

**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, 7 SEPTEMBER 2015**

SESSION ONE

Members

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

Hearing commenced at 10.27 am

Mrs LYNNE BRADSHAW

President, RSPCA WA, sworn and examined:

Mr DAVID VAN OORAN

Chief Executive Officer, RSPCA WA, sworn and examined:

Mrs AMANDA SWIFT

Chief Inspector, RSPCA WA, sworn and examined:

The CHAIR: On behalf of the committee, I welcome everyone along today. First, I wish to introduce the committee. We have Hon Lynn MacLaren, Hon Sally Talbot, Hon Nigel Hallett, Hon Paul Brown and me, Rick Mazza. Before we begin, I must ask you to either take the oath or the affirmation.

[Witnesses took the oath or affirmation.]

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 any 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 that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that your material published or disclosed is not subject to parliamentary privilege.

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

Mrs Bradshaw: Yes, please. I will deliver the opening statement.

Good morning, Mr Chairman and members of the committee. Firstly, can I thank you for actually inviting us to present today. It is an important opportunity for the RSPCA to directly address the unsubstantiated allegations and malicious gossip that has been perpetrated against the organisation; that is from both within and outside the Parliament. Over the past year or so, and especially since this inquiry was called, the RSPCA has been the subject of what we can only characterise as a malicious campaign—a malicious campaign aimed at creating an environment of suspicion and doubt that is calculated to damage the good reputation of the RSPCA. Examples of the kind of baseless nonsense being levelled at our organisation includes claims that the RSPCA is lurching towards activism; that our inspectors, who are public officers, are abusing their powers; that we are anti-farming; and that we are misusing government funding. If it were not for the fact that some of these allegations were so serious in imputation, they would be laughable. But what is more disturbing to our organisation is that they are now being used as justification for this inquiry and the kind of crude publicity campaign that is being undertaken to support it. It is our submission to you this morning that there is nothing—I repeat, there is nothing—that has been presented to this inquiry to justify any of these baseless allegations. We find ourselves in front of the committee today based on allegations that we believe are both fiction and fantasy, and, from the submissions we have reviewed, are completely without substance or evidence.

What has caught our attention, and should be of material interest to members of the committee, is a submission that is strikingly similar to a report to the state government that has been used as justification for this inquiry. I am of course referring to the report provided to the minister for agriculture and which a former president of the RSPCA wrote. But that report was never actually brought to the attention of the RSPCA and, in fact, the RSPCA did not find out about it until it was given to *The Sunday Times*, and then only parts of it were quoted. This was from a former president who has had little contact with the organisation for more than 10 years and who was forced to stand down by the board of the time. So we are astonished that no-one had the courtesy to put allegations made in this report to the RSPCA. If they thought these allegations had substance, we would have expected to at least have received a formal approach for a response, and we were also pretty alarmed that the report was provided to *The Sunday Times* before it was handed to us.

This inquiry has been set up to question us in relation to the legitimacy or otherwise of our organisation, its practices and its mandate. As I have said, Mr Chairman and committee members, we have seen nothing to justify this inquiry—only a litany of unsubstantiated allegations from vested interests, aggrieved ex-employees or persons who have been investigated for animal cruelty following complaints from the public. So from what we are seeing, we are not comfortable or satisfied that the claims that have been made by other people have been in any way substantiated, but nor have they been questioned or challenged on the validity of their claims. The RSPCA WA has considerable support amongst ordinary Western Australians from Kununurra to Esperance and everywhere in between. There are tens of thousands in the community every year who make personal financial contributions to our organisation. We have 800 people who come to us each year to volunteer to this organisation. We are regarded in Western Australia as one of the most loved charities that operates anywhere across the sector, and our brand and our relationship with the Western Australian community is one of trust and it will continue to be so. We are a well-governed, accountable organisation with a high performing, balanced and well-credentialed skills-based board, which reports in detail to our supporters and to government, as our submission details. In fact, our board is proud of the standard of governance it has set—one that is well ahead of many other NFPs and charities.

This inquiry has placed a financial resource and reputational burden on RSPCA WA that our board, executive staff and many of our supporters are justifiably upset about. But despite this, our volunteers and inspectors remain focused on our mission to protect vulnerable animals in our community. In fact, while we are here for 90 minutes before the committee today, there will be another 10 complaints made to RSPCA WA about cases of cruelty to both livestock and to companion animals that our inspectors will have to investigate. Back in May—this does stick with me very much because we were listening to the live debate at the time in Parliament—at the very time the Parliament was debating claims about animal activism within the RSPCA, in setting up this inquiry, one of our inspectors was having her life threatened by a man she was trying to stop stabbing his dog with a tent peg. Incidentally, while we are here today, we are also in court involved in the prosecution of a person who, in a fit of rage, broke the leg of a Chihuahua and threatened to kill our inspector.

So we are getting on with business. We find it is quite infuriating and also insulting that we have to come. Having said that, we have respect for the committee and we will answer the questions to the best of our ability. But we would expect that this inquiry, at the end of its processes, is able to determine, as we have, that those claims do not amount to anything, and actually lack substance and clarity. The fact of the matter is we have dealt with more than 30 000 reports of cruelty over the last two years and have investigated 12 000 of those. By the very nature of our work, the work that we deal with is very confronting, it is challenging and we are daily in highly emotive situations. Compare this to perhaps less than a dozen complaints made against the organisation over the last few years, mostly by people under investigation. Ladies and gentlemen, this is an extraordinary record.

For issues that are not dealt with at the hearing today, RSPCA WA seeks the opportunity to lodge submissions to address those issues or, if appropriate, attend a further hearing. If adverse material is raised during the inquiry that the committee considers relevant to its findings and recommendations, RSPCA WA seeks the opportunity to respond to those specific matters if it has not already done so. So, thank you, Mr Chairman, and we would now be happy to take your questions.

The CHAIR: Thanks for that, Mrs Bradshaw. Can I have an indication from members who would like to ask questions?

Hon PAUL BROWN: I think we will all be asking questions.

The CHAIR: We might kick off with Hon Nigel Hallett.

Hon NIGEL HALLETT: Thanks, Rick. I have a series of questions, Lynne. Recently in the *Farm Weekly* you were quoted regarding the New World Order and that farmers should get to know what it is—to get across it. I wonder if you could you explain what the New World Order is?

Mrs Bradshaw: Well, I do not recall that statement, but I am assuming that is alluding to animal welfare and the importance of the way that we deal with animals in this day and age, which now is very different than it used to be and people are much more on the front foot. It is actually a worldwide issue; it is not just an Australian issue. So perhaps it was along those lines.

Hon NIGEL HALLETT: It was along those lines and your comment was that farmers either needed to get across it or get out of farming.

Mrs Bradshaw: Well, I think that, you know, quoting back at me—it was put into the newspapers, they are part of formal statements, then fine; so I am just taking that on the fly and commenting. But what I would like to say is that the farming community—in fact, the farming community does embrace animal welfare.

Hon NIGEL HALLETT: It certainly does.

Mrs Bradshaw: So the people who do not are very much in the minority, and I guess the message is: get on the bus of change and look out the front window, not the rear-view mirror. With that in mind as a worldwide change to practices I think it is important.

[10.40 am]

Hon NIGEL HALLETT: The structure of the board—as you are aware, I made comments in Parliament about it; that in my opinion it went from choosing a board from its membership to being appointed. My comment in Parliament was that I felt the board had lost its way in not being across the whole spectrum of the industry as well as the community. Could you —

Mrs Bradshaw: When did it change to a wholly appointed board?

Hon NIGEL HALLETT: When you became president—that was my understanding—in 2005.

Mrs Bradshaw: So in 2004; but that is incorrect.

Hon NIGEL HALLETT: Right.

The CHAIR: It is only partly appointed. You have five elected members now, since 2005?

Mrs Bradshaw: Historically, the board was member elected—well, for as long as I can remember. So prior to—let us see—1998, there was maybe different structures; but, as far as I am concerned, it is a member-elected board and there were certain positions that were appointed from various government departments. So it was always a mix: member and appointed.

The CHAIR: Can I ask a question on that issue? As I understand it, the structure of the board was changed in December 2013—there was a constitutional change.

