

**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, 23 NOVEMBER 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 10.38 am**Mr DAVID VAN OORAN****Chief Executive Officer, RSPCA WA, sworn and examined:****Mrs LYNNE BRADSHAW****President, RSPCA WA, sworn and examined:****Mrs AMANDA SWIFT****Chief Inspector, RSPCA WA, sworn and examined:****The CHAIR:** Thank you, Chief Inspector Swift. I am glad to see you have come well prepared.**Mrs Swift:** I did not know it was for three hours, so I thought I had better make sure I have everything to hand.**The CHAIR:** I am sure that the witnesses all know the members of the committee, but for the benefit of those in the gallery who do not, I introduce you to Hon Lynn MacLaren, Hon Sally Talbot, Hon Nigel Hallett, Hon Paul Brown, and me, Rick Mazza as Chair. On behalf of the committee I would like to welcome you to the meeting. Before we begin I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

The CHAIR: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?**The Witnesses:** Yes.**The CHAIR:** For the benefit of Hansard, all witnesses have agreed.

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. Please try to speak in turn.

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 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?

Mrs Bradshaw: Yes, please, Mr Chairman. I would like to make an opening statement.

RSPCA WA’s attendance today demonstrates its ongoing preparedness to assist the select committee. We have attended a previous hearing, facilitated a site visit by some members of the committee and provided a lengthy submission in responses to questions on notice. This has come at considerable cost to the society. RSPCA WA has also provided responses to submissions, and will continue to address issues raised before the committee through written submissions. We fully

support and practise openness, transparency and accountability in our operations. As the inquiry has now been extended until April next year, the committee has an opportunity to hear from a wider variety of witnesses. To date there has been very limited evidence from people supportive of the work and operations of the RSPCA WA.

With this opportunity provided by the inquiry to seek additional evidence, RSPCA WA will be seeking to have a lawyer external to the organisation appear before you to present evidence on the application and implementation of the Animal Welfare Act, and the exceptionally high standards required in all prosecution work undertaken. The RSPCA WA is subjected to considerable and proper scrutiny in its operations, including through court processes and the media. RSPCA WA respectfully submits that the extended inquiry time frame could allow the committee to consider the many other relevant issues affecting RSPCA WA within the terms of reference. For example, there is an urgent need for additional RSPCA inspectors and facilities in regional Western Australia. RSPCA inspectors try to cover vast areas, but there is significant concern from regional communities and local government about the need for additional RSPCA animal welfare prevention compliance and enforcement. The RSPCA takes what steps it can to extend its work in areas such as Broome, but considers further resourcing is required to ensure animal welfare outcomes through prevention, education, advice and, where appropriate, enforcement.

RSPCA WA understands that the committee today will be seeking further evidence on the training and professional development of RSPCA WA general inspectors. RSPCA WA wishes to emphasise that its evidence to this committee and to the ministerial animal welfare review is that our general inspectors set the benchmark when compared to other operators in the animal welfare space not only in terms of recruitment and training, but also in terms of ongoing professional development as well as in standard operating procedures.

RSPCA WA consistently looks to identify best practice in Australia and overseas, and to implement new procedures or standards where necessary.

RSPCA WA also understands that the committee will be seeking evidence on the relationship between RSPCA WA and local government. DAFWA has provided evidence that there are 59 local government general inspectors. RSPCA WA has well-developed and sound working relationships with most of those local government authorities across the state. RSPCA WA works with them daily and, in doing so, strives to assist them with their animal welfare role and to work cooperatively with community and industry to achieve the best care and treatment for animals. Local government rangers, as well as the WA Police, routinely refer animal cruelty cases to RSPCA WA inspectors to be dealt with, due to the society's expert knowledge, specialist resources, the cost of litigation and the RSPCA's well-established infrastructure.

In response to discussion at this inquiry that RSPCA WA has become an activist organisation, I can only say: we are advocates for change and since inception we have been actively campaigning against animal cruelty, but in a context where we respect legitimate industry and societal needs. Moreover, I believe that the vested interests that have instigated and supported this inquiry have deliberately and selectively used this term to discredit and try to marginalise the organisation—an attempt to portray it as extremist. The RSPCA is actively campaigning against animal cruelty. We listen to our key stakeholders in the community and act in a balanced and considered way. The chairman of this committee is an activist for the gun lobby. Mr Brown and Mr Hallett are activists for the live export industry. Hon Lynn MacLaren and Hon Sally Talbot no doubt advocate for causes they are passionate about. We are all activists or agents of change in a sense, and we should all be comfortable in acknowledging this.

Mr Chairman, in the interests of procedural fairness, RSPCA WA seeks access to any documents or evidence given to the committee, particularly any evidence that contains adverse material or allegations. This will enable us to consider and respond appropriately if the committee is going to rely on the evidence in its deliberations. RSPCA WA is aware that DAFWA submitted 500 pages of

material but, to date, we have been denied access. This is a concern to us. At the hearing last week with DAFWA, Hon Paul Brown, MLC, quoted from emails, and RSPCA WA has not been provided copies of these or other materials submitted by DAFWA.

Mr Chairman, I would like to thank you and Hon Lynn MacLaren and Hon Sally Talbot for taking the time to visit our animal care centre in Malaga. It is my request, also, that the two committee members who have not been able to visit do try and make the effort to find the time. The knowledge gained from experiencing first-hand the work of our dedicated staff and volunteers would be extremely useful and go some way to ensuring and informing members to have an improved level of knowledge of our operations. Thank you.

The CHAIR: Thank you, Mrs Bradshaw.

Hon PAUL BROWN: Good morning, all. Firstly, can I just say that my inability to attend the Malaga visit was not because of any political reason or ideology—I was on holiday overseas. That was my reason for not attending on that day. I am happy to take up your invitation to attend the Malaga depot on a further date. Having been there before, I am a little bit familiar with it. I did actually rehome a dog out of there many years ago, so I am somewhat familiar with it.

I just want to expand a bit further on some of the questions that we had last time, particularly in regards to the Carricks—the Greenough equine centre. The allegation was made by you, Inspector Swift, that there had been bullying and intimidation by the Carricks. The Carricks have subsequently had the opportunity to respond to that and, obviously, they refute that. We have had other evidence given to another submission, and we are having evidence further this afternoon that will likely refute the allegation that you made here, on the last time you were here. Can you supply the committee with any communications, paperwork or anything from Inspector Rogers to yourself that would lend some veracity to the statements that you made?

[10.50 am]

Mr van Ooran: Sorry; just before the chief responds to that one, we did provide, on 13 September, further information—you might recall—in a letter that also had an attachment that talked through in detail about the Carrick issue and outlined the dates as per our recollection from back in February 2014. And 25 February 2014 was the day in question, when Inspector Rogers visited the Greenough Equine Vet Clinic.

You might recall from our submission that our evidence was that Dr Carrick was present but was not receptive to her visit and refused to communicate openly with her to resolve the issue. The inspector asked Dr Carrick if there were any plans to erect shade for the horses in the near future and he answered, “No.” The inspector asked if there were any plans to erect a tree line and Dr Carrick again simply said, “No”, and then I guess that leads to exactly the question you are asking about how our inspector felt at that time.

Mrs Swift: Maureen Rogers will be providing her own submission to the committee on this so she will give you her version of events. Obviously, everything that has gone on is just hearsay—you know, “this person that was in the office” is hearsay, much the same as I am hearsay. To clarify the situation, what I did not say, and it is clear in *Hansard*, is that Mr Carrick ripped up the direction notice. I said that he placed it on the table. That indeed was an error. The direction notice did not actually get passed. She wrote a direction notice but it did not actually get passed to Mr Carrick. The intimidation is how the inspector felt. She says that she felt intimidated by the demeanour and manner of Mr Carrick. That is her evidence that she felt that way; that his refusal to communicate and to open into discussion and just the sheer size and the fact that she was talking to a vet made her feel intimidated, so that is correct. Where I said that Mr Carrick said to her “Watch your horses”, that indeed was relayed to her by a third party. That will be in her submission. It will be for the committee to have a look at and that is all I can really say on that matter.

Hon PAUL BROWN: Inspector Rogers signed a direction notice on that day?

Mrs Swift: That is correct.

Hon PAUL BROWN: Can you provide a copy of that direction notice to the committee, please?

Mrs Swift: That is probably the one thing I have not brought back up. Can I put it on notice?

The CHAIR: Yes. We will take that on notice and make it A1.

[*Supplementary Information No A1.*]

Hon PAUL BROWN: You might be able to tell us this; if not, we will take it when we get the directions notice from you. The directions notice that was issued by Inspector Maureen Rogers on that day, was that using section 40 —

Mrs Swift: Yes, that is correct.

Hon PAUL BROWN: — or was that using section 47?

Mrs Swift: 40(1)(b).

Hon PAUL BROWN: Section 40(1)(b), okay. Given that there was a valid directions notice already issued or written by Inspector Rogers, why was there a second directions notice issued by yourself?

Mrs Swift: Because she felt intimidated and by the hearsay that she had heard. She actually felt frightened and she did indeed move her own animals, the story that—and again this is hearsay so we can go tit for tat all day long on this particular subject.

Hon PAUL BROWN: I am just asking you for more information.

Mrs Swift: Yes, and I can only give you; but it is hearsay and all of this is just tit for tat really. At the end of the day the direction notice is a lawful direction notice that they were given. In any case, she felt intimidated. She had got third-party information that her horses were going to be threatened. She had moved her animals from the front of her paddock to the back of her paddock, and she just felt intimidated. She is the only person up in the north. She is a lone worker. She is on her own and she felt intimidated, so she asked me to take over because she wanted her name taken out of the situation.

Hon PAUL BROWN: But the first directions notice was still valid? She had written a directions notice and signed a directions notice —

Mrs Swift: She did not want any involvement. She felt intimidated. She did not want to go —

Mr van Ooran: She withdrew.

Mrs Swift: She did not want to go up against Mr and Mrs Carrick because she knew that they would—she feared reprisal, so she asked for me to take over, which is what I did.

Hon PAUL BROWN: How was your directions notice, the second one, delivered to the Carricks?

Mrs Swift: She gave it to them.

Hon PAUL BROWN: But you were saying that she was threatened and felt intimidated, but she was still capable of going out to the property to hand over a directions notice that you had written.

Mrs Swift: I think delivering something on behalf of somebody else is slightly different than putting your name down, but she did, yes. You have got to understand we are talking massive geographical areas here.

Hon PAUL BROWN: I know them well.

Mrs Swift: Of course you do, so you know it is impractical what you are asking me. So you know quite well it is quite feasible —

Hon PAUL BROWN: No, I am just asking you, given that she—and I am sorry for talking over Hansard—given that you were saying that she was frightened and intimidated by the Carricks and

by their demeanour, I was wondering why then you, as chief inspector in charge of that inspector, thought it was appropriate then to send her back there to issue the directions notice which you had written.

Mrs Swift: I have answered it to the best of my ability. All I can say is that she felt intimidated. I asked her just to pass it on on my behalf. The best I could do in this situation is to give the direction notice. That is all I can really say in that matter.

