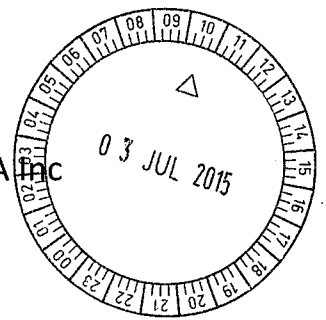


Parliamentary Enquiry into the Operations of the RSPCA WA Inc



Submission:

Terms of reference:

1: Funding from the Government

2: objectives; and

3: use of its powers

Background:

I was a former RSPCA Qld, and RSPCA WA Inspector between 2007 and 2011. Metro Senior Inspector at RSPCA WA from Feb to April 2012, and Chief Inspector at RSPCA WA from April 2012 until July 2013. I therefor feel qualified to make observations on some RSPCA WA matters.

Traditionally the RSPCA WA inspectorate has been seen as a primarily educational body that has powers under the Animal Welfare Act 2002. These powers extend to seizure of animals, issue of direction notices, powers of entry to premises, and ultimately the prosecution of offenders in WA summary court jurisdiction. These areas of operation form the inspectorate's most significant powers under the Act. The Animal Welfare Act 2002 {AWA 2002} allows for the appointment of inspectors under 'The Act'. 'The Act' is currently administered by the Department of Food and Agriculture WA {DAFWA}. The director General of DAFWA is responsible for the appointment of those inspectors. DAFWA operates its own Livestock Compliance Unit consisting of a number of inspectors. The Act allows for the appointment of Inspectors within the RSPCA Inspectorate. Some local Government Rangers are also gazetted inspectors under the Act as are all sworn WAPOL Officers.

1: Funding from Government: Currently {2012 figures. May have increased by now} the RSPCA WA receives funding from DAFWA at \$500k per year for certain inspectorate activities. This includes the maintenance of an 'education unit' which I understand has been disbanded. Further information received indicates that an inspector is now doubling up as 'the education unit'. During my time as Chief Inspector with the organisation, the education unit consisted of a number of staff under its own dedicated manager. It was engaged in a busy program of activities consisting of schools visits, visits by children and students to the RSPCA facilities at Malaga. The unit was also very active in generating educational material for RSPCA activities such as the annual Million Paws Walk, which is the organisations largest fund raising event of the year.

It is therefore of serious concern that the education unit has been disbanded as one inspector is unlikely to be able to maintain even a small fraction of the educational workload that was being generated by the education unit.

During my time as The Chief Inspector with the organisation, there was a considerable degree of tension between the RSPCA and the administrating DAFWA. A major part of this was surrounding the two different prosecution policies of the respective organisations. The RSPCA had its own prosecution policy, but then came under pressure to adopt the DAFWA prosecution policy, which it

robustly resisted; maintaining the argument that the RSPCA was an independent organisation, with the backing of one of the best brand names in the world, and that it should not be conforming to wishes of a government department.

There exists a huge conflict of interest within DAFWA by 'maintaining' the RSPCA under its administrative blanket: both organisations are under The AWA 2002, but are functioning in a different direction. During my time as Chief Inspector several examples of this occurred:

A} Live animal Export. The RSPCA is opposed to this on the basis that it is inherently cruel to transport large numbers of sheep and cattle on ships to destinations that have dubious, if not standards of animal welfare. On the other hand DAFWA is 'regulating' this activity and is not opposed to it. On several occasions the operational scenario of an RSPCA Inspector working alongside an LCU Inspector at the Fremantle port facility was raised. I actively encouraged this form of liaison between my staff and the LCU Inspectors, but DAFWA refused to be involved with 'joint operations' of this nature for fear that differing advice may be given to members of the public by inspectors from each respective organisation.

B} DAFWA the farmers friend. RSPCA Inspectors have encountered difficulty in dealing some members of the farming community as they are seen by the community as the 'bullies with the big sticks', and as the 'prosecutors'. LCU Inspectors despite operating under the same AWA 2002 have been seen as the farmers' friend, much more likely to give advice, rather than prosecute. So, there is an inconsistency in approach from both organisations, despite operating under the same legislation, and some funding being received by the RSPCA from DAFWA.