Mrs Bradshaw: Well, we had, I could probably—sorry to cut you off—there were two governance reviews leading up to that that, so slightly —

The CHAIR: Prior to that change, though, there was a requirement for a veterinary surgeon to be on the board?

Mrs Bradshaw: There was a requirement in the constitution to try to bring skills base or knowledge into a member-elected board which at the time was—could be considered as a low skill base. As the organisation has got bigger, probably, I would say, it has got more capacity; it has more funds under management et cetera. We need to make sure from a governance perspective that we are able to deal with that growth and that organisational shift; so the board has always been—has always been—member elected and some appointed skilled.

The CHAIR: Some appointed?

Mrs Bradshaw: Previously, though, there were nominees of certain government departments, and of the vet services board, and often that would mean that not necessarily the right level of strategic thinking was given. So the thinking those days—heading back in my mind, and I was not there—the idea was that it was run more of a committee, if you like.

Hon SALLY TALBOT: So how is the board—if I can ask on that one?

The CHAIR: If I can finish off on that and then I will pass to you.

Hon SALLY TALBOT: I just want to move on to how it is done now.

The CHAIR: From my understanding, prior to that change in 2013, there was a requirement for a veterinary surgeon, a representative from the Commissioner of Police and a representative from DAFWA, which are no longer required. I am just wondering what the motivation behind that was?

Mrs Bradshaw: The motivation?

The CHAIR: It seems that there was expertise that was required on the board that is no longer required.

Mrs Bradshaw: I am trying to think about it so I do not go on for too long. But good corporate governance—let us take a step back. The board is there to deal with the strategic direction of the organisation and the corporate governance of that organisation; so it sets the direction and it manages governance—okay? So it steers; that is what the board is there for. There have been a lot of discussions around the NFP—not-for-profit sector—and charities, especially under the ACNC requirements, which is pushing charities like ours more towards a skills-based mix on their boards. What we have done is we have reviewed three times the constitution over a 10-year period because coming into this it really did not stand the organisation in the right stead for the future originally; so what we have done is reviewed. We had an external governance review on the third one to take an independent review, and we still remain with a mix of member-elected and skill-based appointments. The difference is that rather than take representatives from government departments, where we could reproduce skills ourselves that is what we have chosen to do. If you look at it from a conflict-of-interest perspective, sometimes those people coming in were conflicted around the table. So when people come into that boardroom they are there to support the objectives of the RSPCA, not to represent a faction or another organisation that may be from without the organisation. So in fact the changes to governance, far from what our detractors are saying that it is some kind of ploy to infiltrate activists into the organisation, it has actually strengthened the organisation.

The CHAIR: I am a little perplexed by that, because surely if you had a representative from the Commissioner of Police, that is a certain expertise in prosecutions that would be valuable on the board. The same would apply for a representative from DAFWA and a veterinarian surgeon. How could they have conflicting views with the RSPCA—or their own factional views, I think is the way you put it?

Mrs Bradshaw: Well, what we have got is a board that currently comprises highly skilled, independent professionals. Seven are elected and five appointed. So on the basis of those people

who are appointed for skills, we have done—and we had an external review as well so we have the backing for making this statement—that we look at the board at the table at the time: what skills do we need to support the vision and the strategic direction that the organisation is taking? We do a skills matrix and a deficit. We look at that and then we evolve the board to suit that. That is the way any normal board in any reputable organisation would work.

Hon LYNN MacLAREN: Members, can I suggest that if you have further questions about the governance review, that we just simply ask for that review to be provided to us and then we will have information about the decision-making that the RSPCA went through to decide what skills were lacking and what skills they wanted on the board?

The CHAIR: No. I think we can continue to ask our questions.

Hon LYNN MacLAREN: Otherwise we could spend an hour on this one topic.

Hon NIGEL HALLETT: It is quite an important one, and I think the board structure, from the memory of the ones I read out, was very heavily focussed on mining and engineering and the oil industry. There were quite a few board members that came from that, and skilled people—not arguing. What I am saying is what Hon Rick Mazza has tried to get, is we have not got across the industry of being represented—you have not got DAFWA, you have not got the police, you have not got veterinary. You make a very strong stance against live export; you have marched against it.

Mrs Bradshaw: Sorry, RSPCA WA has not marched against live export. I would just like that corrected.

Hon NIGEL HALLETT: No; you did personally.

Mrs Bradshaw: I personally have not marched against live export.

Hon NIGEL HALLETT: You were at Fremantle.

Hon LYNN MacLAREN: She has spoken.

Mrs Bradshaw: Can I answer that, because it is important? I was asked to speak, and that was quite a decision as to whether we should or should not, and in the end I chose to because at the time it was, you know, a very high-profile issue and I thought if I do not, it is not right. So I went there and I spoke on behalf of the RSPCA. I did not attend a rally. I did not march and I did not organise a rally; so that is very important. Can I just also —

Hon LYNN MacLAREN: On that issue of speaking at rallies, are you aware that president Eric Ball also spoke against live exports at rallies in the past?

Mrs Bradshaw: Yes.

Hon LYNN MacLAREN: So is that a change of direction? Has there been any change of direction that you can point to?

Mrs Bradshaw: For me, personally, I am not too sure what happened in the past, but I can speak that we have not changed any kind of direction. If we are asked to speak at a rally, we consider it on its merits, because we get asked a lot. We then make a decision from a board perspective, so it is not just one person saying, yes, you know; we will do that.

[10.50 am]

The CHAIR: We could leave that now, so we will just move on.

Hon PAUL BROWN: I will just carry on from the board structure questions. One thing that was highlighted through the questions here was that there was no-one on the board—the RSPCA effectively has no authority. Let us be clear on that: the RSPCA itself has no authority under the legislation; it is the inspectors who have all the authority for prosecutions and for animal welfare. Why would the board and the membership see fit to do away with the advice of the commissioner's representative and a representative of DAFWA or the authorising body, given that they can be

a police officer or ex officio animal welfare officers, and the same with a member of DAFWA or the authorising body? Why would you not see fit to have a person on the board who has authority as a prosecutor—to raise prosecutions or to raise investigations—given that the RSPCA has no authority whatsoever under the act?

Mr van Ooran: Thank you for the question, member. The fact of the matter is that we have a very strong and effective working relationship with the WA Police—every single day we are in contact. Operationally, we work together on a range of issues; a very good working relationship there with the police. The department of agriculture did not choose to make an appointment to our board when the act went across and that question as to why is best asked of the department of ag. We did not have that appointee role filled by the department of ag, so that is a question for the department of ag, they had the option —

Hon PAUL BROWN: Have you requested that they put someone on the board?

Mr van Ooran: When a vacancy went across, yes, they were asked about that.

Mrs Bradshaw: When the vacancy came up, they were asked. We were in the midst of a governance review and then one of the recommendations was that we do not go down that track, so we ended up doing it differently. But, it is also pertinent to say that because somebody or a government department wants to nominate somebody to attend the board historically, they were not necessarily the person with the best skill level in terms of what was required and the level of discussion that needed to go on in the board. That was also another factor: we need to make sure that we have got those high-level skills going forward.

Hon SALLY TALBOT: Mr Chair, I think I was actually in the queue before Hon Paul Brown, but I am not actually cutting across your line of questioning, Hon Paul Brown, because what I wanted to ask was: you have spoken, Ms Bradshaw, specifically about the skills base mix of the board and you have nominated it in your opening statement as one of current strengths of the organisation. So can you just talk us through these 12 people who constitute the board and the connection between—I do not want names and pack drill—but I want it associated with this concept of the skills base mix, because clearly the pretty specific implication coming from certain lines of questioning is that you have not got that range of experience and expertise, you know, the broad coverage that people would expect the RSPCA to have.

Hon PAUL BROWN: I think we could all read Darren West's *Hansard* if we wanted to spend 45 minutes discussing it.

Hon SALLY TALBOT: I just think that I would like to hear from the witnesses who are here representing the organisation specifically about the skills-based mix.

Mrs Bradshaw: I think it is particularly important because it has come up as an issue from our detractors. If we just focus on the seven people who are elected by the membership, again, the skills base also applies to those people, because as the organisation grows in stature and the things that we do—there is more depth to them et cetera, et cetera—we need to make sure that the people being elected understand what they are coming in to and have the skills to be able to sit around the board table, so it is a professional board.

