyers to just say—it is not worth their house, plead guilty, put it down as a bad—but then again, I am absolutely 100 per cent behind throwing the book at people who are absolutely maliciously cruel to animals. I find that completely abhorrent and repugnant. There have been cases where charges have been laid and I do not think, in those cases, charges should have been laid.

**Hon LYNN MacLAREN:** I am going to give you another opportunity to provide us with any documents you might have brought with you or that you have access to that can back up some of the claims that you are making.

**Mr Flint:** Can you be specific about what you would like —

**Hon LYNN MacLAREN:** The one you just did right there about the charges that have been dropped.

**Mr Flint:** Yes, sorry, sure. For example, I have —

**Hon LYNN MacLAREN:** Any—I am sure you have got lots of documents upon which you are basing your comments.

**Mr Flint:** I asked the Department of the Attorney General if they could tell me how many charges under the Animal Welfare Act have been discontinued or dismissed for, I think it was, 2012, 2013, 2014 and so far this year. They came back to me two or three weeks later. They did not break down who was prosecuting each of those charges. So I have gone to the RSPCA and asked them how many of the charges were prosecutions by RSPCA inspectors and I have been told that they will not be answering that question.

**Hon LYNN MacLAREN:** If you would provide us with that, we might be able to seek other avenues of getting that answer. Would you —

**Mr Flint:** Yes, I will. I have not formed a view on—again, when I get the answers, then I can form a view on the issue.

**The CHAIR:** Sorry, Mr Flint, do you have the document there to table, or is it something that you are going to take on notice and give to us at a later date?

**Mr Flint:** I can give it to you at a later date; I do have it here, but I can give it to you.

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**The CHAIR:** Okay, so you are prepared to table that?

**Mr Flint:** Yes.

**Hon LYNN MacLAREN:** On the question of prosecutions, there was a massive national rally on the weekend about the lack of prosecutions under ESCAS and I wondered if your paper covered that?

**Mr Flint:** No. One, I was not aware of it. You can imagine, in any given news day, we are bombarded with stories coming from left, right and centre. It was an incredibly newsy week last week; I was not aware of it. But then again, as I said in my outline, I am not looking at live export issues.

**Hon LYNN MacLAREN:** I think one of the concerns that we are looking into is the reputation of the RSPCA and your newspaper has certainly written a lot of critical articles about it. I am trying to get to —

**Mr Flint:** I think we have written several articles and I think we have tried and endeavoured to be as fair as possible—over and above—in trying to be fair to the RSPCA. I would absolutely —

**Hon LYNN MacLAREN:** I would like to get some of that evidence out, into the record here.

**Mr Flint:** Yes.

**Hon LYNN MacLAREN:** So have you written articles about animal cruelty in live exports or piggeries or egg farming, which are the other things that have been mentioned in relation to the RSPCA? Or the greyhound racing or the hunting issues? It would be helpful to put it on the record the total picture of what *The Sunday Times* has done in relation to animal welfare.

**Mr Flint:** If you are talking about the series of articles that I have done, then no, but if you are talking about stories that —

**Hon LYNN MacLAREN:** Even if it was *The Sunday Times* —

**Mr Flint:** Yes, well loads—absolutely loads—going back. That would not be a problem at all.

**Hon LYNN MacLAREN:** You personally have just really focused on the RSPCA in relation to companion animals and the cases that we have discussed today.

**Mr Flint:** I focused on the things that I outlined in my opening statement.

**The CHAIR:** Mr Flint, would you mind—that document you are going to table, if you could give that to the committee staff, they can copy that and give it back to you.

**Mr Flint:** If you want to see the longer version, which are my questions to the Department of the Attorney General and the responses I got back, I can give you it, but that is the basic numbers.

**The CHAIR:** Hon Lynn MacLaren, did you want the long version?

**Hon LYNN MacLAREN:** Yes; as much as we can get, I think, at this stage.

**The CHAIR:** We will have that document tabled and we will take on notice the long version if you could provide that a later date as A2.

