



27th July 2015

Hon Rick Mazza MLC
Chair
Select Committee into the Operations of the
Royal Society for the Prevention of Cruelty to Animals Western Australia (Inc)
Legislative Council
Parliament House
GPO Box A11
PERTH WA 6837

Via email: selra@parliament.wa.gov.au

Dear Mr Mazza

Thank you for the opportunity to make a submission to the Select Committee Inquiry into the operations of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). I understand the Inquiry covers the RSPCA's:

1. funding from government;
2. its objective; and
3. the use of its powers.

The Livestock and Rural Transport Association of Western Australia supports sound animal welfare practice and sees it as critical to a sustainable livestock transport industry. The LRTAWA was instrumental in developing the code of practice for sheep and cattle and has invested significant resources in participating in national and state consultative bodies aimed at developing animal welfare transport standards and guidelines that will have a positive impact on animal welfare outcomes.

The Association has also taken the lead in promoting correct pre-transport preparation of livestock to ensure good animal welfare and holds a firm view that genuine improvements in animal welfare will only be achieved if laws place relevant responsibilities on those members of the supply chain who can actually influence results whether it is grower, transporter, agent, depot, feedlot or processor.

As an industry which must comply with a large amount of legislation, transporters are very aware of the importance of statutory power being exercised consistently and with a high degree of integrity. Once there is doubt about the motivation of a regulator's actions there is a loss of faith in the system which often has a negative impact on overall compliance. Whilst the combination of enforcement and education are compatible, the combination of enforcement and political lobbying/organisational philosophy are not. A recent example of this situation existed when responsibility for livestock animal welfare resided with the Department of Local Government. Attempts from industry to work constructively with the department to improve animal welfare were not supported due to an apparent objection within the department to legitimate business undertakings such as live export. The relationship between industry and the regulator was extremely poor and this resulted in many opportunities to improve animal welfare being lost.

Similarly it seems incongruous to enable the RSPCA to enforce the *Animal Welfare Act 2002* whilst that organisation maintains a political stance with regard to abolishing live export for example. A government department in the normal course of events does not implement political policy through its statutory obligations other than what is expressed in the law. If it transgresses

this standard the community has a well-established avenue of appeal as occurred in the Local Government Department example. It is important to note that the LRTAWA has no evidence the RSPCA has crossed this line to date but the tension between enforcement obligations and policy and the perception of a conflict is not conducive to a good relationship between the regulator and industry.

The LRTAWA submits that the Western Australian Department of Agriculture and Food (DAFWA), Animal Compliance Unit should have sole responsibility for enforcing the Animal Welfare Act as it applies to production animals. The current situation where two organisations have the capacity for investigation and enforcement is confusing. DAFWA as a government organisation is in a far better position to enforce the laws and to provide education and advice on production animals given their agricultural experience. They have easy access to experts on livestock and can use existing networks to provide information to growers, transporters, exporters etc.

The LRTAWA frequently seeks advice from DAFWA about animal welfare related matters, however, there is always an element of doubt about how confident a transporter can be that the RSPCA will adopt the same approach. This level of uncertainty is not desirable and places drivers of livestock vehicles in an invidious position. The industry is finding it difficult to attract suitable people to drive livestock vehicles partly due to the regulatory burden they are subjected to and the uncertainty surrounding animal welfare enforcement features reasonably prominently in their feedback.

DAFWA officers must also comply with an enforcement policy and framework that is not subjected to the whim of changes in philosophy whereas the RSPCA whilst conforming to an agreed policy, has the opportunity to embark on specific campaigns as previously noted. DAFWA officers also have access to training and in theory have high levels of accountability for their actions. Although the Ombudsman can investigate a general inspector employed by the RSPCA, the Ombudsman is unable to investigate a complaint against other RSPCA officers for example the In-house Counsel or the Prosecutions Panel who according to the RSPCA Prosecution Policy have a role in deciding if a prosecution proceeds.

With the exception of the law enforcement objective bearing in mind the preceding comments, the LRTAWA has no specific comments regarding the published objectives of the RSPCA (Australia) which are:

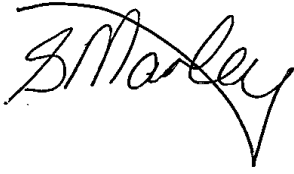
- To prevent cruelty to animals by ensuring the enforcement of existing laws at federal and state level.
- To procure the passage of such amending or new legislation as is necessary for the protection of animals.
- To develop and promote policies for the humane treatment of animals that reflect contemporary values and scientific knowledge.
- To educate the community with regard to the humane treatment of animals.
- To engage with relevant stakeholders to improve animal welfare.
- To sustain an intelligent public opinion regarding animal welfare.
- To operate facilities for the care and protection of animals.

It is understood that government funding is currently provided to the RSPCA for education and communication. If the responsibilities for enforcement are modified it would appear logical to review the financial arrangements accordingly. The RSPCA will however, maintain a legitimate role in education and promotion of good animal welfare therefore government could reasonably be expected to make a financial contribution to this function. It is important that no public funds are used for political purposes.

In conclusion the Association believes that good animal welfare is served by a single consistent message that has authority and integrity because it is not tainted by political objectives. The Department of Agriculture and Food is therefore in the best position to enforce the Animal Welfare Act 2002 as it applies to production animals. This enables professional inspectors, operating under a transparent policy and who have access to relevant scientific and operational advice, to enforce the Act. DAFWA inspectors have easy access to well established networks to convey information and educational material which is an important function of any regulatory body. Industry will have reassurance about a consistent approach and an avenue of appeal about procedure if necessary.

Thank you once again for the opportunity to comment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Marley'. The signature is fluid and cursive, with a large 'S' and a stylized 'Marley'.

Stephen Marley
President