I would like to just clarify for you, because I read *Hansard* and it was quite interesting the difference between the two sections, and we had the debate on section 40(1)(b) and section 47(1)(j) and I would like to take this opportunity just to clarify the direction notice under 40(1)(b) is to provide food, water and shelter. That is the law of WA—food, water, shelter, treatment and care for the animal. The other one, 47(1)(j), is to protect an animal. They are completely different things; they are two separate things. Section 47(1)(j), to protect an animal, you cannot do that if you have not seen them. We could not do that. There was no option to do that, so we had to use 40(1)(b). So we used 40(1)(b), which is a law everybody in WA has to abide by—food, water, shelter, care and treatment. That is the way it goes. There has never been any mention before of that. It is only to be used in an emergency situation. That has never been mooted. But what I find very interesting is that we are here talking about this and bringing people down from committees and all kinds of stuff about it, but nobody has ever actually looked at the wording of the act and looked at “food, water, shelter” is indeed care and treatment. If I had been in that situation, I would have just said that indeed is reviewable and let us just get it to the minister and have a decision made, which is ideally what we should have done. Food, water, shelter is care for an animal; therefore reviewable. I think rather than an argument about who did what, should it have been done, we should have all just sat down properly and gone, “Actually, let’s review it.”

Hon PAUL BROWN: You will not get any argument from me on that one.

Hon SALLY TALBOT: Can we just clarify for *Hansard* that you are referring to section 40(1)(b).

Mrs Swift: That is correct, yes. Sorry.

Hon PAUL BROWN: And similarly the same with section 47(1)(j) as well.

Mrs Swift: That is correct.

The CHAIR: Just also for the record, too, we had invited, in the interests of natural justice, Maureen Rogers along today but she could not make it.

Mrs Swift: And it is for the same reasons—she is intimidated by the whole process. You can imagine, she is an inspector in the field working and asked to work in that field by herself. She is intimidated by the committee. She is intimidated about the whole situation that is going on because she is just an individual doing her job that she is entitled to do and appointed to do. It is a lawful thing that she has done, so can we just make sure that is on record. It is a lawful thing that she has done and she is being, more or less, bullied for doing her job and it is quite unprecedented. She is intimidated, so I am glad that you did not subpoena her, thank you.

Hon SALLY TALBOT: I hope that you have shown the committee’s second letter to your inspector —

Mrs Swift: I did.

Hon SALLY TALBOT: Because I think that made it very, very clear that it was simply to offer her a response in line with the principles of natural justice.

Mrs Swift: She appreciates that you did actually go to the trouble to do that because she was worried that indeed you were going to subpoena her and she would have to come down. It has caused her a lot of stress and anxiety, so I am really pleased that you took that decision to say it was only in procedural fairness and that you are happy to accept her submission.

Hon PAUL BROWN: We were just offering her the natural justice —

Mrs Swift: Which is lovely, thank you.

The CHAIR: Hon Paul Brown, do you have any further questions on that subject?

Hon PAUL BROWN: I think Inspector Swift has given me the answers that I need and she is going to provide us with a copy of the original directions notice.

Mrs Swift: Yes.

Hon PAUL BROWN: Just one further question: there has been some correspondence between the department of agriculture and yourself over the conditions, shall we say, of the directions notice and the meaning of “shelter”. Have you been able to give any thought to what shelter should be provided, given that the word “shelter” is open to interpretation? That was one of the criticisms that was perhaps levelled from the department to yourself in documents. Have you been able to form an opinion of what you think should have been reasonable shelter on this occasion?

[11.00 am]

Mrs Swift: Not critical of the shelter, no. I do not recall the correspondence about being critical of the actual shelter. What they did say was that the direction notice did not follow the SMART format.

Hon PAUL BROWN: There was some language around a lack of definition around “shelter”. That is the critical part that I am talking about. There was a lack of definition around the term “shelter”.

Mr van Ooran: I was just suggesting to Amanda to get familiar with that —

Mrs Swift: Can I have a copy of that? I have actually got it, but can you just confirm —

Hon PAUL BROWN: I have not got a copy with me at the moment; everything that we do nowadays in this committee is electronic, sitting in front of me. I do not actually have a written copy of that.

Mrs Swift: If you provide me with that, I will give you a written submission and do it. I think I know what you are talking about, but I am not quite sure.

The CHAIR: Shall we take that on notice?

Mrs Swift: Please.

[*Supplementary Information No A2.*]

Hon PAUL BROWN: Just some further information that you might be able to provide, certainly to me, because we underwent some discussions with the Carricks on their property. Have you received the equine management plan from the Carricks that we discussed and agreed to on that day?

Mrs Swift: No. What I have received from Mr and Mrs Carrick is an email that said that they were going to put sprinklers on, so they were going to do the sprinklers and something else, other management stuff that they were actually going to put in. I have that email for you.

Hon PAUL BROWN: It was a cell grazing plan that they —

Mrs Swift: No, that is not what they provided. I got an email from Matt Carrick—quite a polite email, actually—just saying that they had put in sprinklers. They were going to put sprinklers in, they were going to move on hot days, be out of the shade, but then I got an email back to say actually that has been retracted, please do not use that one —

Hon PAUL BROWN: And you were not sent a subsequent management plan to say —

Mrs Swift: I got an email from Ina Carrick then afterwards and hers said something of the words like, “We will be providing you”—I cannot give it to you, but I will put it on notice again.

The CHAIR: Do you want to take that on notice?

Hon PAUL BROWN: Yes, that is fine.

Mrs Swift: I can provide the two emails, but I have definitely not had the strip grazing plan that we talked about.

[*Supplementary Information No A3.*]

Mr van Ooran: Mr Chair, can I just add one more comment to this topic? To bring it all back, regardless of the technicalities and hearsay, the fact of the matter that we were facing is reports of horses in February in very, very hot conditions. The inspector followed up on those reports, was not received by Dr Carrick at all. No information was shared and, at the end of the day, she had no information, no other option but to do what she did. The whole matter, as Hon Paul Brown and I discussed back a year ago or so when we caught up, is that this whole matter could have been addressed if the Carricks had have chosen to actually disclose and share some of their management information then and there, first up. That is what the inspector was seeking, they refused to communicate and engage, but it all could have been addressed and simply resolved on the day, like thousands of other cases are.

The CHAIR: Thank you, Mr van Ooran.

Mrs Swift: I do have the photographs here to put on record, if you like.

The CHAIR: Do you want to table those photos?

Mrs Swift: Yes, I will do, please. I will table the actual photographs of the location that drew the complaint in the first place, so you can see that there is not any natural shelter or anything like that, so there was a need to start the conversation in the first place.

The CHAIR: Hon Lynn MacLaren, do you have any questions?

Hon LYNN MacLAREN: That is all right; they have been answered, thank you.

Hon NIGEL HALLETT: Firstly, president, I take exception at you labelling us as a voice for live export, and Paul Brown. You are pretty good at giving out backhanders, then you accuse us of intimidating you. I think your behaviour actually leaves a bit to be desired.

Mrs Bradshaw: Thank you.

Hon NIGEL HALLETT: What I want to ask about is the funding from government. That was one of our questions to you. We certainly got a reply, but what we are looking for is more of a cashbook, itemised, where is that 500 spent from, because basically it is showing an overspending of that 500. I just wondered if you could outline that in far more detail.

Mr van Ooran: To just be clear, you have received the acquittal reports that we provide to the Department of Agriculture and Food—is that what you are referring to, honourable member? And you are looking for more detail?

Hon NIGEL HALLETT: Yes, basically a cashbook situation that I would have thought the department would have asked for anyway.

Mr van Ooran: No, the department have been fully fine with the information that we have provided to them.

Our acquittal report demonstrates the fact that we received \$500 000 funding. That goes some way to offset the overall cost to the organisation in terms of its work and helping to administer the Animal Welfare Act. You will see in our submission and subsequent reports that the true cost is around the \$3 million mark, and that does not include the work we do in livestock, the significant work that we do in livestock, and the other programs and services that we provide to actually do the work that we do under the Animal Welfare Act. You can look at the pro bono legal support; our estimated figure is around \$1.5 million in value that we receive in legal support, and then there is

the infrastructure, the adoption programs—all those things come together. You could easily suggest the cost to do what we do if it was to be shifted to government would be well in excess of \$5 million per year. So that \$500 000 goes to offset those areas that are very clearly delineated in the funding agreement. The special purposes grant lists out those four key areas that the funding goes some way to help offset. We do not each day look at divvying up the dollars and cents between the government funding and our actual expenditure; it would be just far too onerous, so we do not have a detailed, line-by-line item for that government funding, but it is sufficient and appropriate and the government are very happy with it. If you could be more explicit or specific about what you are looking for, perhaps I can take that on notice and we can come back with some further information.

The CHAIR: Just with the grant, what are those four things that you must spend the money on?

Mr van Ooran: In our submission, page 33 of the RSPCA submission—from government funding —

... the Grant Agreement ... provides that the approved purpose of the Grant is to make a financial contribution to RSPCA WA activities and programs relating to:

- public education and promotion of responsible companion animal ownership, as defined above
- training of RSPCA WA general Inspectors
- enforcement of the Act in relation to companion animals, as defined above

And we provide —

- a 24 hour complaint receipt, assessment and response service for public reports of cruelty, ...

In the funding agreement itself there is a little bit more information that talks to those specific areas of funding, and in the grant agreement, which was an attachment to our submission, page 9 of the grant agreement, schedule 2, dedicates a full page on the approved purposes of grant. There is a table there, schedule 2, item 2, first cab off the rank in terms of funding goes to training of inspectors. All RSPCA inspectors will undergo appropriate introductory training prior to undertaking duties as a general inspector. RSPCA will endeavour to train all inspectors at certificate IV level or higher in investigations or statutory government compliance over the two-year term, unless all officers are trained to this level.

[11.10 am]

Our officers receive training on both of those. Secondly, enforcement activities: RSPCA inspectors appointed under section 33(1)(a) of the act will undertake compliance and enforcement activities under the act in relation to companion animals. Our 24-hour complaint, receipt and assessment service is detailed there. Fourthly, public education and promotion of responsible companion animal ownership: there is detail there around development and time frames. Then the grant agreement itself also puts requirements on reporting. Schedule 3 talks about reporting in great detail and makes mention, basically, in a nutshell, that the department and the director general have excellent oversight and accountability measures to ask pretty much anything at any time, and we are to respond quickly and promptly within seven days on any information requested by the director general which relates to proper enforcement of the act. There is a big list there.

The CHAIR: I am sorry to interrupt you there, but you kind of answered my question with those four areas that the money is to be expended on. Do you separately account for that grant money that comes in or do you lump that into sort of general revenue?

Mr van Ooran: No. We are required to do a certified audit of those grant funding moneys, and that is provided and signed off by an independent auditor provided to the department. I sign off and the auditor does.

The CHAIR: The report that you give to DAFWA shows a loss of some \$2.4 million over and above the grant that is provided to you. I would have thought, with the grant funds being given to you, that would actually separately account for the expenditure of that grant, which would bring it down to either a zero balance or maybe a carryover balance, rather than lumping it in with all the other expenditure that you have.

Mr van Ooran: If you like, we can turn to the acquittal and we can look at it there. There is the way that we present the financials. You can see the incoming money for the specific purpose, but it also includes the additional money that we also top up because, as I said, it is at least a \$3 million a year cost to the organisation to do the work that we do.