**Mr Flint:** Yes; no problem.

[*Supplementary Information No A2.*]

**The CHAIR:** Do you have any further questions?

**Hon LYNN MacLAREN:** Yes. I understand you are under summons today but could you describe the circumstances of your appearance before us?

**Mr Flint:** I got a summons.

**The CHAIR:** Do we need to go into private hearing for that?

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**Hon LYNN MacLAREN:** I do not think so.

**Hon PAUL BROWN:** That should not be raised in public.

**The CHAIR:** No.

**Hon LYNN MacLAREN:** What is it; what is the answer?

**The CHAIR:** Carry on; we just wondered what you were going to say. Carry on.

**Hon LYNN MacLAREN:** That was just my question—if you wanted to describe the circumstances of your appearance.

**Mr Flint:** I got a summons.

**Hon PAUL BROWN:** Recently as well, Mr Flint, you wrote the article on 9 August about Matt and Ina Carrick and the Greenough equine centre. Allegations—I am not too sure if you were here in the gallery for the RSPCA's hearing.

**Mr Flint:** I was.

**Hon PAUL BROWN:** The chief inspector, Amanda Swift, made some rather surprising allegations against the Carricks about their intimidatory and abusive behaviour to their inspector Maureen Rogers. You have since spoken to the Carricks about that, obviously; you have written a story about it.

**Mr Flint:** My story was written before they appeared before this inquiry.

**Hon PAUL BROWN:** Was it? Sorry. Have you been able to—you were talking before about asking further questions of the RSPCA in regard to another story, or further stories. Have you tried to ask the RSPCA about the allegations that Amanda Swift made here about the intimidatory and abusive behaviour of the Carricks?

**Mr Flint:** No, I do not think I have gone back to them on that issue. Obviously, it did just kind of, sort of stick out during the testimony because it had not been—when I had gone to the RSPCA before in relation Carrick case, it had not been raised before, which I thought they would have, sort of, told me that really early in the piece. But no, I do not think I have gone back to them. I think on the day that the Carricks gave evidence, I was asked if the RSPCA could respond because I wrote a story for PerthNow and I included that response. I think, yes, after the RSPCA gave their evidence on that matter, I went back to the Carricks and asked them about that and got their response and included that in a PerthNow story.

[1.30 pm]

**Hon PAUL BROWN:** Did you form a view, given the behaviour of the RSPCA, particularly the chief inspector, with regard to the Carrick case, whether that is indicative of some of the other behaviours that you have seen with inspectors and, in particular, the chief inspector?

**Mr Flint:** Yes, because I think it could have been resolved very differently and the whole matter need not have been brought before this inquiry had it been handled differently. It could have been resolved in a different fashion.

**Hon PAUL BROWN:** Once again on the allegations that were made here by the RSPCA inspector, given that they have never been raised anywhere prior before, is that also, in your view, part of the culture of intimidation of the RSPCA over people that it is seeking to prosecute or have actions over?

**Mr Flint:** I think the Carricks, in their evidence, said that they felt demonised or something. I do not know; I would probably reserve my judgement on that.

**Hon PAUL BROWN:** Okay.

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**Hon NIGEL HALLETT:** I just have a couple of quick questions, Mr Flint. Have you gleaned anything from your investigative research into the RSPCA's education service in relation to the grants agreement?

**Mr Flint:** It is probably limited to what I wrote in my very first story; I think I touched on it. It was in Eric Ball's report. He talked about—I have to be careful here—I got information from people who worked at the RSPCA who lamented the loss of what was once the education unit, and they stressed to me the fact that the Royal Society for the Prevention of Cruelty to Animals emphasises the word “prevention”, and education is about prevention, and they feel that part of that has been lost and maybe it is more reactive these days. But there were facilities there, there was a special team and that team is not in place. Of course, it is the RSPCA's prerogative if it wants to change things up and change strategy or whatever; that is their call.