If I start with the member-elected people, that would be probably the way to go. I do not have notes for everybody, but Ian Cowie is the vice president. He is the CEO of Gosnells council, so he is particularly experienced. He has been around for a long time, like myself. How much depth you want on each person?

The CHAIR: Not too much.

Hon LYNN MacLAREN: Can we ask for it to be tabled?

The CHAIR: If we could ask for it to be tabled, Ms Bradshaw, because we are running out of time. So, if we could have the expertise tabled.

Hon SALLY TALBOT: Clearly, the implication is that you do not have somebody from DAFWA; therefore, you do not have that experience—that is all I am looking for.

Mrs Bradshaw: It is not true and, again, in our submission I think we make that clear. What we do is if we need to tap into further information—we represent a broad church around the table. A broad church is represented around the table, and it has the skills base and it has the calibre and it is a high-level board to take the organisation forward. Our level of corporate governance is envied, actually, by a lot of other NFPs. Has it taken a lot of energy and guts to get there? Yes, it has, and I am actually sitting here quite proud of the fact that our governance has transformed into something better. Certainly, when I came on as president, it could not have been any worse.

The CHAIR: Can I just ask how many appointed inspectors are actually employed by the RSPCA currently?

Mrs Swift: Thirteen.

The CHAIR: Just 13, is there?

Mrs Swift: Yes.

The CHAIR: In your submission you quote that there were 6 113 investigations during the 2013–14 year, so with 13 inspectors, that would be close to 40 investigations per inspector per month. That would be a pretty heavy case load, would it not?

Mrs Swift: That is correct.

The CHAIR: How do you get through that case load and how do you determine which ones are more serious than others?

Mrs Swift: The inspectors prioritise the calls as they come in. They tend to work very long hours and make sure that the jobs are done before they go home, so by having dedicated, committed inspectors that feel strongly about animal welfare, they do the job rather than go home.

Mr van Ooran: Further to that, our systems, policies and procedures are very, very strong, so that enables us to provide the 24-hour, seven-day-a-week cruelty call centre, and they dispatch the jobs out. We use technology very well, communication is strong and we also work with other agencies very effectively as well to share the incoming workload—with the police, with local rangers—when needed, so far very effective.

The CHAIR: In your submission you said there were something like 20 000-odd calls a year on that call hotline, which obviously has filtered down to that over 6 000 inquiries with 13 inspectors. How do you determine from the calls to the inquiries? How is that rationalised?

Mr van Ooran: Chief Inspector Swift can add something to what I am about to say, but essentially we have well-trained people in the call centre who are dealing with those 20 000, receiving those 20 000 calls. Quite a number of those are effectively dealt with through education, guidance, advice or referrals to other agencies, and that actually comes down to, as we report in the submission, 6 100 jobs or incidents that the inspectors themselves follow up in the field.

Mrs Swift: The call centre is responsible for taking all of the calls in relation to the inspectorate, so what that 6 100-and-whatever number came to, that was the actual jobs that were logged onto the system for the inspector to attend. The remaining jobs are: if the inspector leaves a card at the property, somebody will ring back and say, “I need to speak to that inspector.” Also, the police will ring for assistance through that line, mental health people will ring through that line for assistance, so all of the other agencies that we give assistance to ring through to that line. It does not necessarily equate to an actual job, so there are a lot of actual messages that come through that call centre line to the inspectors that are jobs that are not under the Animal Welfare Act therefore are not logged. So, if somebody just wants some assistance, say, to take their pet to a vet and that sort of stuff, we get lots of advice calls to the inspectors that are not logged as actual cruelty calls.

The CHAIR: What level of training is each inspector required to have to undertake those investigations?

Mrs Swift: All inspectors have an induction when they first arrive. The recruitment process is for their past experience as well, so we look at what other experience they have got in life—you know, regulatory, animal welfare. Then we look at the induction program, so when they come through the induction program with us, they have on-the-job training to look at how they prioritise jobs. They also shadow other more experienced inspectors to assist them with that sort of prioritising workload and prioritising calls. They also go through training all the time. We have just done a series of training with them just recently, but they are always on-the-job training.

[11.00 am]

The CHAIR: Is there any specific qualification that they require, though?

Mrs Swift: Yes. At the minute the qualification is they have all got to have the certificate IV in government investigations.

The CHAIR: Of those 6 113 inquiries, you then filter down to people that you actually charge for animal cruelty. How many were there in the 2013–14?

Mr van Ooran: That is not correct, with respect, Chair.

The CHAIR: Is it not?

Mr van Ooran: The 6 100 reports are incidents and they are followed up; they do not revert to charges.

The CHAIR: But some of those must get charged at the end. If you have 6 000-odd investigations, you go through those, but at the end there must be a number that you then charge.

Mr van Ooran: Where there are blatant acts of cruelty, of course, charges are laid, and out of those 6 100, last year there were 22 convictions.

Hon SALLY TALBOT: How many charges?

The CHAIR: That is what I am trying to get at. If there are 22 convictions—you said you had 100 per cent success with that—I want to know how many people were charged and then the charges dropped prior to going to prosecution.

Mr van Ooran: I do not think we have that information with us today.

Mrs Swift: I am prepared to take that on notice and get that back to you. So, you said for 2013–14.

The CHAIR: For the 2013–14 year, how many people were actually charged and then the charges were dropped prior to going to court?

Hon SALLY TALBOT: May I?

The CHAIR: And the reason why the charges were dropped, if you would not mind.

Mrs Swift: Of course.

The CHAIR: Hon Lynn MacLaren has indicated that she would like to ask a question.

Hon LYNN MacLAREN: Before we get too far down that road, I have just a couple of questions about your inspectorate. What are the current gaps in resources in your inspectorate? You have 20 000 calls and only some of them can possibly be dealt with, so what are the gaps?

Mr van Ooran: I think what we are facing—similar to the police and other enforcement bodies—is an increase in the number of complaints coming through. We are just finalising our figures for the last financial year; that 6 100 has grown to about 6 300 to 6 400. There are a whole range of reasons why that may be occurring. We manage that incoming workload well; however, there are significant demands and calls for further inspectorate coverage from particularly regional Western Australia. Those calls come regularly from the community and from local government authorities and the like

where there is a very strong push for a greater RSPCA presence across regional WA. A lot of information is coming through suggesting there are a lot of incidents that go unreported because we do not have that physical visible presence in regional Western Australia. There is a lot of work to be done in the state in relation to animal welfare—a lot—and our inspectors are managing the case load at the moment, but it is growing.

Hon LYNN MacLAREN: Have you identified where the gaps are? Could you provide that information subsequently?

Mr van Ooran: In terms of gaps in animal welfare in the state?

Hon LYNN MacLAREN: Yes.

Mr van Ooran: Yes, I think so.

Hon LYNN MacLAREN: Yes; where the unmet need is and what is required to meet that? It would be useful to have that. Do you have a complaints mechanism so that when people call you and you cannot assist that they are able to complain; and what is that looking like? How many complaints are you getting?

Mr van Ooran: Complaints of animal cruelty or complaints —

Hon LYNN MacLAREN: Complaints that you are not able to assist people with because there is a gap.

Mr van Ooran: Right; I will ask the chief inspector.

Hon LYNN MacLAREN: Calls that do not get answered and that kind of work or complaints when your inspectors arrive and people are not happy with how they have been helped.

Mrs Swift: Can I just clarify what you mean? Do you mean how do we know—for instance, we get people that ring up in Broome and want assistance and we cannot give it to them, so we have got to make alternatives. Do you want to know how many complaints we get for Broome or the north?

Hon SALLY TALBOT: Take it in the two parts: the unmet need and the complaints about the activities of the inspectorate.