The CHAIR: I just would have thought that being a government grant, it would separately account for the acquittal of those funds. I do not know whether that is something that the society could look at doing to be more specific about the actual use of that government money.

Mr van Ooran: Perhaps if we have a look at it, you can tell me a bit more what you mean, because I am not quite grasping what you are looking for there. If we turn to the acquittal—I think we provided that —

Mrs Bradshaw: What you are asking is just the use of the \$500 000, full stop.

The CHAIR: Yes, to be separately accounted for.

Mrs Bradshaw: So the opening balance is \$500 000; the closing balance is nil, so what happens in between. DAFWA are entitled to do things differently. If somebody wants to change the way, it does not change the result, so to speak. But we are open to any suggestion of what is going to be easier, and for the organisation, too, to be able to account for things, we need —

The CHAIR: Yes; that is what I was getting at, because one of our terms of reference is the use of the government funds. I know it is only half a million dollars compared with a very large expenditure, getting close to \$5 million, that the society undertakes, but if that was separately accounted for on a dollar-for-dollar basis, that would give a bit more accountability for the government.

Mr van Ooran: I do not have a copy of the acquittal, Mr Chair, but the acquittal does have the line items and the expenditure against those line items. Is that not sufficient?

The CHAIR: No, because you are giving a summary there, not actually each transaction.

Mr van Ooran: We are detailing the government moneys and then additionally, on top of that, what we are also contributing, so it is very clear as to the government funding, where that is attributed and spent. It is very clear on those four items where it is going to.

The CHAIR: It is not clear to me and others. It is a summary of your line items. What we would actually like to see is a transaction report showing where those moneys are being spent. So, at any time, if the Auditor General or someone wanted to have a look at the \$500 000 and how it is being spent, being government funds, we could actually, line item by line item, account for it. That is just something that could be considered.

Mrs Bradshaw: It is just a different way of doing it. We are not doing anything wrong.

The CHAIR: I am not suggesting that for one moment. I do not think I did suggest that; it is just a matter of being accountable.

Mrs Bradshaw: No, you did not, but if people want more detail, they are basically looking at invoices and payments, basically through trial balance, so, yes, that is fine.

Hon NIGEL HALLETT: It is basically just a cashbook entry on that \$500 000, which we all supply.

The CHAIR: If we take that on notice, are you able to provide that to us if we ask for that information?

Mr van Ooran: Specifically, what would you like?

The CHAIR: The actual transaction list.

Hon SALLY TALBOT: What Hon Nigel Hallett just said.

The CHAIR: The cashbook transaction list.

Mr van Ooran: The cashbook transaction list.

Mrs Bradshaw: You are talking about the accounting detail on the transaction; so, basically, what the costs were and where they went, by line.

The CHAIR: Thank you.

Hon LYNN MacLAREN: I do have a question on the financials, but it relates more to membership. It was brought up by the former president, Eric Ball, about memberships dropping off, and we noticed in your annual report, which I did get at your AGM, it did have an amount of money that was received for memberships. I wanted to hear your response to the concerns that had been raised to the committee. Eric Ball said —

There has been no apparent drive to retain or increase RSPCA WA membership. It appears that membership has been allowed to diminish. I do not know how many members now form RSPCA but the 2014 annual report reveals that the annual member's fee of \$50 each produced only \$19,777 which represents an annual membership of only 395 persons.

I know that you have undergone a change of that, but based on the 2015 figures and using the same methodology, \$9 441 at \$50 a membership would equate to 189 members. When you compare it with the 2009 figures, using the same methodology, it would have been 833 members. Would you please enlighten us about the membership—how much you are earning on membership? Has it dropped off? What are the reasons for that?

Mr van Ooran: Basically, the figures are that we have around 1 400 members at the moment. That includes quite a significant number of life members. Life members do not make the annual contribution. It has been at a relatively static level, a consistent level, for a number of years now. Where the focus of the organisation has been on, for some time, is actually growing what we call financial supporters, being donors, major gift givers, sponsors—people who actually make financial contributions to the organisation on a regular front. This is not just RSPCA WA; this, in fact, is worldwide membership-based organisations, particularly in fundraising, invest a lot more time and effort in building their networks and their active supporter bases through donors. Last year, I think we mentioned in our submission, we had more than 30 000 supporters to the organisation, and that does not include a range of people who are adopting animals, who are visiting our society stores et cetera. We have a database in excess of 100 000 people at the RSPCA, and we know from our independent market research that we have exceptionally high levels of support from the Western Australian community. Our focus is on communicating, engaging and working with the community through our various programs. Membership is important to the organisation, and we have around 1 400 members at the moment, but it is not the priority in terms of our resourcing and our focus.

Mrs Bradshaw: I think it is also fair to say that for all organisations, there is a shift in the way business is done. So, in the virtual world—we have attended quite a few seminars and we have had workshops on what is happening in the future—people are members of virtual groups. The whole landscape is changing. Again, we are probably a step ahead; we are looking at how we are going to

engage down the track with the people who are supporting. The RSPCA really is the supporter base, and the people in the community who know the RSPCA well are not necessarily signing up as a \$50 member, and that is not the part that is important to them. So we are looking at the whole membership side at the moment and if we take a particularly hard look at it, members cost money to deal with, so what do we do for members, besides doing the job that we do, but what else can we do for members if we are going to build it more strongly? We have to invest in it. How important is that membership now, compared to what the changing world and the virtual membership in the supporter base? So that is the debate that is happening. And, historically, you know, really I think the words that Eric Ball wrote in the submission are flawed. We do have quite a lot of life members as well. So any more than that, I would probably have to do the question on notice.

[11.20 am]

Mr van Ooran: I have just got the correct figures; that is what was handed to us. In the Eric Ball-related submission that we provided just the other day, on page 23 of that response we talk about membership, and the figure is 1 304 members as at 10 November, and we also make the point, like what I was making the point before, we have an estimated 36 000 active supporters, which we see as an important indicator of the community's support.

Hon LYNN MacLAREN: So does the 1 304 include the life members?

Mr van Ooran: That is right.

Hon LYNN MacLAREN: And the 36 000 active supporters includes what you are calling financial supporters, so you have a new category?

Mr van Ooran: Yes—event participants who have paid registration fees, donors, gifts, bequestors—those people who have made a financial contribution to the society in the last 12-month period.

Hon LYNN MacLAREN: So you are saying that there are 37 304 people who are contributing to the financial state of the organisation?

Mr van Ooran: No, that does include the membership figure.

Hon LYNN MacLAREN: I am adding the first figure —

Mr van Ooran: That does include, within the 36 000—the membership is included in that figure. They do make —

Hon LYNN MacLAREN: So it is 36 000 total?

Mr van Ooran: That is right.

Hon LYNN MacLAREN: Okay, I got it.

Hon SALLY TALBOT: Just one quick follow-up. I mean, it is clearly, from what you have just explained, it is a misreading of the line items in the annual report—not a misreading of the line items, but a wrong conclusion to draw from the undisputed fact that membership fees have dropped from \$41 500 to \$10 000, or \$9 500. Have you got figures relating to the financial contribution of donors and supporters that shows a corresponding increase?

Mr van Ooran: Not at hand, but I am very happy to get that for you. What we do know is in the last three-year period it would appear that the organisation, in two of those three years, has received has received unprecedented financial support to the organisation in its 100-plus year history, so —

Hon SALLY TALBOT: That is rather what I imagined you would say, so that is good; never ask a question if you do not know the answer. In this new category that you have introduced us to, supporter-donor-member, in that category, can you just give us the 2009 and 2014 comparison?

Mr van Ooran: We will certainly use our best endeavours for 2009.

Hon SALLY TALBOT: Presumably, it will show a large financial increase in that figure.

Mr van Ooran: Yes, thank you; we can certainly look at that.

The CHAIR: Just on that matter, in 2009 there was over \$41 000 of subscriptions that had come in, which has fallen to under \$10 000. Has the membership fee remained the same over that six-year period?

Mr van Ooran: I will take that question on notice. I think that —

Mrs Bradshaw: More or less \$50.

The CHAIR: So it has been around \$50. So, just reading that would suggest there has been quite a dramatic drop in actual membership. Would that be a conclusion to draw, or is that maybe a different way of accounting for it?

Mr van Ooran: We will have to check the figures on that.

Mrs Bradshaw: Our membership has never been over 2 000.

Mr van Ooran: I think at its peak it might have been around the 2 000 mark, but we can easily check that and get the accurate figures for you on membership in 2009, if you like.

The CHAIR: The point I am trying to make is that \$50 a membership, in 2009, if there is \$41 500 in subscriptions, that would suggest around 850 members. But the subscriptions have now dropped to under \$10 000, so if you divide that by \$50 you see that coming down to a couple of hundred people.

Mr van Ooran: It is too simple to look at that, because there is varying membership. There is children, family, adult and life membership purchases. There is a number of categories, so the \$50 is for a single adult.

The CHAIR: But you have seen there has been a substantial fall of some 75 per cent in six years in the actual subscriptions you are getting in membership. That is based on your annual reports that have come in over the last six years.

Mrs Bradshaw: I think we need to look at it properly. We do not have the information here.

The CHAIR: It just seems extraordinary that that would be the case, so if you are able to take something on notice so you can clarify why there is such a change —

Mr van Ooran: What would you like specifically?

The CHAIR: In your report, you showed in 2009 that membership subscriptions came to \$41 668, and that has steadily reduced to 2015, where it is now \$9 441.

Mr van Ooran: We can get you some more information around that; no problem.

The CHAIR: If you would. It just seems quite a change.

Hon SALLY TALBOT: Fundamentally, it is the same question that I have just put on notice.

Hon LYNN MacLAREN: Yes, and the same question that I started with.

Mr van Ooran: What we have seen on that theme, is a significant increase in the millions of dollars in financial support through other means, but we can certainly look at the membership figure.

The CHAIR: But membership itself is a separate thing, obviously, to donations. Would you also be able to provide us with how many life members you actually have? Is that okay?

Mr van Ooran: Yes, certainly.

The CHAIR: Any other questions, members, on the financial side of things?

Hon SALLY TALBOT: No.

Hon NIGEL HALLETT: In the latest report, income derived from grants and other has dropped from \$267 702 in 2014 to \$59 335 in 2015. Could you expand on the drop?

Mr van Ooran: Could you please just refer which page—which part of the document?

Hon NIGEL HALLETT: The annual report, note 2, page 41.

Mr van Ooran: Note 2, page 41. And the two figures, sorry, honourable member?

Hon NIGEL HALLETT: Is you have dropped from \$267 702 in 2014 to \$59 335 in 2015. What grants are covered there?

Mr van Ooran: I might have to take that question on notice, I think. I do not have that information at hand.

Hon NIGEL HALLETT: Yes, and also if you could explain what “grants other” means.

Mr van Ooran: “Grants other” has included Lotterywest. That will be pretty much related to Lotterywest funding, which varies through, you know, across the years, depending on when the expenditure occurs.

Hon NIGEL HALLETT: Yes, and I think there is a worrying trend if we get into education services, and income derived from services education. In 2014 you have dropped from 53-odd down to zero in 2015, so I was just wondering if you could explain a few of these —

Mr van Ooran: We can certainly take that one and provide a response to that.