**Hon NIGEL HALLETT:** Back on 2 August you wrote an article titled “RSPCA ‘anti-farming’”. I am just wondering if you can give me a bit of an overview of where you feel —

**Mr Flint:** That was the article I thought Mr Mazza was referring to in his first question. I was simply just summarising three submissions from key stakeholders on the livestock side and summarising the RSPCA's submission. It was —

**Hon SALLY TALBOT:** In relation to this inquiry?

**Mr Flint:** Yes. So the submissions went in, and I think they were up online on a Thursday or a Friday, and we had an opportunity to summarise some of the—obviously you had an enormous number of submissions received, and I have actually read all of them, but for that article, because it was done quickly, I just picked out some of the key ones, and obviously the RSPCA, I gave them, again, 50 per cent of the story.

**Hon NIGEL HALLETT:** I am not sure whether you want to come back to it and answer on it. It is about the public relations perception in agriculture with the RSPCA. The state president believes they have a good role and the new president, in Gary Humphries, one of his first roles is to get rid of live exports. Now, I do not think that is going to help build a good relationship with regional WA. Have you seen that role change?

**Mr Flint:** As I said, I know members of this committee are very interested in live exports; I have not looked at it. The last time I wrote about live exports was back in probably 1998 or 1999, when there was that major ship incident and I wrote stories at the time for *The West Australian* on that issue.

**Hon LYNN MacLAREN:** There was some good investigative journalism at that time.

**Mr Flint:** I recall interviewing Dr Hugh Wirth, who was then the national president of the RSPCA. I have had to contain what I have been doing. You can broaden it to a point where it becomes very difficult. Because it all stemmed out of my interest in one particular case, then developing an interest in powers, checks and balances —

**Hon SALLY TALBOT:** Which was the Mariana May case?

**Mr Flint:** Yes. I have looked at other cases subsequent to that, but, yes, it started with the Mariana May case.

**Hon LYNN MacLAREN:** I was just interested to hear that, because you have commented quite a bit about the oversight. There is this concern about whether or not, if the RSPCA does make a wrong decision, there is little oversight, and I wondered if you wanted to submit what you think would be a good system of oversight, or if there is a model that you wanted to put forward that would demonstrate that there is a better way to do this.

**Mr Flint:** I think it is this committee's role to suggest or recommend—it is not for me to solve. I get your point. I was interested in Jennifer Hood's evidence to this committee where she talked

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about the establishment of an independent office of animal welfare. In a perfect world, that would be fantastic, but given the current economic climate, I cannot see the government establishing a new department or a new agency. DAFWA is the administrator of the act, so if they are the administrator, for better or worse, it is incumbent on them, since they appoint the RSPCA inspectors, to keep an eye on them. I read in my outline that they had no powers to oversee them; they were certainly taking a huge interest in the work of the inspectorate in 2013–14. As I mentioned in my outline, there has been some retreat from that, but it is important, I think, for any organisation—we are talking about significant powers here; we are talking about the ability to break into someone's home, take away all their pets, destroy their pets, to prosecute them and to do all manner of things—issue them with direction notices that cannot be reviewed by the minister—all these things. There has to be proper checks and balances, and DAFWA should not feel like it is treading on egg shells.

**Hon LYNN MacLAREN:** That is the law that is being carried out; it is not something extra that the RSPCA is adding. They can only act under the Animal Welfare Act; there are no extra powers that they have that are not given under the Animal Welfare Act, so no matter who has those powers, those powers exist.

**Mr Flint:** No, but the powers they have under the Animal Welfare Act are significant. The department that is meant to be overseeing should not be ultrasensitive or feel like they are treading on eggshells in asking questions. In a PR battle, the RSPCA will beat DAFWA every day of the week, and DAFWA are clearly mindful of that, politically—that it is not a good look to be hauling the RSPCA over the coals.

**The CHAIR:** No further questions? I will close the hearing.

On behalf of the committee, I wish to thank you for your attendance today. The committee will forward any additional questions it has to you in writing in the next few days together with the transcript of evidence, which includes any questions you may have taken on notice. Responses to these questions will be requested by a due date, and should you be unable to meet this deadline, please contact committee staff as soon as possible. Once again, I thank you for your attendance. By order of the committee, you are released from attendance under the summons. Thank you.

**Hearing concluded at 1.38 pm**

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