Mrs Swift: Okay. The need that we get—quite a lot. It tends to be Esperance, all of the outskirts, from Geraldton upwards that there is a need for more RSPCA presence up there. We are actually up there this week, and we have done a drive all the way up to Broome. There are significant animal welfare problems that we have seen all the way up. It is mainly anecdotal, because when we are up there and we are speaking to them, they are saying, “We need you up here”, but they do not report it because they know there is nothing that we can do. I think people have become a little bit disengaged, if you like, so they do not report it. As soon as the thing is up there, they are straight out saying, “This needs to be done; this needs to be done”, but they are not reporting it to the cruelty line. If we do get those, they tend to be really serious complaints, so the people that do actually ring us tend to be really serious, and then we are reliant upon the police. Then we ring the police and we will talk through what we would like them to do, and they tend to go out and enact their Animal Welfare Act powers on behalf of the RSPCA. They will go and look at the situation, but they tend to be guided by us, so we will assist with them.

Hon LYNN MacLAREN: The second part of the question was: how do you manage complaints to the organisation?

Mrs Swift: About our inspectors?

Mr van Ooran: We have a complaints handling procedure that we use. To be frank, there are a number of complaints we do receive on a wide variety of issues. Often it is a highly emotive and charged topic—animal cruelty—and there is a real desire by the members of the public for tougher sentencing and a stronger reaction. You always have people not quite happy with decisions from the courts, for example, and, of course, our inspectors work assiduously underneath legislation, the

Animal Welfare Act, which is very clear about their roles, their responsibilities and their accountabilities. Sometimes the public want more.

The CHAIR: Just on that, if I can just ask a couple of questions on that issue, if you do not mind.

Hon LYNN MacLAREN: On complaints, because I have not finished my questions regarding your earlier line of questioning.

The CHAIR: Okay; we will come back to you on that.

Just with the inspectors, I understand the inspectors are public officers appointed by the director general of DAFWA.

Mrs Swift: That is correct.

The CHAIR: When you determine where charges should be laid, do you refer to the State Solicitor or to DAFWA?

Mrs Swift: No, we do not.

The CHAIR: So, you do not. How do you decide who should be charged for an animal cruelty offence?

Mr van Ooran: We have a very clear compliance–enforcement–prosecution policy that has been independently developed and it aligns very much with the department of agriculture’s compliance, enforcement and prosecution policy. But it does have some differences in that we are unable to issue infringement notices, and another example is we do not have access to the State Solicitor’s Office, like the department of agriculture do, so there has to be, quite simply and logically, some slight differences. However, it is an effective tool, the compliance–enforcement–prosecution policy. We have in-house general counsel providing independent legal advice, objective legal advice, and we also work with external pro bono lawyers in the criminal field as well to provide advice and assess investigation files. Inspector Swift might have —

The CHAIR: So you actually do not have any government oversight as to these prosecutions, other than the public officer and the RSPCA as an organisation. There is no government oversight. There is no State Solicitor, no DPP, so you are actually undertaking prosecutions using pro bono lawyers.

Mrs Swift: Sometimes.

The CHAIR: And then sometimes it is just the inspector.

Mrs Swift: No, no; it has legal counsel.

The CHAIR: It is legal counsel, so that is like a private arrangement with private law firms; is that right?

Mrs Swift: That is the agreement with DAFWA.

Mr van Ooran: A range of Perth’s leading law firms are on our pro bono legal panel—barristers included as well—so they are a very highly qualified, experienced set of pro bono lawyers that are not necessarily engaged with every case but on a number of cases.

The CHAIR: But are they not private prosecutions?

Mr van Ooran: No, they are not.

Mrs Swift: No.

Mr van Ooran: As you said before, RSPCA inspectors are public officers and there is a great oversight and accountability—the Department of Agriculture and Food.

The CHAIR: Sorry, you just said that the Department of Agriculture and Food and the State Solicitor does not oversee your prosecution.

Mr van Ooran: No, they do not.

The CHAIR: So that must be a private prosecution, surely?

Mr van Ooran: No. It is on behalf of the general inspector—the authorised general inspector who is authorised by the CEO of the Department of Agriculture and Food.

Hon LYNN MacLAREN: They are authorised through them.

Mr van Ooran: They are authorised —

The CHAIR: I know they are authorised —

Mr van Ooran: And they are accountable.

The CHAIR: — but there is no scrutiny from a government department or from the State Solicitor.

Mr van Ooran: The department of agriculture has every opportunity to scrutinise, and they do. We often regularly meet and we discuss a whole range of cases and issues constructively, but the CEO and the department can at any time raise any issue in relation to the activities of an inspector as part of their job under the Animal Welfare Act—absolute clear transparency and accountability.

[11.10 am]

Mrs Swift: And the DPP can take prosecutions off us if they think that we are not doing it properly. So the DPP can actually step in and take a prosecution off us, and direct it—either ask us or tell us to discontinue it if they see fit. So there is that oversight as well.

The CHAIR: Has that ever happened?

Mrs Swift: I believe so, yes.

The CHAIR: And has DAFWA ever asked you to desist from a prosecution, or cease a prosecution?

Mrs Swift: No.

The CHAIR: DAFWA has never asked you to do that?

Mrs Swift: Not that I know of, no. Not while I have been there.

Mr van Ooran: And just to clarify, there is also not just the DPP, but the Ombudsman has oversight into the activities of the inspectors as well. They are public officers.

Mrs Swift: And the CCC.

The CHAIR: Which was part of the concerns that have been raised with me—you said earlier, Mr van Ooran, that people are asking for stronger sentencing for animal cruelty breaches of the act.

Mr van Ooran: And weaker. The whole gamut, Mr Chair.

The CHAIR: Okay. You said “stronger” penalties. Now, some quite serious criminal charges can be laid by inspectors that are nominated by the director general of DAFWA and employed by the RSPCA, so some of the concerns revolved around the accountability aspect of RSPCA officers in their prosecution. Would you not think that a government department like DAFWA should be referred to first, or the State Solicitor should be referred to first before charges are laid?

Mr van Ooran: No. It is working very effectively; it has for decades, in fact. It is a very well established system. You have only got to look at the outcomes: excellent outcomes, an excellent track record. If we take the last two years, there have been 50 successful convictions and zero unsuccessful. It is a record that a lot of enforcement agencies would love to emulate. If you look at the outcome, it is a very strong record. That is not to say that—we are always striving for continual improvement, like any agency.

The CHAIR: Alright. There have been zero unsuccessful prosecutions, but there have been a number of people who have been charged. They have obviously had to defend themselves and

racked up substantial solicitors' costs in defending themselves, and then the charges can be dropped. So even though that person might not be prosecuted, and might not go to court, they could end up with tens of thousands of dollars in legal fees and the charges have been dropped and they have got no opportunity then to recover costs or anything else. Do you not think there should be some sort of safety mechanism through government departments for that?

Mr van Ooran: The law is very clear. The court process is very clear. You will find charges being laid and or withdrawn by any enforcement agency, depending on how that case or investigation might shift, and that legal advice. Our actions are based on legal advice at the time. It is not unusual at all for charges to be modified as the court process works through.

The CHAIR: Or drops. So things could be dragged out for a period of time. Maybe not enough evidence is found and then just dropped—charges dropped? Is that correct?

Mr van Ooran: There can be myriad reasons.

Hon SALLY TALBOT: I think that was a very leading way of framing the question, Mr Chair.

Hon LYNN MacLAREN: I have to agree.

Hon SALLY TALBOT: I mean, the witnesses are clearly uncomfortable about you framing it like that. Do you agree with the way the Chair has just framed that?

Mrs Swift: I do agree, I think that was loaded because of something else that has gone on. That is not a typical situation that you are referring to there. And there were a distinct set of circumstances that led to that particular case that we could go into, but probably not in this forum.

Hon LYNN MacLAREN: Do you want it to go into a private forum?

The CHAIR: No, I am happy to leave it as it is. It was not leading, really. I suppose the point I was getting at was having that safety of a government oversight, and that government department is then under scrutiny from Parliament, which you do not have in the RSPCA, so that is the point I was trying to make. I am happy to hand over to someone else if they would like to ask questions.