The CHAIR: Yes, will you take that one on notice as well?

Mr van Ooran: Yes.

The CHAIR: Members, any other questions on finances? Just a question I have of Chief Inspector Swift.

Mrs Swift: Sorry.

The CHAIR: That is okay. Just in regard to your inspections that you do, and following up investigations and prosecutions, do you refer to a panel within the RSPCA, or directly to the CEO? What is your actual procedure for looking at who should be investigated, and what cases should go to prosecution et cetera? What sort of method do you have of working through that?

Mrs Swift: It is a huge gamut. I can take you right to the very beginning, and tell you all about the process right from the very beginning right to the very end, because it is not quite as simple as, “We’re just going to go and do that, and this is our outcome.” There is a lot of things that need to be put into the process, if you like.

The CHAIR: Yes, I am interested to hear it.

Mrs Swift: So, what the very beginning of it is, we have the 24-hour call line, and that is run out of Queensland, and it is an RSPCA dedicated call centre. They take our calls 24 hours a day, so that they always, you know, they come through to the inspectorate. They will then go to the call centre, they will put them onto a system, which we call the Shelter Mate system. They are then graded into criteria, so depending on how bad the cruelty is, it is graded to critical or major. If it is a critical or a major incident, they go straight out to the inspector straightaway; if it is not, they can wait. So it is only the critical and majors that go straightaway. The other ones will—they have got an hour to get those out. The critical and majors are rung directly through straightaway. Once the call comes through to the inspectorate, then they have got clear guidelines of how long we expect them, once they have received the job, to then initiate the job—to go and have a look at it. This is all documented in the standard operating procedures for the inspectors, so it is quite clearly laid out for them what is inspected once they get a complaint.

[11.30 am]

The CHAIR: Hon Lynn MacLaren has requested that we have a copy of that; is that possible?

Mrs Swift: Yes; will this go on the thingy though—on the record?

The CHAIR: Well, if you table it, it would go as part of tabled documents. Or we can keep it private if you wish.

Mrs Swift: This is, like, my operations for the inspectorate, so I really would not want these going out for everybody just to have a look at—I am happy for you guys to have them, obviously.

The CHAIR: Yes.

Hon LYNN MacLAREN: That would be excellent.

The CHAIR: Well, yes, we will make them—I think the member would be happy to make them private.

Mrs Swift: Yes; thank you. So when the cruelty complaint comes in, the job goes to them. So it is critical, major, secondary and minor. So I will have allocated these to the inspectors. It says that a critical job, so in cases that the call centre will nominate as either critical, major, secondary or minor. They will go to the inspector, but the inspector has got the ability to override them so—because they are not inspectors that are taking them, they are call centre staff—no disrespect to those, but sometimes they can get it wrong depending, you know, like, they would think an animal that was killed was an offence straightaway, but obviously we know that is not an offence. So there are certain times though they have got to override these, so it is in there that they can override them.

So a “critical” job is failure to take action may lead to death or acute pain and suffering, severely injured or perishing animals or overheating animals in locked vehicles. Where there is a deliberate and serious contravention of an act with the specific intention to inflict or cause animal pain or suffering. Where incidents are specifically intended as critical. These include the bleeding of greyhounds, organised dog fights, cockfights et cetera et cetera.

The CHAIR: Excuse me, chief inspector Swift. Who actually assesses it when it comes in; when you actually assess what level of cruelty it is or may be?

Mrs Swift: The call centre initially would look at that. Then the inspector would then—they have got the ability to reassess that should they need to or not. I do an audit of that as part of the—I think we are going to go onto it in a while—the audit and standard operations of the inspectorate when I am doing appraisals and that sort of stuff. I have a complaints standard. So the complaints standard would be where I—all the inspectors wear body-worn cameras. They are brought in. They do contemporaneous notebooks so they have a running notebook from the morning to the end, so that is fully contemporaneous throughout the day. I then look at the body-worn cameras, look at the actual initial job, see what has been put in the notebook, see what is put on the system, see the job myself, if there is any documentation that goes alongside that, like a direction notice or warning or whatever, however that was followed up, and how indeed the complaint was then finalised. So I can then mark the inspectors accordingly to, you know, to the complaints standard to make sure there is a satisfactory outcome, or better than satisfactory.

The CHAIR: So these coming from the call centre, do they go direct to you to assess?

Mrs Swift: No.

The CHAIR: Or do they go to the inspectors to assess and then report to you?

Mrs Swift: No. What happens is they go into the call centre; you have got call takers. So you have got the call takers and then we have got a despatcher. So the despatcher is—they have been working there for three or four years. They have got a bit more knowledge, because obviously there is different state legislation as well, so this is with working knowledge of WA state legislation. They then assess it, have a look through it, and they then will prioritise it. Like I say, sometimes it is wrong, and we will have to override that. But there is no problem with that. You know, as soon as the complaint comes through—I would be a bit annoyed if they mark something as secondary and minor and it was actually a critical and major. Thankfully, it is the other way around. So, I mean, the critical and majors, as you can imagine, are pretty easy to notice. If something is dead or dying,

severely injured, then it goes straight out. You know, there is no need. Something where you have got—you know, it has taken a long while to get to the way that they are could be marked something different.

The CHAIR: So those inspectors, they would work under your instruction—

Mrs Swift: Yes.

The CHAIR: — once they have been assessed?

Hon SALLY TALBOT: Why do we not allow Ms Swift to keep talking through the process?

The CHAIR: Yes; that is okay.

Mrs Swift: Yes. So they get marked, so then you can—because actually your critical and your major would be like starvation of animals. Where instances are specifically identified as major, so that would be reports from DAFF or, you know, the federal vets, or other organisations; we get a lot of reports—we talked about from the rangers and that sort of stuff. We get a heck of a lot of complaints that come through from WA Police. So they may well just be they need assistance or guidance or they actually want to refer the job to us, which is quite common; and we work alongside them. So they are always marked as a “major” so that we can get back to them straightaway. So that is that.

Your secondary ones are those where you have got unacceptable pain and suffering, but there is not going to be any adverse animal welfare outcome if you do not get there straightaway. So there are minor welfare problems, but, you know, it can wait a day or, you know—I will give you the times that they have got. And then the “minor” tend to be the ones where you have got neighbourhood complaints, somebody falling out about their dog; that sort of stuff tends to be your minor ones. In amongst them as well we have ambulance requests. Now, ambulance requests are any sick and injured animal. The RSPCA deals with any sick and injured animal. Obviously, they do not come under the Animal Welfare Act at all; there is no regulation, actually. So they go straight out to the inspectors. So rescued, sick and injured—all of those go directly to the inspector to prioritise, and they have to deal with those straightaway. So that is—for instance, yesterday we had kittens stuck in a car engine and a dog down a drain. All that sort of stuff, they are straight-out jobs so they have got to go and deal with those.

The CHAIR: And how many of those ambulances do you have?

Mrs Swift: I can break that down for you and give you—we can break down the exact —

Mr van Ooran: I think that is in our submission; it is just in the hundreds.

Mrs Swift: Yes, I mean, it is very, very common to get those ambulance requests.

The CHAIR: Sorry, not the requests but the actual number of ambulances that you have.

Mrs Swift: We do not have ambulances. No, sorry. I call it an “ambulance request”. The inspectors do these.

The CHAIR: Okay.

Mrs Swift: I do not have an —

Mr van Ooran: We have one ambulance.

The CHAIR: You called it an “ambulance request”?

Mrs Swift: Sorry, yes; it is called an “ambulance request”. It just basically means: ambulance, urgent; go out there as soon as you can. But they are not—it is the inspector’s responsibility to deal with sick and injured animals, because we find that that the problem area for us is that nobody really wants to accept responsibility for sick and injured animals, because, obviously, they cost a lot of money. So, if they are sick and injured, they always come to the RSPCA, and even though we are

not obligated or anything under the act, the people expect us to do that with the RSPCA as part of our role. So we will go out and help the sick and injured as a priority.

Mr van Ooran: Including a couple of delightful lambs, Mr Chairman, at the moment.

Mrs Swift: Yes. In addition to those complaint works, the inspectors will do foster care checks. So if any of our animals that have been seized, under the legislation those animal that are seized are actually in the care of that inspector, which is, I find, quite unusual, but it is; so the inspector has to take—it is almost like having an adopted child, basically; they become your responsibility to look after. So they have foster care checks, so if any of those animals are put out to foster care, they have to maintain weekly checks because they have to make sure that their health, safety and welfare is being complied with and that any vet treatment that they need is also being looked for. So they have to, as part of their working week, any animals that are out in foster care, it is the inspector's responsibility to go out and check on those, and the ones in the shelter and stuff as well.

They also do routine inspections, so when they can—obviously this cannot be a priority, but when they can—they will do routine inspections to things like pet shops and stuff like that, and they will go out and have a look at those, and then dealing with any stray animals, whether that be wildlife or sick and injured.

The principles of the basic complaint that we look at are based around the five freedoms, and that is what my complaint standard is based around—so that is: make sure that they have ready access to water; they have got a good nutritional diet; they are in a suitable environment; that environment is clean; there are no hazards; it is free from—they have got shelter from extreme weathers; the area that is—they have got a comfortable living area; there are no signs of any suffering, injury or disease; they have got the right environment to express their normal behaviour; there is no sign of fear or distress; and that all the special needs are catered for. So if it is a rabbit and a guineapig cannot be together, or whatever that may be, that they are being housed appropriately and away from or with other species. So that is the basic criteria that I look for to make sure that when I am signing off the complaints that the inspectors have done, that they have made sure that they are not in contravention of any of the animal welfare—what I would say are the basic principles of animal welfare. That is how it is assessed.

So what happens is once they get—the inspector will get the job. They have iPads and iPhones, so it can go directly to them straightaway, so they are on the road. Geographically, luckily, I have just got seven inspectors in the metro area, and that is the first time I have managed to be able to have a seventh inspector—normally we have been working off six. Luckily, we have managed to upgrade to seven inspectors and four regional inspectors.

[11.40 am]

The metro area is split up into six geographical areas. I have got an inspector up in Geraldton, I have got an inspector in Kalgoorlie—that is funded by the Kalgoorlie shire—and without them, we would not be able to do that. That is an absolute godsend. They fund the inspector in Kalgoorlie. I have got one in Albany and one in Bunbury. You can see they are sort of geographically all over the place. The metro area is, like I said, split up into six. We are then split again into north and south. What happens is each geographical area will have a level 1 and level 2 responsibility, and they can never be off at the same time or sick at the same time, because that is just a nightmare. What happens is level 1 is responsible for level 2 and level 2 is responsible for the level 1. Does that make sense? They always mirror each other. Every geographical area is covered and the seventh person will now be my floater. For instance, if Maureen had to go somewhere, then I can drop this person in, because what is happening is my regional inspectors are not having annual leave because they cannot get away because they are the only person and I have got nobody to relieve them. This particular person will assist and also with places like Broome and Kununurra—all those places that we really want to get to that we are just not getting. Thankfully, I have been given the seventh inspector, so that seventh inspector will then enable me to go out to Broome and Esperance and all

these people who are crying out for our assistance and constantly asking when are we going to get up there; when are we going to get up there. I have got this seventh and now I can geographically drop them in and assist up there as well.