The RSPCA WA is regularly campaigning for more of the public's money to fund its activities. While I was Chief Inspector in 2012, the society was obtaining approx. 91% of its income from public donations, the \$500K from DAFWA forming only a small percentage of the annual income. Some of the fundraising activities that the WA society have been involved in have been deceptive, and in a report tabled by former President of The Board Eric Ball, examples were shown where CEO David van Ooran was featured in a case concerning cruelty to a dog: in this case Mr van Ooran expressed his shock and disgust with the cruelty metered out to this dog. It was later revealed that this case was in fact an RSPCA NSW case, and that Mr van Ooran was unlikely to have ever seen this dog or to have been involved in this case. His response to the allegation of deception was that it was an animal cruelty case dealt with by the RSPCA, and it didn't matter that the details weren't quite right?

I don't know of any other organisation with prosecution powers that would get away with being economical with the truth, as in this case? Nor do I think it appropriate that the donating members of the public are kept from the truth of the situation?

In the same context, the RSPCA WA is not currently required to provide a full break down of its financial activities in its annual reports. This is disturbing as it does not have to detail some of the sums of money it has paid out to former staff to keep them quiet about what really goes on at the society. In Eric Ball's report referred to earlier, he makes reference to a list of approximately 25 staff members that were either dismissed from the organisation or left as a result of constructive dismissal, or otherwise resigned. This was in the period 2012 -2013, and I was one of those staff members. This amounted to approx. 25% of the establishment at that time. I know that some of these staff members, a significant number being members of the inspectorate were dismissed, and

then paid off having to sign draconian non disparagement clauses in order to prevent the RSPCA WA ending up at the Fair Work Commission.

It is my overwhelming feeling that the public have a right to know what their donated money is being used for. If the RSPCA WA are prepared to use publicly donated money to cover its tracks in poor management of its staff, then what is to stop them from doing similar with the \$500 per year from DAFWA ?

In my view the RSPCA WA should provide full financial accountability in its annual reports.

2: Objectives: The RSPCA WA purports to be the premier animal welfare organisation in this state. It covers an area which is geographically the largest Police jurisdiction in the world. It is encumbered with the AWA 2002, yet it numbers only a handful of inspectors, most of those based in the metro area. Operationally the Inspectorate regularly relies on WAPOL and some Local Governments to do its work for it. This is especially the case in the regional areas of the state. The lack of coverage by the inspectorate means that poor animal welfare outcomes are likely in many scenarios that should be dealt with more effectively. It is my view that the Inspectorate function should be removed from the RSPCA WA, and a suitable WAPOL unit formed to fulfil the role on a state-wide basis. If the 'policing' of the AWA 2002 is to be left to a small charity with limited resources then that shows that the State Government does not take animal welfare seriously.

3: Use of its powers: Under the regime of CEO David van Ooran, the operational objectives of the RSPCA WA seem to have changed. During my time as an inspector which was before Mr van Ooran joined the society, the inspectorate was very much an educational unit engaged in advising the public on matters pertaining to animal welfare. Extreme cases or cases involving recidivist offenders were prosecuted, with generally balanced results, in the public interest.

The situation now seems to have swung more in favour of gaining prosecution statistics, which puts the society directly at odds with the prosecution policy of its overseers: DAFWA. This again hi-lights the conflict of interest that exists between DAFWA and RSPCA WA.

In one recent high profile case, a woman was prosecuted for being cruel to a large number of cats, by confining them in two houses in squalid inappropriate conditions. Later in the investigation it was revealed that the accused had spent literally thousands of dollars on vet treatment for some of these animals. With that knowledge in mind the question has to be asked: Could the Inspectorate not have worked with this person to reduce her cat numbers over a period of time? As might have occurred in a previous regime?

Certainly with this case and others there was heated dialogue with DAFWA over decisions made, and the relationship between CEO David van Ooran and the manager of the LCU at DAFWA steadily deteriorated to an almost total lack of communication. This is hardly a preferable situation for an organisation under the control of a Government department.

I would submit that the activities of the RSPCA WA Inspectorate need to be closely scrutinised, to make sure that they are in the public interest, and do not amount to an abuse of process. I understand that DAFWA have instigated their own review of the activities of the inspectorate, but this is yet to be concluded.

Conclusion: I welcome the parliamentary enquiry into the RSPCA WA, and feel that it is in the public interest to know more about the activities of the society. I am prepared to attend any hearing to give evidence or expand on any aspects included in this report.

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Simon Eager