Hon LYNN MacLAREN: Mr Chair, I think your questions about the compliance enforcement and prosecutions was exactly the question that I had next on my list. The differences between the RSPCA and DAFWA have come up in a previous hearing, and so we wanted to hear from you about what differences exist so we could weigh up whether they were adequate. I think there was a concern that they were inadequate—that the training in that area was inadequate. The other thing that came up that was related was directions notices. I had the concern about whether—you have got to cert IV. Are all your inspectors currently certified to that level; and, if not, do you have a training program to bring them up to that certification? Do you do continuous assessment, so that they are meeting their skills' level? Because that has been raised that perhaps there is some deficit of skills, and that DAFWA offers training for that, that maybe the RSPCA is not taking up as readily. If you could comment on those concerns, that would be helpful.

Mr van Ooran: Yes, I will lead off and Chief Inspector Swift might have a little bit more information there. Our inspectors are very well trained, and I would be surprised to see if there is another body across Australia that has a similar level and a similar approach to the training of its inspectors. There has been some joint training with the department of agriculture staff, where authorised inspectors from both agencies have come together on some topics; that is very welcome and we are very enthusiastic for that to continue. We are currently have discussions with the department of ag about further joint training opportunities. So, was that towards your question there, honourable member?

Hon LYNN MacLAREN: Did you want to be more specific about how you ensure that your inspectors are adequately skilled on directions notices and complaints and compliance, or do you have something you could table at a later date which indicates to us your training regime and how your inspectors have met that skills level? That would be helpful.

Mrs Swift: Yes. I will table that as well. All of the inspectors are trained to cert IV in government compliance. They are all now three-quarters of their way through a diploma in government investigations as well, so they have actually gone one step higher. We have quarterly training that is in-house and is run by lots of different bodies, so we have had people like the Federal Police come in that do training on warrants and things like that. We have had training from an expert in investigation techniques. We have got continual improvement that happens consistently across the board. There is specific training that they have to have. So, you know, the normal health and safety type training, heights, firearms and that sort of thing. We have had training from the department of agriculture. That initially was on cert IV in government compliance. We actually redid our own inspectors that did that to tailor it more to the Animal Welfare Act. We had training that we were invited to from the department of ag on direction notices. That took place. I have subsequently asked for further training from DAFWA on the direction notice subsequent to an issue that arose 18 months ago. I am still waiting for that training there, to make sure that we are all still on the same level. It is a consistent training that they go through, and it is very rigorous.

Hon PAUL BROWN: I will just ask a few, just following on from the questions about prosecutions and costs. Your in-house legal counsel: does that come at a cost?

Mr van Ooran: Yes, that is right; that person earns a salary.

Hon PAUL BROWN: Earns a salary. There is an allegation in the submission by ex-president Eric Ball that some of the costs and some of the statements that the RSPCA have made in publications and in fundraising campaigns about the fact that you receive no funding from prosecutions—that it all goes into government revenue, and you receive nothing—you actually do receive funding. When you have a pro bono lawyer, a barrister represent you in a prosecution, do you seek recovery of costs?

Mr van Ooran: Only if there are actual costs.

Hon PAUL BROWN: Only if there are actual costs. So if there is no costs from a pro bono lawyer or barrister, you do not seek costs at all?

Mr van Ooran: No, not in relation to pro bono services. There are some occasions where we do not receive full pro bono, and in that case, yes, we do claim those costs.

Mrs Swift: They claim their own costs.

Hon PAUL BROWN: How many of the 22 prosecutions that we are talking about in 2013–14 would have been represented by pro bono —

Mr van Ooran: I would have to take that on notice if you want an accurate response to that.

Hon PAUL BROWN: As part of that, can I also have not only the cases that were prosecuted pro bono, but also the judgements, the fines imposed and any other costs that were awarded in regard to that prosecution, or those prosecutions?

[11.20 am]

Mr van Ooran: Can I just clarify, Mr Chair, whether a part of that request was for information relating to the costs that have been recovered?

Hon PAUL BROWN: It will be around the fines imposed and the costs recovered, and how many of those were pro bono prosecutions, how many were prosecutions that actually cost and what the cost recovery rate was.

The CHAIR: Are you clear on that, Mr van Ooran?

Mr van Ooran: We will verify it later.

The CHAIR: That will be A5.

Hon NIGEL HALLETT: I have some relatively quick questions on the financial side, and I think it is an opportunity to clear the air a little bit. You receive \$500 000 from the state government, and also you receive \$250 000 from local government. Are both of these figures audited by the Department of Agriculture and Food or the Department of Local Government and Communities to see where the spending occurs each year and what has happened with that money?

Mr van Ooran: First of all, the \$500 000 from the state government is for an approved purposes grant. That is verified by an independent auditor and signed off by the CEO as well. That is provided to the Department of Agriculture and Food in our annual report, and combined with that is an annual report that details the activities of that special purposes grant in great detail. So there is an audited financial report and an activity report that is provided to the department each year. As you see in our submission, it is tied to four key areas of funding. That is around our inspectorate work in relation to companion animals and in relation to the provision of the 24-hour, seven-days-a-week cruelty line—we provide information on that; it is in relation to training for inspectors, and it is also in relation to education activities around responsible pet ownership. So that is very clear, and provided annually to the department of agriculture. As to the second part of that question, we do not receive \$250 000 from a local government authority; we do, however, receive \$77 000 from the City of Kalgoorlie–Boulder to provide inspectorate services in their shire. We provide a quarterly report to the shire and the councillors there on the activities associated with that \$77 000 annual contribution. The City of Kalgoorlie–Boulder is perhaps one of the more proactive shires in terms of animal welfare and secured our services back in 2011, I believe. We have a very good working relationship with their officers, and that funding is acquitted against their guidelines.

Hon LYNN MacLAREN: Mr van Ooran, would you have any concerns about the report that you were talking about being tabled in Parliament so that we can see —

Mr van Ooran: No, none whatsoever.

Hon LYNN MacLAREN: Thank you.

Hon NIGEL HALLETT: So you do not receive \$250 000 from local government?

Mr van Ooran: No; I am not sure where you got that figure from, honourable member.

Hon PAUL BROWN: That was previously —

Mr van Ooran: It was previously, when the act was with the Department of Local Government. Yes, back in 2011, I understand, there was an increase in funding provided. It went from \$250 000 to \$500 000, and it coincided with the shift of the act from the department of local government to the department of agriculture in 2011.

Hon PAUL BROWN: Mr van Ooran, training: it says in your submission —

In 2013/2014 the Inspectorate participated in a variety of training including:

- Direction Notice training provided by Dr Maike Dorn, DAFWA

How many people went on that training course in 2013-14? How many of your inspectors were on that course?

Mr van Ooran: I would probably have to take that on notice because it is more than two years ago, unless Chief Inspector Swift has that at hand accurately.

Mrs Swift: Everybody who was appointed at the time went.

Hon PAUL BROWN: All 11 or 13?

Mrs Swift: Everybody that was appointed at the time went, including myself.

Hon PAUL BROWN: So they are all fully compliant with the method of issuing direction notices?

Mrs Swift: There is an issue with the direction notice training in itself, and I have requested further updates on direction notice training.

Hon PAUL BROWN: In that direction notice training that DAFWA hands out, it says quite clearly in that that direction notices cannot be written out to protect the welfare, safety and health of animals that the inspector has not seen. Would you agree with that?

Mrs Swift: I do not know; I will have to take that and have a look at the actual training.

Hon PAUL BROWN: You have undertaken the training yourself. Is that part of the training you received?

Mrs Swift: It is, but it was two years ago and I do not have the information in front of me so I can —

Hon PAUL BROWN: I have it in front of me, and it says quite clearly that direction notices cannot be written out to protect the welfare, safety and health of animals that the inspector has not seen. I have a direction notice written and issued by yourself to Matt Carrick and Ina Carrick.

Hon LYNN MacLAREN: Shall we provide her with a copy of that, if you are going to refer to it?

Hon PAUL BROWN: I can do.

Mrs Swift: It is fine, I know.

Hon PAUL BROWN: I am sure Inspector Swift knows the case that I am talking about.

Hon LYNN MacLAREN: What about us?

The CHAIR: It is alright. Let him continue.

Hon PAUL BROWN: On 17 March 2014 you issued a direction notice to the Carricks.

Mrs Swift: That is correct.

Hon PAUL BROWN: Did you inspect the animals before —

Mrs Swift: I did not, no.