The CHAIR: Just on shires, there are a lot of appointed inspectors that work for local authorities as well.

Mrs Swift: That is correct.

The CHAIR: Do you often get calls from shire rangers and that sort of thing to investigate animal cruelty?

Mrs Swift: This could be quite controversial really; anyway, it is the truth. What happens is shire rangers are appointed under the act, but—this is my opinion and you have asked me for it, so I will give it to you—they do not adhere to the Animal Welfare Act at all. The Animal Welfare Act, for them, is basically getting into back gardens because they are not allowed to. That is the truth of the matter. I see it day in, day out. I see police officers that cannot do the Animal Welfare Act. I see rangers all over the place that cannot do the Animal Welfare Act. They use it to get into the back gardens to get animals out; that is what they use it for. If there is an animal welfare problem, it is the RSPCA's problem, because to retain—like I have just mentioned about seized animals. To have a seized animal in your possession, you can have it for three months; you can have it for three years. There are lots of cost implications that go along with seizing animals. The shires are not set up infrastructure-wise, money-wise or any other way to deal with that, so they cannot. There is no way that they can seize animals and retain them for years at a time. Also, on the cost of litigation, they have got to pay for their own litigation, much the same as we have. Luckily, we have got the pro bono support; thank God. They cannot do the prosecutions in the same way, plus, to be fair to the rangers, they have got myriad other things that they need to be doing, as in the firebreaks and whatever else. They have got a load of things. Animal welfare is just a short proportion of the job that they have to do and it is not their priority; why should it be? They have got the ability to get into the back garden and get the animal out, but what we have found quite a lot—I have raised this as a problem with DAFWA, because it is a huge problem—is the rangers are taking animals out of a back garden, using the Animal Welfare Act, and then, once it is out of the garden, that legislation flips and it suddenly becomes the Dog Act, and people's dogs are being rehomed often after the standard two or three days or whatever and off they go. They are actually being seized as such under the Animal Welfare Act. That brings all the principles of seizing an animal, so all of your obligations, all of your rights of review, all of these things we have talked about—this should be happening; this should be happening—and it is all happening. It is all happening out there. You can see it quite frustrates me, because I have been hauled over the coals over a direction notice. It was completely lawful, yet I can see daily, all the time, rangers taking animals out of back gardens, using the Animal Welfare Act and twisting it to the Dog Act.

The CHAIR: Do they contact you? When I say “you”, the RSPCA?

Mr van Ooran: To answer that question, every day we are in contact with rangers, working very closely all of the time, every day. In fact, it could be a good idea if you wanted to talk with the City of Kalgoorlie, or Esperance or Bunbury or Geraldton. From a local government point of view, we work every day, all day pretty much. There are jobs that we go out to hand in glove with rangers and/or police.

Mrs Swift: That is how we work normally. Because we are the RSPCA, we can seize the animals; we can keep them in our possession for that length of time. That is how it works. If the rangers have got an issue and it is an animal welfare issue, they will ring us up and say, “Look, we've been. There's an issue; you go.” The police will ring and say, “We've seized a dog and we've dropped it off at the vet's. Can you resolve the issue?” or they have seized the animal and it is a prosecution. We have got a couple where we are retaining the animals and their prosecution was under another act. It is animal welfare but it is not something that we can deal with. We work hand in glove

constantly all of the time, but we are the responders for animal welfare. There are a couple of shires that have responsibility, but they are only allowed to do it to a certain point, and that has caused us great difficulty because they are only allowed to do animal welfare to a certain point, and animal welfare does not start and finish. If you are saying that they are being told that the only thing they can do is remove the animal and then pass it to the RSPCA, but are not getting any training or any guidance on the actual Animal Welfare Act itself, so what they are doing is breaching the Animal Welfare Act and then asking us to then step in and take their place. We cannot do that, because as soon as they breach the Animal Welfare Act, I do not want anything to do with it.

Mr van Ooran: The bottom line is that they all look to the RSPCA, as the principal responder, as the animal welfare expert, so they will all look to us to take up the jobs, which we do each and every day.

The CHAIR: Mr van Ooran, you did say you worked hand in glove with a lot of the local authorities. Was there some recent controversy with the shire of Wanneroo? What was the basis of that?

Mr van Ooran: There has been some information. We understand a complaint was made to the Department of Agriculture and Food by the City of Wanneroo. We learnt of that second-hand. We inquired with the department of agriculture as to can we learn some more information about that and the department of agriculture's response was that they had received information, but they did not regard that it constituted a complaint and so there was no further information provided to us. But there are some communication issues we have, I think, with the City of Wanneroo rangers. We are looking to try and improve that communication. But we have not received details of any complaints or communications from the City of Wanneroo to DAFWA. We certainly have not received it directly. On that topic, Mr Chair, Chief Inspector Swift has a little bit more information just on where the City of Wanneroo issue currently stands.

Mrs Swift: We have had an issue with the City of Wanneroo and their appointed inspectors. I think Mr Flint from *The Sunday Times* put it in the paper for everybody. I have got a letter here that I can table that I actually responded to the department of ag in relation to issues with Wanneroo. I can table that for you.

Mr van Ooran: This happens to be issues from our perspective.

Mrs Swift: Yes, issues from our perspective.

The CHAIR: Are you happy to make that public and table that document?

Mrs Swift: Yes.

How it came to light was Mr Flint from *The Sunday Times* had done an FOI request to the department of ag, asking for information in relation to the RSPCA and a complaint with Wanneroo rangers. That information was then sent to us as a third party and we were then asked to have a look at it and say, "Do you agree with this information?" The information that was given was biased, and it was completely clear that the problem is that they do not understand the Animal Welfare Act. It was tabled in a letter to the department of ag. I do not know whether they have raised it with the department, but I have got issues, and issues here that I have raised with them, but the basic principle is if they do not adhere to the Animal Welfare Act, we are very difficult to then step in. All of this information has been given to the department of ag; you will see in the letter. But there are clear examples of where statements have been changed, where it has gone from "seized" the animals to "took" the animals to "seized" the animals. A direction notice was actually issued by DAFWA under 40(1)(b), I might add, but the direction notice that was issued to a horse from DAFWA, the rangers then became involved. The rangers then did not know what to do; they left a horse overnight, dying. They rang us the next day and said, "What are you going to do about it?" We were just about to go and we got a phone call from the department of ag saying, "Don't worry; we're actually going to go out and deal with it." We then later found out that the horse was under

this direction notice from them and the complaints period for the direction notice had actually slipped by two days. So, the direction notice had not been followed up correctly, and the horse was laid down, dying. But it seems to be that the problem we are dealing with is that there are Chinese whispers of rumours, and nobody ever asks us for the true, actual facts.

[11.50 am]

Hon SALLY TALBOT: So, that is what you meant by a “bungle”?

Mrs Swift: There are a lot of examples of clear bumbles of the Animal Welfare Act, but once it gets bungled they try to get to the RSPCA, or we refuse and then we are the bad guys because we are the RSPCA and we should be dealing with it. I have put the problems to the Department of Agriculture and Food, because as the principal responder for animal welfare we are then put in the position of we cannot do it. If you are not trained and equipped to do the Animal Welfare Act appropriately then—we do not get told, even, who are general inspectors, so we have no idea who a general inspector is in the rangers. We have no idea.

The CHAIR: I have one last question on this subject, and then I will hand over to Hon Sally Talbot. When you get to the point of deciding you should proceed to a prosecution, how do you make that decision? Is that something you make as chief inspector yourself, or is there a panel of people you have within the RSPCA that assesses it?

Mrs Swift: What has happened is—sorry, Dave.

Mr van Ooran: It is all there in our notes on tab 25, but you know it all.

Mrs Swift: When it becomes a prosecution—what tab was it?

Mr van Ooran: Tab 25.

Mrs Swift: You have the informal actions we do first, which is the direction notices. We do not have the ability to do infringement notices, unfortunately. It would be great if we could, but we cannot. So what happens first, when it becomes a prosecution, is that the inspectors put together an investigation file. You will see, when you get a copy of the standard operating procedures for the inspectors, that it is quite clear on how they run an investigation file. Once they have all their investigation together, they will produce a public interest test, they will then do an evidential test, and that will all then get passed to myself.

Hon SALLY TALBOT: Where do you get the public interest test and the evidential test from?

Mrs Swift: The documents within the —

Hon SALLY TALBOT: So they are prescribed internally?

Mrs Swift: Yes; they are standard practice. You will find that most regulators will be using the same documentation. So it is the same document; everybody uses the same documentation because it is the same principle.

Mr van Ooran: The “Statement of Prosecution Policy and Guidelines 2005”, issued by the Director of Public Prosecutions, is the reference point.

Mrs Swift: Yes. They all adhere to a prosecution policy, so everything adheres to our prosecution policy. They do their investigation file and it then goes to a prosecution brief. Once it is worked up fully as a prosecution brief, then that comes to the deputy chief inspector, who then reads through it. She will read through the whole of the file, and if there are any additional or whatever else she then works with the inspector to bring the file up to wherever that needs to be. It then comes to myself and I will have a look through it and make sure that it is okay. It then goes to in-house legal counsel, and in-house will look at it. They will come back with —

The CHAIR: This is the RSPCA’s legal counsel?

Mrs Swift: Yes, in-house legal counsel. It comes back; we have already looked at defences and all that sort of stuff and worked it all together. If it is a complex matter—it does not necessarily have to be a complex matter—it will go out to one of our pro bono panel, who will then look at it and do all the conflict of interests tests. They will do all that, and then we will get together and make a decision on charges and offences—all that sort of thing. It tends to be a group decision based between me, legal counsel and the member for the pro bono panel who will do it, and then obviously the inspector.

The CHAIR: Does Hon Sally Talbot have some more questions on this?

Hon SALLY TALBOT: Yes.

I wanted to pursue the topic we got on to that led us into local government, which is, I think, about the distinction between animal welfare and animal cruelty. It is the committee's impression that local government deals with animal welfare and the RSPCA deals with animal cruelty. Is that correct?

Mrs Swift: It is the Animal Welfare Act.

Hon SALLY TALBOT: So the distinction is not provided for in the legislation, is it?

Mrs Swift: No.

Hon SALLY TALBOT: How do you define it in practical terms?

Mrs Swift: We just do it all, whether it is welfare or cruelty.

Mr van Ooran: The Animal Welfare Act is very clear, and our authorised general inspectors work completely under that. There are, at the latest evidence, around 59 authorised general inspectors within local government, and I am not sure the number within the Department of Agriculture and Food. I think there might be eight or 10—around that figure. They have, in effect, the ability to work under the Animal Welfare Act, as well as WA Police—they have the same powers. But as Amanda was saying, those bodies look to the RSPCA as the principal responders, so all incoming animal cruelty-related reports—it is agreed by all, including the government—are received by the RSPCA. There are more than 15 000 a year, or 50 a day roughly, and we work from there. DAFWA themselves will they say they are not set up and are not able to urgently respond to cruelty complaints or reports, so they themselves look to the RSPCA for their 24-hour, seven-days-a-week cruelty line to be able to respond urgently. That is basically it.

Hon SALLY TALBOT: You have indicated, Ms Swift, very graphically, a degree of frustration with local government. Would you say that the situation in Wanneroo is typical of your relationship with rangers across the state?

Mrs Swift: I have to clarify that. It is just some, perhaps the frustration with the Wanneroo thing —

Hon SALLY TALBOT: I am going to ask you about your relationship with rangers, and your relationship with local government.

Mrs Swift: Okay. The relationship with rangers is, on the whole, pretty good because they know that animal welfare, they will report back to us and we will do it. So we have a good working relationship with all of them; really, the only ones I can say that we have not is perhaps Wanneroo. But with the majority of them we work hand in glove, daily, in and out. We know there are issues on both parts in that we cannot get there to some areas, and the rangers the police will assist and go in and seize an animal. The police do it under their powers, and the rangers hold the dog for us until we can actually go in and step in and deal with it. We deal with those geographical issues by using the rangers and police quite a lot to assist us, so it is not fair for me to say I have an issue with them. I have an issue with the legislation and the lack of oversight in the Animal Welfare Act of other people who are enforcing the act. So that is my frustration: that those other parties that are enforcing the Animal Welfare Act are not doing it the way it should be done. But actually working together

for welfare or for cruelty or whatever, we work really well together. For the local authorities, so things like the environmental health department, we work, on the whole, pretty well together. If we need to call them in, they will assist, but normally it is when we go in. The referral mechanisms are something that could be worked on, but apart from that we work pretty well.

Hon SALLY TALBOT: You have referred a couple of times to the five freedoms. I know that you and your colleagues from the RSPCA have attended all the hearings. You will have noticed that in a public hearing one of the industry stakeholders said that the five freedoms are out of date or have been superseded. Do you have a view about that?

Mrs Swift: Did they give us an alternative?

Hon SALLY TALBOT: They did offer us an alternative, but I am not sure whether it has appeared yet.

Mrs Swift: I would like to see that alternative. Basically, there are —

Hon SALLY TALBOT: I am sure you will recall what it was.

Mrs Bradshaw: It is going down the Life Worth Living track.

Mrs Swift: I do not think I was in for that one.

Mr van Ooran: I cannot recall who was putting that point forward.

Hon SALLY TALBOT: Egg producers, I think.

Mrs Bradshaw: No, sorry; I am confused.

Mr van Ooran: The five freedoms are —

Mrs Swift: They are the basic principles of animal welfare, and —

Hon SALLY TALBOT: Are the five freedoms contested in your sector or is it still established?

Mr van Ooran: It is a well-accepted principle far and wide—internationally as well. In fact, it is incorporated in legislation in other jurisdictions.

Mrs Swift: Yes.

Mr van Ooran: But that is not to say there is some new thinking around reviewing and revisiting the freedoms.

Mrs Swift: Any updates in animal welfare, if they bring out better principles then so be; I can change my document —

Mr van Ooran: We do not know of many —

Hon SALLY TALBOT: What was the program Ms Bradshaw referred to?

Mrs Bradshaw: I might have got confused, but the five freedoms are the basis of how we work. Now, as the understanding and the engagement in animal welfare and how animals are being used is becoming much more in the forefront of the public mind, internationally—so we are not alone in Australia—there is more talk about a life worth living; in other words, enrichment. So, it is not just about placing a pig in a stall and leaving it there to face one way for most of its life. So if there are animals in, for instance, intensive farming, it is about enriching that and having the life worth living. But that is, like, being mooted. It is out there, but it is not actually affecting the basis of what we do. So, again, we could probably use the hen analogy—taking them out of cages and putting them in cage-free systems—it is more about the life worth living, but it is based on the five freedoms still, as far as the RSPCA is working.

[12 noon]

Hon LYNN MacLAREN: I wanted to return to the operational matters, because you were telling us how you classify the grading system, you know, how you classify calls. Recently we have had

some very high temperatures around the port of Fremantle and we have had lots of trucking of animals, including sheep, cattle and other animals that are exported live. How do you classify those complaints that people call in when they are concerned about livestock in these temperatures?

Mrs Swift: Critical, so they are critical for the inspectors to attend straightaway. The only problem of recent times I have had is that actual staffing numbers have been really difficult, so unfortunately some of those have had to be referred to the department of agriculture. We have got to use our resources as much as we can, but anything that is the transport of animals in hot conditions would be marked as critical.

Hon LYNN MacLAREN: How is that actually addressed, because are there not quarantine issues? I mean, if you are trying to look at providing some relief to the suffering of an animal that is in hot conditions, what is possible in that case?

Mrs Swift: Very little. And the difficulty for us as well is actually being able to respond in a timely manner. Because these are being transported, we get it reported, but by the time people have actually taken the time to report, got the registration number and we have done a check to find where it is, the animals have gone, you know, they have driven. For us there is a time delay in responding as well, so although, yes, we do get them, by the time information has come through to us, it is difficult to actually track where they are. So, sometimes in those particular instances we just have to ring the transport agent and say, “We have had this report; can you just ensure the welfare of the animals on board?” And that is about all we can do.

Hon LYNN MacLAREN: Are there any restrictions for transport in heat? If the temperature reaches a certain degree, are they prohibited from transporting; or, can they transport in any —

Mrs Swift: No, there is nothing prohibited at all. We are waiting for the land transport regulations to come in, so that will be good once they come in. But for us it is just “in a manner likely”, so arguably you could say that would cover it—you know, “in a manner likely to cause harm” or “caused harm”. That is what the Animal Welfare Act states in relation to the confinement of an animal. So, it is basically trying to tailor-make the Animal Welfare Act to deal with the problem we have in WA with heat and the transport and the export industry of moving all those animals, because for us, the Animal Welfare Act says “in a manner likely” or “caused unnecessary harm”. So, it can be very restrictive in those circumstances.

Hon LYNN MacLAREN: How many complaints do you get regarding, you know, concerned people who see these animals being trucked in conditions of extreme heat?

Mr van Ooran: We would have to check.

Mrs Swift: Yes, we would have to check that, but we do —

Hon LYNN MacLAREN: Do you actually record them? Do you record the calls that come in because —

Mr van Ooran: All calls coming in are logged.

Mrs Swift: Sometimes, they will not get logged because they will come in via emails, because people will get home and then email into like, the national box and say, “I saw this. This was going up Great Eastern Highway at three o’clock today”, or something like that, that is the only information that you have got. So, there is very little you can actually do with that, you know, especially if there are no identification marks on the vehicles and things. Then you have to go back to them and say, “There is nothing we can really do without proper evidence that there is suffering going on or they are likely to suffer.” We cannot do —

Mrs Bradshaw: But as you alluded to in the land transport standards the heat aspect is covered.

Mrs Swift: Yes.

Mrs Bradshaw: We are the only state that has not signed off on that, so all the other states have.

Hon LYNN MacLAREN: What is that? Do you know what the limit is on the temperature?

Mrs Bradshaw: We do not know offhand; we can find out.

Mrs Swift: There were some changes, were there not? I think Mark Stuart was doing some changes with it within DAFWA, and I am not quite sure whereabouts they are at the minute with the changes that they were going to introduce for WA. So, I am assuming—I do not know—that the temperature guidelines and stuff will be in there, I would like to see it there, but —

Mr van Ooran: Needless to say, the RSPCA has been consistently seeking the state government to adopt and implement—quite an urgent situation.

Hon LYNN MacLAREN: So, finally, you classify them as critical, their calls have come in, they are classified as critical and in many cases you are not able to respond to them. How many cases does DAFWA actually respond to; and, if they do, do they report back to you? Do you know that that complaint has been addressed?

Mrs Swift: DAFWA has no duty to respond back, so we do not get a response back from the complaint we have passed over. Once it is passed over, that is their complaint. There is no follow-up or anything like that, so that is just theirs. So, we cannot then go and reinvestigate or anything; it is their job, so we have to stay well away from that. So, we do not hear back. Sorry, what was the other bit?

Hon LYNN MacLAREN: Do you have a record of how many times you have contacted DAFWA and passed on a critical report to them?

Mrs Swift: The official ones that have gone across we would have, so the official ones, because obviously they have to go through the Shelter Mate system and they are logged on the system—we would. But if there is stuff you cannot really trace or it is just a truck that somebody might recognise, you can ask people, so it may well not go across DAFWA. There might be other people within the industry who can say, “Do you recognise a truck?”, you know, just to try to find some information so you can see whether the animals are all right, just so you can follow the complaint through and satisfactorily close it off, because sometimes you cannot identify the truck or whatever, so you have got to do a little bit of investigating work. By the time you have worked it out, who the people are, who the transport company is, then there is a time delay again and then you have got no evidence that it is their truck anyway.

Hon PAUL BROWN: Can you provide statistics or information and data to the committee of the successful prosecutions from any of those complaints?

Mrs Swift: We have not prosecuted anybody in relation to transport of animals. It would be under “confinement in a manner likely” or “actually caused harm”. As far as I am aware, there has not been one in the livestock industry.

Hon PAUL BROWN: So, whether it be a live export or whether it just for general farming transport in general, there have not been any prosecutions for the transport under the conditions that Hon Lynn MacLaren was talking about?

Mr van Ooran: Just to be clear, the question is about prosecutions relating to the transport of livestock?

Hon PAUL BROWN: Yes.

Mr van Ooran: We would have to take that on notice—but not in recent times.

Hon LYNN MacLAREN: Are you restricted by your MOU to look at that? Is it the fact that your MOU has to do with companion animals or could the RSPCA prosecute for transport of livestock?

Mrs Swift: Livestock prosecutions, the RSPCA has to deal with anyway, so DAFWA do not go anywhere near anything that is in relation to a prosecution. They have three criteria. The first criteria is just some basic advice; the second criteria is they just need some general advice about,

you know, feeding or whatever else; and the third one is the potential prosecution. They do not deal with that. They leave that and the reason is quite clearly—we had it documented—that that is because they are not set up in the same way as the RSPCA to do emergency response, so we get the call and we will deal with it straightaway; they are not set up for that.

Hon PAUL BROWN: That is of ones that come into the hotline?

Mrs Swift: Say it again, sorry.

Hon PAUL BROWN: That is of complaints that come into the hotline?

Mr van Ooran: DAFWA, full stop, are unable to respond without notice to the POI or the incident.

Mrs Swift: That is right, so they cannot deal with the—if they cannot contact the complainant, they will not do the job.

Mr van Ooran: Not the complainant.

Mrs Swift: Sorry, not the complainant, the person of interest. If the transport truck—if they cannot contact the person responsible for that or the farmer, then they do not do the complaint. They have to contact the person complained of before they go out to do the complaint. They will not go without notifying the person. We cannot do that.

Mr van Ooran: That is the advice.

Hon LYNN MacLAREN: Which is why you were saying realistically, in the case of exports, that the animal has gone by the time that is done.

Mrs Swift: That is why we cannot work in that way. We cannot work the same way as they work, because we have to respond, because you know what will happen. If we rang up everybody we had to deal with and said we were coming around in a week on Tuesday, we would never get anywhere.

[12.10 pm]

Hon PAUL BROWN: Given that you maintain the hotline and a call register and a database, do you keep a record of repeat complaints?