Hon PAUL BROWN: So, given that the training you have undertaken from the department of agriculture states quite clearly that direction notices cannot be written out to protect the welfare, safety and health of animals unless you have seen the animals yourself, why then would you seek to write out a direction notice—particularly a section 40(1)(b) notice which is not reviewable by the minister, because of the language you have used? And given that you have not seen the animals and could not assess the health or wellbeing of those animals, why would you not only issue a direction notice but also state that you issued it at that date and that you issued it in Wakeford Road, Greenough, when you actually had not visited the property and you had not seen the animals? That is the question I am asking. Why have you issued a direction notice and why have you signed a legal document that could lead to the prosecution of someone and imprisonment of somebody when you have not seen the animals, you have not visited the property and you had no knowledge of the condition of those animals when you wrote this direction?

Hon SALLY TALBOT: Can I suggest we go into private session?

Hon PAUL BROWN: There is nothing that is not in the public domain here.

Mrs Bradshaw: Are we able to see the documents you are quoting from about the training?

Hon LYNN MacLAREN: Mr Chair, could I see the document as well because we are in the dark here? It would be nice if everybody could have some information.

The CHAIR: I have had an indication from members that we move into private session.

Hon SALLY TALBOT: I would like to go into private session.

The CHAIR: You would like to move into private session?

Hon SALLY TALBOT: Yes.

The CHAIR: I think we will move into private session at this point in time. I will ask all other people within the gallery to please leave.

Hon SALLY TALBOT: No, I would like to go into a private session just with the committee; I would like to go into a deliberative session. Could you ask everybody to leave, and then we will invite them back in.

Proceedings suspended from 11.28 to 11.42 am

The CHAIR: I thank everybody for their patience and I welcome you back. We are back in public session and I will hand over to Hon Paul Brown to continue.

Hon PAUL BROWN: Inspector Swift, I was not intending to make any imputations of any criminal activity by yourself or anything like that. That was not my intention, and if that was inferred, I apologise. It was about the level of training and the discrepancies that I certainly have seen in a number of cases, particularly, as you are well aware, we have had both Mr van Ooran and yourself and myself with the Carricks. There has been a dispute there. What my questioning along this line is about, particularly given the Carricks, is that there was apparently no inspection of the animals and a direction notice was given. That was by two respectable veterinarians who had a range of discussions, not with yourself, but with your original inspector based in Geraldton. There obviously now has been what we maybe can see is a breakdown in the process. I have another one—I think you have copies there—here in Geraldton that was issued. The first one with the Carricks was horses; this one again is with horses in the Geraldton region. The direction notice says on the bottom that it was “left on table”. This was an Animal Welfare Act direction, under 47(1)(j) of the Animal Welfare Act, which, once again, has serious consequences for the animal owner. This is not a direction notice that you signed, Inspector Swift, but nonetheless it has very serious implications for the owner of those animals. The direction notice was left on a table. In fact, my subsequent investigations found out that as the inspector was walking off from leaving it on the table, the 13-year-old daughter, who was home by herself, walked down to the building and the direction notice was then subsequently given to a 13-year-old girl. She was unable to absorb what she was just given and then the advice that she was given by the inspector that was issuing this, and actually thought that her mother was going to go to jail. We are talking about training here; given that there has been direction notice training. As the chief inspector, can you tell us why we are still finding inspectors issuing direction notices which have serious criminal—maybe not criminal—but certain elements of fines and imprisonment that are not being adhered to? The process is not being adhered to. I would have thought, given that President Bradshaw has made claims that you are regarded as one of the most beloved organisations in Western Australia and has accused us parliamentarians of having a witch-hunt and that we are unfairly accusing the RSPCA of saying that the inspectors are abusing their powers, how can we not come to this conclusion when these sorts of processes are breaking down?

The CHAIR: Member, I might just ask you to get to your question, if you could.

Hon PAUL BROWN: I would just like some comment about that.

Mr van Ooran: What specifically is the question?

Hon PAUL BROWN: If you are coming here and saying to us that you are meeting all the training standards, you are undergoing everything, you are adhering to the provisions of the MOU, you are a beloved organisation that is doing its utmost for animal welfare, why then are we still finding outrageous breaches of process which, I believe, have no basis, particularly around the comments that you have made earlier?

Mr van Ooran: Mr Chair, can we get some clarity with the question, please? What is the specific question?

Hon PAUL BROWN: I would like you to make a statement around the allegations that I have made.

Mr van Ooran: Can I just say one thing. If we are talking about this particular incident, there was a number of cruelty reports received by the RSPCA of horses left without shade or shelter in temperatures exceeding 40 degrees. The inspector, with over 35 years' experience in station life, in equine management and a whole range of very relevant experiences and knowledge, dealt with that report, attempted to engage with the person in charge of those animals, who refused to communicate with the inspector involved. Let us get that very clear.

Hon PAUL BROWN: Why has that inspector not signed the —

Mr van Ooran: I can revert to Amanda Swift to explain and elaborate a little bit more for you.

Mrs Swift: The inspector did actually sign a direction notice, but that was thrown away by Mr Carrick who then intimidated our inspector, saying that if her horses need a vet when they become injured, do not look to them to provide veterinary assistance. She felt intimidated by them. Quite rightly, she passed the information then to me to write the direction notice. If I can bring you back to what you said about the training, and I have been passed a copy of it, I can only think that you refer to the substantive text of the direction which is slide 4 in the training; it actually says that a direction cannot be given to protect animals that the inspector has not seen to protect against a future bad outcome.

[11.50 am]

The direction notice that you accuse me of not writing, 47(1)(j), is to protect the animal, and that is the exact reason that “to protect” could not be written in that particular direction notice, so it was “to provide”. The law is quite clear, and it is the law of Western Australia that states that animals require shade.

Hon PAUL BROWN: Given that we have got two inspection notices here in the same area in the Geraldton—midwest area, both have the fingerprint, shall we say—the actions of that inspector—along with yourself, why have we got one issued under section 40(1)(b) and one issued under a section 47? The direction notice that you wrote and the way it was written because of shelter is not reviewable by the minister and not reviewable by the DG. I think in common usage, you would say that they are emergency provisions whereby you need quick resolution because of the welfare of the animals. If you wrote the initial one on behalf of that other inspector, why then have we not the need to use the 40(1)(b) provision in the second notice, if there was such an outrageous need for shelter because of the welfare of the horses?

Mr van Ooran: I think we are having trouble getting to the nub of the question—if you would not mind repeating the question.

Hon PAUL BROWN: My question is: the training that you say inspectors are undergoing is unclear. The way that you are writing direction notices using section 40(1)(b) in one and section 47(1)(j) in another, which have direct implications for the ability of those directions to be reviewed by any higher authority—the minister or the DG—why then are you using those provisions given that a respectable veterinarian, who you have used as a witness on occasion —

Hon LYNN MacLAREN: Mr Chair, I am conscious of the time.

Hon PAUL BROWN: Why have you chosen —

Mr van Ooran: Can we merely have the question, Chair?

The CHAIR: Member, I am conscious of the time because other members would like to ask questions. Could you maybe bring your questions into a more succinct line of questioning?

Mrs Swift: I think I know what you mean, but the direction notice of a 47(1)(j) was on the direction of the administrators of the act, so after this direction notice a newsletter was issued that says, from now on, regardless of what it says in the Animal Welfare Act, you will issue direction notices under 47(1)(j). That is where the difference lies.

Hon PAUL BROWN: Was this one on 17 March 2014, which you issued, because what is believed by the ministerial office and the department and by the veterinarians in place were so outrageous they have actually asked you to stop issuing notices under that?

Mrs Swift: No. We have asked for clarification. We are still waiting for training, like I have said. We have been told by them that we have to issue direction notices under 47(1)(j). We are waiting for training. We are just complying with what the direction was from the administrators of the act have asked us to do. That is what we have done until we can get clarification of when direction notices have been issued in emergency situations, in DAFWA's own words, "Where the use of section 40 for emergency situations is not explicit in the act, it is open for any inspector to use a direction notice for this provision for shelter." They are DAFWA's own words. We are waiting for clarification. Until we get that clarification we are doing what we have been asked, and said: issue direction notices under 47(1)(j).