Mrs Swift: Yes, what happens on the system is automatically—they are called duplication jobs. So, automatically it would duplicate it, so at the bottom of that form, it would have jobs that this person or this address or this location. They all add up together.

Hon PAUL BROWN: Inside that register—I know of people, so I am sure you probably understand what I am saying—there are people that continually complain about legs sticking out of sheep trucks. They are repeat complainers. It might not be of the same offence but of multiple issues across live export or the livestock transport of animals. Do you keep a register of people that are continually repeat complainers?

Mrs Swift: Yes, we do.

Hon PAUL BROWN: Can you provide —

Mrs Swift: I would rather not provide that.

Hon PAUL BROWN: You can provide it in private to the —

Mrs Swift: I can provide it in private, but I would rather not because it does not just cover your industry—the livestock industry; we get this —

Hon PAUL BROWN: This is not about livestock. I am looking at not necessarily livestock. I am just asking you for repeat offenders, whether it is about puppies, not necessarily livestock transport. Do you keep a register of repeat complainers that you can provide to the committee?

The CHAIR: Are you talking about vexatious complainers?

Hon PAUL BROWN: Yes.

Mrs Swift: I cannot really do that because it is our information. I am not trying to be difficult or whatever else, but that is our information so that we know what is going on. I have got only seven inspectors; I have got only a certain amount of resources, and that information is valuable to me because I need to know where my inspectors are going and I need to know that they are genuine jobs that they are dealing with. I have got privacy issues because it is my interpretation of them. It is not valid. It is valid for me, for me. Sorry; that is not the right way to say it. It is not appropriate that I give that information to somebody else when their complaint is valid to them at that time when they are making the complaint to the RSPCA.

Mr van Ooran: It is like asking the police for the information around the people who make complaints and inform the police in relation to criminal matters. It is highly sensitive and has privacy issues around providing that information.

Hon PAUL BROWN: This is a parliamentary inquiry and we are very responsible with that information, and I would ask that you provide that information to us in relation to vexatious complainers or repeat vexatious complainers. You can ask the committee to keep that in private and we can determine whether or not that needs to be.

Mr van Ooran: Can we please get clarity around the question? Is the member looking for the personal information in relation to people making complaints to the RSPCA that are regarded as vexatious?

Hon PAUL BROWN: I am asking you if you keep a register of vexatious but also repeat complainers that you have determined—vexatious but repeat over similar issues that have not been able to be substantiated. I would ask that you table that sort of information to the committee so we can determine for ourselves. How many people that have complained to the hotline are repeat complainers that are not substantiated in their complaint?

Mr van Ooran: Would you be comfortable if the identification was removed from those individuals?

Hon PAUL BROWN: Yes; I am not after names.

Mr van Ooran: Right.

Hon PAUL BROWN: No; sorry. I am not after names or addresses.

Hon NIGEL HALLETT: What are you after—a number?

Hon PAUL BROWN: No; I am after the data, the information, not the names and addresses. Sorry.

The CHAIR: Just to clarify, member, are you talking about the actual nature of the complaints and number of complaints?

Hon PAUL BROWN: You could expand that into the nature of the complaint, but just the number of vexatious complainers that you have, how many calls they are making to the hotline in a given year or in a given time span—let us say the last two years. How many complaints you have had from vexatious and repeat complainers over issues that have been unsubstantiated and there have been no prosecutions.

The CHAIR: Is that something that you actually keep a record of? The member is not asking for identification.

Mr van Ooran: We keep a record of all calls.

The CHAIR: What he is talking about is just the data number.

Mrs Swift: It is impossible to give that information. You know who you are going to get; you know who you are going to get; I know who I am going to get. But that is here. We do not have a flagging system on the computer that says, “She’s a regular; we know that’s coming from her.” We just know these things because we know that there are particular issues with particular places.

Hon PAUL BROWN: That is what I am asking. Do have you that information? Do you keep that information to highlight—when people are contacting the hotline, you do not have a register or a flagging system?

Mr van Ooran: No. That is correct; there is no register that we use.

Mrs Swift: I do not register it. I do not write it down.

The CHAIR: Just to clarify, you do not have a flagging system; it is just basically inspector's knowledge of people who are regular —

Mrs Swift: We know what is going on, we know the areas, we know the problems and we know the people that are having issues. You could have three weeks of an issue of some sheep in a field and you get the same people that will ring up and ask, "What is happening, what is happening, what is happening?" Then it is solved and it all goes away.

Hon PAUL BROWN: No; that is not what I am asking.

Mrs Swift: I do not write them down. I just know that the neighbour is going to ring again about that.

Mr van Ooran: Can I just be clear so that I really understand this? We are not trying to dodge anything here, but in terms of why we are here and the terms of reference and what is the question and how does that relate so we can be very clear on what information we provide—what you are seeking.

Hon PAUL BROWN: I think I have been very clear. I have asked you quite clearly: As part of the hotline service that you provide, do you have a system whereby you have a flag go up if a certain member of the public rings you on a —

Mrs Swift: No.

Mr van Ooran: No.

Hon PAUL BROWN: — complaint and you say that that person has rung us 40, 50, 60 times about a leg sticking out of a truck or a dog barking?

Mr van Ooran: No, we do not.

Mrs Swift: No. What happens is the farm flags up again.

Mr van Ooran: Amanda, that is it.

Hon PAUL BROWN: So that is asked and answered. That is what I am asking—whether or not you actually had a system that identified it.

The CHAIR: Members, we are going to suspend the hearing for the time being, so we will take a short break and then we will call you back in.

Proceedings suspended from 12.16 to 12:38 pm

Hon SALLY TALBOT: I have just got three general points that I want to wrap up my contribution with for the time being. Again, I note that you have been present at the other public hearings we have had, and you will have heard that there was some discussion about potential conflicts of interest. It came up originally in relation to the activities of DAFWA, who are, of course, the regulator and the compliance monitor for you in various respects. Do you have anything that you would like to say on your own behalf about conflicts of interest internally that you may have identified and the procedures that you have put in place to handle those conflicts of interest, if indeed you have identified them?

Mr van Ooran: Thank you, honourable member.

Hon SALLY TALBOT: I would also ask you to expand your answer to include comments on the potential conflicts of interest and their management within DAFWA.

[12.40 pm]

Mr van Ooran: Within DAFWA; okay. You might need to remind me after I have done mine, but definitely, sure. We have not identified conflicts of interest, but, clearly, there are perceived conflicts of interest. I have some information here to talk about how we go about our business to do with this topic. The first point, I guess, to start off with is that—and we have made this point in our submission—the RSPCA WA has a long history of advocating for improvements in animal welfare and undertaking enforcement work arising out of animal cruelty. The advocacy in campaigns work of RSPCA lies with our community engagement division, which is very separate to our inspectorate or regulatory part of the business. The inspectorate is not involved in any way, shape or form with our campaign work, be it dogs in hot cars or whatever the topic might be. The separation of this work is part of the MOU with DAFWA—clause 8—and DAFWA acknowledges that RSPCA WA may advocate for or have policies that differ from the Western Australian government. RSPCA is not itself appointed under the Animal Welfare Act; it is the general inspectors who enforce the law. The individual inspectors, they are, as our understanding is, and this was an interesting discussion last week, I think—our understanding and the advice we have received from DAFWA is that our general inspectors are appointed as public officers and are accountable to the minister. Further, all inspectors are appointed under the act and they are public officers as such. That has been our clear advice from the department and that is our understanding to this day, but it seems to me that DAFWA might be getting some more information through on that. We have not seen any —

Hon SALLY TALBOT: Well, we in fact confirmed with DAFWA last week that your inspectors are not public officers.

Mr van Ooran: They confirmed that, yes. But we have advice from them—formal advice—that we are.

Hon SALLY TALBOT: Do you have that advice in writing, in a form that you —

Mr van Ooran: Yes, we can provide that information to you.

Hon SALLY TALBOT: Would you?

The CHAIR: That would be interesting.

Mr van Ooran: Yes. That is fine.

Hon SALLY TALBOT: This is not to call into question the statutory authority of those officers, because they are clearly empowered under the act.

Mr van Ooran: Yes.

Hon SALLY TALBOT: But we understand that they are not regarded as public officers.

Mr van Ooran: Right. So, it is definitely our understanding they are subject to the oversight of the Corruption and Crime Commission and the Ombudsman, is our understanding, RSPCA general inspectors. This status means that if a member of the public perceive they were being harassed or bullied by an inspector because of a campaign agenda, they would have a number of avenues for recourse.

The next point I would like to make is about the training and how well trained and professional our inspectors are. Probably, in our view, the very best training provided to any general inspectors across Australia—and they are very clear about their obligations under the Animal Welfare Act. The act itself places very, very clear limits on the exercise of powers. So that is what Amanda and her team have to work and abide by, as you have picked up today and previously. They have to work within the act, and there are very clear limits on the exercise of powers, with relevant sections containing specific and defined circumstances in which they may be exercised. There are layers within the act that prevent that conflict of interest coming into effect—perceived conflict.

Certain exercises of powers are reviewable by the minister and the State Administrative Tribunal. I also mentioned before the department and the director general has the ability at any time to make any inquiry into our activities and we are obliged to provide that information as quickly as we can; within seven days is what we have agreed to. Despite having powers under the act in the vast majority of cases, you know, the inspectors are resolving more than 90 per cent of these cruelty reports through working with guidance, advice, with pet owners. We have given you the statistics before, but from 15 500 cruelty reports in the last 12 month period, 6 300 became jobs of which the inspectors followed up and investigated. Of that 6 300, 28 led to successful convictions. The results kind of also gave the fact that they are working very tightly and their accountability is very high.

Hon PAUL BROWN: Mr van Ooran, can I just get you to clarify a statement you just made in relation to the oversight that DAFWA and the minister have? Is that only in respect of the \$500 000, not of the entire RSPCA as an organisation?

Mr van Ooran: In relation to the activities of the inspectorate, that is right.

Hon SALLY TALBOT: So, all the activities of the inspectorate—prosecutions —

Mr van Ooran: Anything, yes. The powers under the act, really, are very clear. They provide, as I said, mostly provision of education advice working with—this is consistent with our own RSPCA WA compliance enforcement prosecution policy. So this has been a topic, too, that we have been discussing. The prosecutions policy for the organisation provides that the society encourages compliance with the act through education and, if necessary, enforcement. The RSPCA prosecutions policy is a requirement under the MOU and DAFWA. It was designed to be consistent with DAFWA's compliance and enforcement prosecution policy, and the "Statement of Prosecution Policy and Guidelines 2005", issued by the Director of Public Prosecutions. I can talk a bit more to the difference between the two, if you like, shortly.