Mr van Ooran: Let me add —

Hon PAUL BROWN: I have got one further question.

The CHAIR: One question, please, and then we move on.

Hon PAUL BROWN: Given than there was no emergency provision, these animals in the initial inspection direction were in outstanding health. In my view and the view of the vets that were in control of these animals, who are some of the leading equine vets in WA, why did you feel that you needed to use the section 40(1), given that you had not seen the animals? You had not ascertained—why could you not use the section 47?

Mrs Swift: I think I have made it quite clear that the training that we got said that you could only use the act to protect animals if you had seen them, which I had not. I have made that quite clear. I have also said that the animals in the WA legislation require that they have shelter. That is quite clear in the act. What is not clear in the act is that it is for use in emergency situations. That is not clear and I have asked for clarification.

Hon PAUL BROWN: No.

Mrs Swift: If I can just continue, please. That also was not clear in DAFWA's training that you have got and will have seen. I also contacted other equine vets. You mentioned these are equine vets. I have reports here from other equine vets that state quite clearly that those horses in these pictures require shelter, and I am quite happy to table those.

The CHAIR: Member, we will need to leave it there. Just finish off quickly.

Hon PAUL BROWN: I go back to that you have been provided those after the fact.

Mrs Swift: No; the photographs were provided at the time. The vet report was spoken to at the time.

Hon PAUL BROWN: The simple fact was you had not seen the animals but you used the more strict requirements of the act—the section 40 rather than section 47—when you could have quite easily used the section 47 and entered into an arrangement, allowed the —

The CHAIR: Member, please; we have been over that a couple of times. I will let Mrs Swift answer that and we will cease that line of questioning.

Mrs Swift: Thank you, Chair. I have already explained that they would not communicate with us. With the best will in the world, if that person refuses to communicate with the inspector, there is nothing you can do, and you sat in that meeting with us and you agreed that this was a breakdown in communication—from the very outset, "your honour". You actually said that as well, "This is a breakdown in communication that could have been resolved at the outset." I was left with no alternative but an inspector that was threatened and there were animals being threatened, to issue a direction notice because we could not find what was happening.

Hon PAUL BROWN: This is the first time I have heard about any threatening —

Mrs Swift: Can I finish, please?

Hon PAUL BROWN: You made an allegation there, which I have not heard previously.

Mrs Swift: Okay.

The CHAIR: If you just wrap that up too, Mrs Swift. I think we have been over this on a couple of occasions. We get the picture of it all.

Mrs Swift: Okay; thank you.

Hon SALLY TALBOT: I will address this to Mrs Bradshaw and she can delegate it as required. In the MOU with DAFWA, there is a clause that talks about the need to separate the enforcement role and the enforcement policies that the RSPCA undertakes from, and it says, “other activities or other policies”. Are you familiar with that clause in the agreement? Can you just talk to us about how you do that and what that means in practice?

Mr van Ooran: Sure. The RSPCA inspectorate that has authorised inspectors that have been approved authorised by the department of agriculture and the CEO, work to legislation, very, very clearly with a range of accountability checks and measures—rightfully so; they are public officers. Their role is about regulation, compliance, enforcement and prosecution—very, very clear in our own compliance enforcement prosecution policies. It is very clear how the authorisation of moving to prosecution is made with the very best information gathered and independent to the organisation. We have separation there. Amanda Swift is in charge of the inspectorate. I am not involved with the regulation compliance enforcement prosecution work. That is very well separated, and it is very well documented. Does that answer your question or were there any other queries?

Hon SALLY TALBOT: When you have policies or activities that are not connected with enforcement, how do you make the distinction between the two? You said that it is sort of physically separate.

Mr van Ooran: Yes; physically separated, and in all senses separated. The inspectors have no involvement whatsoever with any of our other work. They provide a service to a whole range of stakeholders very objectively and very independently. There was a great example of that only recently, when there was an issue with a live export vessel that departed Perth, that experienced mechanical trouble after five days into the voyage, returned to the shore. There was concern from media and the community about the welfare of the cattle on board. In the end, the owner of the vessel himself turned to the RSPCA to inspect the vessel off the shore.

[12 noon]

We conducted that activity with professionalism and with our usual integrity—in fact, Inspector Swift was one of those officers; another one was a veterinarian—and conducted that inspection, as I said, without fear or favour but with complete objectivity and professionalism. It is not only intensive animal industries; it is also companion animals, it is also the police, it is also the local government rangers constantly making contact with the RSPCA, seeking guidance and advice on all things to do with regulation. They are very well regarded and they do that job very, very well. To date, we have seen no evidence in the submissions that suggests that there is an issue with the regulatory work as opposed to the other work of the RSPCA.

Hon LYNN MacLAREN: What time are we going to, Chair, just so I can clarify?

The CHAIR: By about quarter past 12 we need to wrap up. I do appreciate the RSPCA’s time, but are you okay to stay till quarter past 12?

Mr van Ooran: Very happy.

Hon LYNN MacLAREN: As you know, there are many issues of this that have been raised by other people who have given evidence. I have a list of other topics other than the one that we have

been going down for the last hour, and it relates to what Hon Sally Talbot has just raised, which is that distinction between policy and enforcement. One of the criticisms that has been levelled at the RSPCA is—I am quoting from a newspaper—that there is a view in the community that you should focus on your traditional role to focus on companion animals. This was covered in the newspapers after the last group of hearings that we had, so I wanted you to comment on that. Do you see that your concerns about the suffering of animals should be restricted to companion animals?

Mr van Ooran: All animals deserve to be treated equally. In fact, if you look at our history—I am sure the president is keen to say something here—for more than 100 years the RSPCA in Western Australia has been involved with all animals, including commercial livestock. We have also fulfilled an inspectorate regulatory role for 100 years and we have also spoken up on key animal welfare issues. It might have caught your eye in our submission where we actually gave a couple of examples from in the early 1900s where we were talking about issues around the transport of livestock by both land and sea. It is a very important topic. We also talked about releasing pigeons from cages for shooting back in 1910–11. We speak up on behalf of animals. We use our interest in animal welfare to further the cause and improve the lives of animals. So it has been a role that we have been working with and to for many, many years.

Mrs Bradshaw: I cannot really add much more to that. But I think that some of our detractors would like to have us positioned for dogs and cats, and I think that is where those statements come from; in other words, keep away from livestock or anything else. The RSPCA was founded for all creatures great and small, and that is what the public expect and that is what we do.

Mr van Ooran: In fact, the statistics, honourable member, show how more than 2 000 incidents were received in relation to livestock. Roughly about 30 per cent, I think, of the calls we receive are in relation to livestock, and the insinuation that we are prosecution-focused, publicity-focused, targeting livestock industries could not be further from the truth.

Hon LYNN MacLAREN: Some of the recent topics the RSPCA has gone on the public record with, beyond the cruelty to cats and dogs, which you do have a high reputation for, but would you be able to comment on, in Western Australia, what you see as the main concerns regarding the suffering of animals besides cats and dogs? Recently, in Australia, we have had the greyhound racing industry and the livestock export industry. There has been a concern about puppy farms nationally. Amongst all of the issues of how animals are suffering, what do you see the RSPCA's focus is in Western Australia?

Mrs Bradshaw: It is interesting. We are spreading ourselves across all of those areas. Our new strategic plan coming forward will have a vision for the RSPCA up to 2020. We are not quite ready to put that out, but we will continue to work across all creatures great and small. Areas of concern that do blow up particularly from time to time—of course, the greyhound situation was one—we have to respond to, and we have to often divert ourselves away from what we plan to do to what we need to. It is an ever-moving feast, if you like.

Mr van Ooran: The number one topic remains and probably will remain for the future simply the abuse and neglect of animals, from companion through to livestock. That is the bulk of our cases—deliberate intentional cruelty, but also unintentional neglect. We see that in hundreds of cases.

Hon LYNN MacLAREN: There has been criticism levelled at you that the RSPCA is quick to prosecute without giving—in particular, this person is saying—a farmer a chance to improve first. How do you respond to that criticism?