In serious cases, the inspectors commence a formal investigation and it is important that the inspector is impartial in gathering evidence of an offence under the act. The inspectorate also, as we mentioned before, has access to an independent lawyer from the inspectorate—our own in-house counsel—and, as you know, lawyers must bring an impartial and independent view. Their duty is to the court. So that is an added resource that is provided to our inspectorate team. That also allows a prompt availability of this legal advice, and that helps with our investigative and prosecutorial work. The in-house legal counsel reviews the evidence in the investigation files, and works to resolve evidential issues. Following this, the prosecution file is prepared by the inspector and submitted to the in-house legal counsel. The file is reviewed in collaboration with pro bono lawyers who similarly have a conflict-of-interest test and a very rigorous process in assessing any case files that go to them. That is reviewed by pro bono lawyers. The chief inspector and the investigating inspector, who, based on the prosecutions policy, will give consideration to those couple of really key areas that we have touched on before around the evidential test and the public interest test. So there are a lot of similarities and parallels with the department of ag's prosecution policy, but there are some differences. The prosecution file, where there is enough evidence and it is in the public interest to prosecute et cetera, is referred again to the chief inspector for final determination. Prosecutions are only brought following a consistent, fair and independent review of the evidence. Apart from the prosecutions policy, prosecutions by the RSPCA WA must adhere to the model litigant standards required when the state initiates a prosecution and also prosecutors' duties under rule 44 of the Legal Profession Conduct Rules. These high standards and duties apply to all prosecutions throughout the state, including the prosecutorial activities of RSPCA WA. Together, the elements outlined that I have just talked about we believe ensure the enforcement work of our inspectors appointed under the act is not influenced by campaigns and advocacy work. I do not know of anyone who believes any of our prosecutions or convictions were not warranted. Our record speaks for itself. That is not to say that we do not review constantly our standard operating procedures and our performance cases and we have a real focus on continual

improvement in the way we can go about our business. That has talked us through the process. Hopefully that —

Hon SALLY TALBOT: Thank you; that was very helpful. Given that DAFWA is the agency with oversight of the act, what role does DAFWA play in providing any kind of oversight or control of RSPCA prosecutions?

[12.50 pm]

Mr van Ooran: DAFWA does not have any involvement with RSPCA prosecutions. They will receive the odd complaint or an inquiry relating to an RSPCA case or matter. They have a complaints handling process that we believe is still in need of improvement. They will make inquiries of us into matters that come to their attention. I must say again, to put it into context, I am aware of a handful of cases that the department of agriculture have received a complaint and that they have followed up with us over the last three years. In fact, I am not aware of many at all that the minister's office has received. It is important to remember that we have a number—a handful—that we have been talking about through this process—three, four, five. To put it into context, of the more than 50 000 cruelty reports received by the organisation and more than 14 000 investigations over the last three years, we are finding we are zeroing in on a couple of complaints that DAFWA have received. They have every opportunity to come to us and they have done on occasion in relation to the Carricks. They have come to us on occasion on any matter that they would like about our inspector activities and raised their concerns. Amanda, our general counsel or whatever, has had the occasional meeting with DAFWA and matters have been discussed and to this date there has not been identified any unlawful activities in relation to matters we have been talking about.

The CHAIR: Can I just leave that line of questioning there? We will give Hon Paul Brown 10 minutes.

Hon PAUL BROWN: The DG last week in his evidence said that he was considering his authority to modify the authority of inspectors in relation to prosecutions or directions notices. Are you concerned of that thinking by the DG?

Mr van Ooran: No, not at all. In fact, we have been involved with the ministerial review into animal welfare investment and administration. Minister Baston has had this process going for quite some time. We are awaiting the outcomes of that. We highlighted in that process the fact that there is significant room for improvement around consistency, around training and around oversight, particularly of general inspectors authorised under the act outside of the RSPCA. We are pretty much carrying the role and we are proud and we are very effective but there is a great opportunity to improve the way—you might have heard this morning—some of the opportunities where we can work together. I think currently the department and the director general have excellent and appropriate oversight abilities within the act itself and also within our agreement and MOU. I think he is in a very strong position, as he should be, in terms of investigating any complaint or any information about the RSPCA. There is a big gap, though, about inquiring into other matters with other general inspectors that I am thinking the director general would like to get a better handle on as well.

Hon PAUL BROWN: Thank you. Just moving on to another matter, the past president, Eric Ball, and also the media have focused, certainly through Eric's submission to the inquiry, about some of the misleading publicity and fundraising campaigns that the RSPCA has undertaken —

Mr van Ooran: Alleged.

Hon PAUL BROWN: Alleged. But for the sake of this, the complaint was raised by Eric in his submission and it also has been highlighted in the media. One in particular—sorry; my iPad has just shut down—was the fundraising campaign on 2 June 2014 that obviously involved Don Don, the kelpie. It was stated —

The kelpie was one of the worst I'd seen. He was a bag of bones with very little holding him together but a mangy coat on top of flea-infested skin. Once you've rescued a dog that has suffered cruelty, the most vivid memory is always the first time they wag their tail.

One of the complaints that Eric raised that while it was a letter sent by, I think, yourself, Mr van Ooran, to your membership, it was not actually a rescue or a complaint in Western Australia. In fact, it was a rescue and a complaint in New South Wales some substantial time before you had started your employ as CEO with the RSPCA. It also goes on to highlight other campaigns, in particular, the letter of 16 September 2014 that went out about the \$31 000 worth of costs, saying, "The RSPCA didn't receive any of the money; it all goes to the state." It was highlighted quite clearly that that is not the case through evidence previously that you do actually receive costs and you do actually receive government funding. Who oversees the fundraising and publicity campaigns that go out to the public that may have issued this misleading information?

Mr van Ooran: Allegedly, honourable member—allegedly. First of all, I do. I have responsibility. We refute the false and malicious allegations made by Mr Ball in his report. We just recently provided you with a detailed response to Mr Ball's report which, to this day, we have been unsuccessful in receiving a copy from the government, from the department, from the minister's office. We understand it was circulated to *The Sunday Times* and also other members of Parliament but unfortunately to this day we have been unable to receive information. The department of agriculture themselves, you will recall, said that it did not warrant investigation and was not provided to us and we will follow it up. Mr Ball's report should be treated with the contempt that it deserves. It is false and outrageous.

Hon PAUL BROWN: Sorry, that was not the —

Mr van Ooran: I have answered your question. I am responsible for the fundraising letters and the detailed response to Mr Ball's report has been provided to the committee.

Hon PAUL BROWN: Do you think that that type of allegedly misleading information being sent out to the public creates a false or a misleading interpretation of the facts that these campaigns are a motive designed to get people to part with their money but are not reflective of the facts around these issues, given that you have talked about your personal involvement with Don Don but it was actually in another state in a time before you were with the RSPCA?

Mr van Ooran: I am struggling for the question, Mr Chair.

Hon PAUL BROWN: You can continue to show disrespect if you want to, Mr van Ooran, but I have asked the question. Does that show a level of disrespect to the public that you need to misrepresent these falsehoods?

Mr van Ooran: Can you please repeat the question?

Hon PAUL BROWN: I just said, does that reflect poorly on the RSPCA and on yourself that through these campaigns you need to propagate these falsehoods or this misleading information?

Mr van Ooran: If you are going to insinuate and smear my reputation, honourable member, I think that is outrageous and I take exception to that fact. I have twice said they are alleged and we do not believe, nor support, the allegation by Mr Ball, full stop. That is fully disclosed here in the report. If you want to give me a clear question, I am happy to provide any information in response.

The CHAIR: Do you want to rephrase the question?

Hon PAUL BROWN: I will move on. I have got my answer.

I refer to the recent campaign by the RSPCA against the committee's report on recreational hunting on public land. You ran quite a vigorous campaign in the media. The terminology in some of the adverts was, "This is a trophy ... This is not." In one particular one you used an image of an American hare. It was highlighted that that picture had been reimaged or doctored to include

a blood or gun wound. Do you think it was appropriate to doctor that or, shall we say, reimage that picture to influence public perception of the report of the committee?

[1.00 pm]

Mr van Ooran: The image that was chosen for the hunting campaign with the American hare—it was unfortunate that the origin of the animal was not checked beforehand. There was a learning from that. The difficulty we had was finding images that represented the situation and the topic that, in fact, were not too graphic and confronting, so we had to look far and wide for appropriate images that demonstrated an appropriate representation. The images that we had in our files relating to this matter were just not suitable for a newspaper publication. So we believe that it was a fair and clear representative image and message on the issue. We have been vocal on the recreational hunting agenda for more than 12 or 14 months, both sitting in this very building here in front of the inquiry—was it an inquiry; I think it was called an inquiry?—involved in a lot of media and PR, we provided a detailed submission as to why we did not support the motion that was being put forward but, you know, it came down to using what we felt was an appropriate, fair and effective message. Interestingly, the image that was created by the Sporting Shooters Association a few days afterwards depicted not one animal, as we did, but four of them, with a proud person with a gun and three other guns depicted in the ad and, perhaps, we feel—some of us feel—that was probably more effective in helping the case against the motion than what our ad might have been.

Hon PAUL BROWN: That is probably right. Why was the RSPCA opposed to the recommendations of a trial of recreational hunting?

Mr van Ooran: We have a very detailed submission that I am very happy to provide to the committee. It is a 16 or 18-page submission that walks through the very detailed reasons as to why we were opposed. Similarly—it is probably worth mentioning—my understanding is that no other government agency supported the trial either. So we were not certainly a lone ranger; I think the majority of submissions and the public and, in fact, the government made the decision as well that it was not a good idea.

Hon PAUL BROWN: But the RSPCA accepts that firearms for euthanasia or for humane destruction are an acceptable method.

Mr van Ooran: Absolutely. Look, we are very supportive of organised, well-coordinated, effective pest and feral animal management programs. We are actually involved in one right at this very moment, and we have been. We are calling for a much better, much improved focus from government and from stakeholders in dealing with the significant feral and pest animal problems across Western Australia. We are acutely aware of the wild dog situation. We have made representations to the Pastoralists and Graziers Association about working together to find solutions. Unfortunately, they are not willing to work on solutions with us. We have also been involved with feral horses in the Kimberley—working very effectively there—and again, there was another operation recently. We are working with farming groups and industry in the south west on the feral pig situation at the moment. So the RSPCA's involvement in feral pest animal management is quite varied.

Hon PAUL BROWN: Given that some of those programs, particularly at Lake Gregory are under the government's control—feral horse control at Lake Gregory, which the RSPCA has supported—why then would there not be any confidence that a recreational hunting program could be done under a trial to actually provide data and information that would either support or not support further legislation that might be required? Why would you be against a trial?

Mr van Ooran: It is all detailed in our submission.

The CHAIR: Member, can we make that the last question?

Mr van Ooran: It is fully detailed; there are many different angles and factors that we have addressed and talk to that clearly states: no, we did not support that. It is about coordinated

approaches using a variety of methods to deal with feral and pest animal management, depending on the species, as you very well know. Each species has different complexities and differences in how they may need to be treated in a management situation. Horses are different to rabbits are different to—you know; I am telling you to suck eggs.

Hon PAUL BROWN: But the RSPCA is not opposed to euthanasia or humane destruction by the use of a firearm.

Mr van Ooran: Our inspectors are completely authorised and conduct that where needed.

The CHAIR: Member, we are going to hold it there because of time. I am sorry, Mr van Ooran, to interrupt you right there. If we have other questions, we will put them on notice to you. I know Hon Nigel Hallett and also Hon Lynn MacLaren have other questions, so we might submit those questions to you on notice.

I will ask people in the gallery if they could please leave. We are actually going to go into private session now.

[The committee took evidence in private]