Mr van Ooran: Let us understand where the complaints come from, and they are from compassionate farmers. The president mentioned before the overwhelming majority of farmers treat their animals very, very well, but they are the first to pick up the phone when they see some animals in the district not being treated properly. Who do they call? It is the RSPCA. We attend to those calls. As I said, more than 2 000 were received in relation to non-companion or non-cats and dogs.

Hon LYNN MacLAREN: I think it might have been the same farmers' federation mention that there was a three-tiered approach to dealing with cruelty complaints—whether they were minor, major or critical. Is that how you assess calls?

Mr van Ooran: That is right. We have level 1, level 2, and level 3 being the more severe.

Hon LYNN MacLAREN: Would you explain how you actually decide what is level 1, what is level 2 and what is level 3?

Mrs Swift: Level 1 would be routine cruelty where there is not anything that is life threatening. Level 2 would be something that could possibly wait for a day, so something that may be animals abandoned or neglect; you know, skinny animals that could probably wait. Critical would be something where it is life threatening, so something that is bleeding, collapsed or dying would come first; they would always prioritise into that critical job which requires immediate attention.

Hon PAUL BROWN: Would you like to be able to use infringement notices? At the moment, you cannot use infringement notices. Is that a step in between which you would like to have the ability to do?

Mrs Swift: I think that would be a proactive approach for WA, yes.

Mr van Ooran: Again, the stats speak loudly to the fact that we will always work with the owner of an animal, be it companion or livestock. If you look at the more than 2 000 incidents in relation to commercial livestock, all of them have been dealt with in the last year with guidance, advice and management. We have two matters before the courts in relation to livestock. When you weigh that against 6 100 jobs, 20 000 cruelty complaints, it is really disappointing that there are some small sectors in the industry who seem to want to promulgate this myth that our inspectors are out there targeting producers, dog breeders—whatever it might be. There is not one shred of evidence to suggest the inspectors are acting improperly.

The CHAIR: Just one last line of questioning, euthanasia is obviously the grim reality of managing pets that have been abandoned or that are so sick and injured that they need to be euthanased. In *The Sunday Times* article going back some months ago, there was a story about a little Cavalier King Charles called Izzy that had some pups and was being fostered by a woman and her veterinarian husband. As the report went, when it was taken in for a check-up to the RSPCA, the dog and its pups were put down. Could you give us a reason why that occurred?

Mr van Ooran: That case goes back at least three and a half or more years. We have put on the record publicly the correct facts around that case probably 18 months ago. That details the case very much. We are happy to provide that information to the committee to assist you to understand that particular incident.

[12.10 pm]

The CHAIR: If you would. We will make that information on notice A8.

Mr van Ooran: So we have got all the information in relation to that case.

The CHAIR: Yes, in relation to that particular case because it is very concerning. There was a blog by a group called Saving Pets on that same issue with some photos. There were a substantial number of responses to that blog, many of them very upset with the RSPCA for putting the animal down. In fact, a lot of them said they would not donate to the RSPCA again. That really cannot be good for the charity. Whether there was a communication thing in getting the real information out there or not, I do not know.

Mr van Ooran: No, there was not, Mr Chair.

The CHAIR: In that case, why was it not reported in the media?

Mr van Ooran: It is a question for the media.

Hon SALLY TALBOT: I am not sure that the witnesses are in a position to answer that.

Mr van Ooran: It is all on our website, Mr Chair—open and transparent.

The CHAIR: It is published on your website; okay. I did ask the reason for it. You will provide that to us in writing.

Mr van Ooran: Absolutely—happy to.

Hon PAUL BROWN: How many dogs do you get? In your submission, you talk about the dogs coming in and being rehomed, going straight into adoption or going into behavioural management as grey dogs. How many dogs do you get coming into the RSPCA through that process?

Mr van Ooran: Through which process was that?

Hon PAUL BROWN: The adoption and grey dog behavioural management.

Mr van Ooran: We get animals coming in for a variety of reasons. Some of them are owner surrenders.

Hon PAUL BROWN: How many do you get coming in each year?

Mr van Ooran: In total?

The CHAIR: Yes.

Mr van Ooran: We will have to get that exact figure for you. Our national statistics are published exactly.

Hon PAUL BROWN: Some of the allegations made in some of the submissions were around the process by which dogs were being unduly euthanased. Could you also give us some indication of the process—the time frames? When dogs come in, if they are deemed appropriate, they go into the adoption centre and if they are not, they go into the grey dog behaviour modification program. How long are they given before a call has to be made on their future?

Mr van Ooran: The dogs that come into our care receive a comprehensive assessment upon arrival. Every case is different to the next. Every dog may or may not enter our grey dog program. We invest a lot of time and effort to work with dogs that have behavioural issues. Some dogs can be working with us. They can be in foster care. We have trained dog training specialists. They can be with us for six, 12 or more months. Others can respond very, very quickly and can move through to be rehomed within a matter of weeks. It very much depends on the case of the individual dog but we do not stop at providing the very best opportunity for dogs to go through the program, receive that expert training and hopefully be rehomed. Is there any further information to that that you would like us to provide?

Hon PAUL BROWN: How many come in and how many successfully go through the program? I think you have said quite clearly there are no benchmarks whereby a decision is made to either euthanase or not.

Mr van Ooran: We can provide that information in detail.

Hon SALLY TALBOT: How would you characterise your relationship with DAFWA?

Mrs Bradshaw: As far as we are concerned, we have a good working relationship. Initially, coming in, we had a new CEO coming into the chair at the same time the act moved over. The whole premise was partnership for animal welfare. Initially, taking into account that they are very different organisations—one government bureaucracy and one independent charity—I think we worked through those issues that we had initially. We have a very good working relationship with them.

Hon SALLY TALBOT: Does the AWA sit appropriately under DAFWA in your view?

Mrs Bradshaw: Again, I would need to have that discussion with the board before I answer that because we have not had any meetings to speak of. Sorry, are we talking about the AWAC?

Hon SALLY TALBOT: The Animal Welfare Act.

Mrs Bradshaw: Sorry, the act; I just realised. Wherever it sits, it is under a government department of one sort or another.

Hon SALLY TALBOT: Are you lobbying for it to move to a different place?

Mrs Bradshaw: No, we have not really had that discussion. It has been with DAFWA for not too much time. We are trying to focus to make that relationship work, to make things happen, to get the partnership for animal welfare generating initially. When we had the launch of the partnership for animal welfare and we had all of the industry and the farming people in, we had the companion animal people and we had some really good engagement, so we are looking for that to start off with.

Hon SALLY TALBOT: Is it a good partnership?

Mrs Bradshaw: Have we lobbied? Could it be improved or should it be somewhere else? I would have to take that on notice really because we have not gone there.

Hon LYNN MacLAREN: Did you make a submission to the animal welfare review that the minister —

Mrs Bradshaw: Yes, we did.

Hon NIGEL HALLETT: Are you disappointed that you have not got a representative from the department on the board of the RSPCA?

Mrs Bradshaw: No. As I said earlier, the corporate governance of the organisation has moved from the old days. It has moved forward. I seem to get the impression that we are sort of being targeted as a trigger-happy bunch of amateurs with malicious intent. It is really not the case. What we are saying is we are a professional charity with high standards of corporate governance. The evolution of the organisation necessitates us to morph and change, just like any other organisation. So we are not unhappy. We are not happy. We sit in the middle. Should we have DAFWA or somebody else? We deal with it in a different way. The way we get input from the various organisations, from the various groups, from the various lobby groups, we deal with it in a more operational way to gather information. People who sit on the board need to be strategic thinking. They are there to support the objectives of the RSPCA and they are there for corporate governance and strategy development. So, really it is just a question of evolution.

Mr van Ooran: Can I just add to that point, Chair?

The CHAIR: Just very quickly if you could.

Mr van Ooran: We have no barriers in place between the communication between the RSPCA and the department of agriculture. We regularly have conversations and meetings from the director general down. So, their engagement and our engagement is improving. As we sit here today, it is a good working relationship.

The CHAIR: Members and witnesses, we will leave it there in view of the time. 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 to take on notice. Responses to these questions will be requested by a due date. Should you be unable to meet this deadline, please contact committee staff as soon as possible. Once again, thank you for your attendance today.

Hearing concluded at 12.17 pm
