

Animal
Welfare
Review

OCTOBER

2015

Report on an independent review of the investment
in and administration of the *Animal Welfare Act*
2002 in Western Australia

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Acronyms

ACT	Australian Capital Territory
AEC	Animal Ethics Committee
AWA	Animal Welfare Act (2002) WA
AWAC	Animal Welfare Advisory Committee (Western Australia)
AVA	Australian Veterinary Association (WA Division)
B&R	Biosecurity and Regulation Directorate (DAFWA)
BAMA	Biosecurity and Agricultural Management Act (2007)
DAFWA	Department of Agriculture and Food, Western Australia
DoC	Department of Commerce
DPaW	Department of Parks and Wildlife
DLG&C	Department of Local Government and Communities
DG	Director General
LCU	Livestock Compliance Unit (DAFWA)
KPIs	Key Performance Indicators
MoU	Memorandum of Understanding
NSW	New South Wales
NT	Northern Territory
PGA	Pastoralists and Graziers Association
QLD	Queensland
RSPCA	Royal Society for the Prevention of Cruelty to Animals (WA)
SOPs	Standard Operating Procedures
SA	South Australia
TAS	Tasmania
VIC	Victoria
WA	Western Australia
WALGA	Western Australian Local Government Association
WARA	Western Australian Rangers Association

Letter to the Minister

5 October 2015

Hon Ken Baston MLC
Minister for Agriculture and Food
2 Havelock Street
WEST PERTH WA 6005

Dear Minister

In accordance with the terms of reference for the independent review of the investment in and administration of the *Animal Welfare Act 2002* (the Act), I am pleased to provide you with the Panel's final report.

In undertaking this review, the Panel has carefully considered 30 submissions and met with various stakeholders over the course of the review to obtain a wide variety of views on the administration of the Act. We would like to acknowledge the interest and commitment of the organisations and individuals who took the time to make a submission and/or meet with us during this period.

The Panel notes that while the terms of reference are specific, the body of information and the breadth and passion of opinion expressed left us in no doubt that this matter was highly complex and the time available did not allow the Panel to explore every issue that arises in relation to animal welfare in Western Australia. It was clear that our role was to examine the service delivery model for animal welfare in Western Australia and to recommend areas for improvement. These should not be considered exhaustive but we do believe, if implemented, they will drive improvements in this area.

It is in this respect that the Panel has come to a unanimous agreement on its observations and has made 19 recommendations on opportunities to improve the delivery of animal welfare functions in Western Australia.

I also wish to acknowledge the assistance provided to the Panel by the Department of Agriculture and Food, Western Australia, and the other State Government agencies and organisations involved.

Yours sincerely



Brian Easton
Panel Chair

Also on behalf of:

Lynsey Warbey – Panel Member
Bruno Mezzatesta – Panel Member
Dr Ashley Mercy – Panel Member

Acknowledgements

The Panel gratefully acknowledges everyone who helped with the review. The details of the many organisations and individuals who have taken the time and effort to meet with the Panel and/or submitted comments are in **Appendix A** and **B**.

The Panel also extends its sincere appreciation to the staff of the Department of Agriculture and Food, Western Australia who provided executive, organisational and technical support to the Panel.

Executive Summary

The *Animal Welfare Act 2002* (the Act) intends to promote the welfare, safety and health of animals to ensure their proper and humane care and management and to reflect the community's expectation that people who are in charge of animals will ensure they are properly treated and cared for.

The Act is administered by the Department of Agriculture and Food, Western Australia (DAFWA), which has had that responsibility since 1 July 2011. Prior to that time, the Act was administered by the then Department of Local Government now Department of Local Government and Communities (DLG&C).

Review purpose, scope and process

In May 2015, an independent panel (the Panel) was appointed by the Western Australian Minister for Agriculture and Food, the Hon. Ken Baston MLC, to undertake a review into certain aspects of the administration of the *Animal Welfare Act 2002* (WA) (the Act).

The objective of the review was to examine and make recommendations on the investment in, and administration of, animal welfare to determine the best return on funding in achieving animal welfare outcomes, including appropriate investment in a regulatory framework.

The Panel concentrated on providing the Minister with advice on the steps needed to improve the delivery of animal welfare functions in Western Australia (WA) and, in doing so, focussed on positive animal welfare outcomes for WA.

Current model

Several agencies and organisations currently have roles and responsibilities in administering and enforcing the Act. These include DAFWA, Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA) and local government.

DAFWA has responsibility for assisting the Minister in the administration of the Act, with the Director General having a number of specific responsibilities. General Inspectors appointed under the Act are responsible for the enforcement of the provisions of the Act, primarily performed by RSPCA and the Livestock Compliance Unit (LCU) within DAFWA. Scientific Inspectors are also appointed under the Act and they are responsible for the licensing regime for the use of animals for scientific purposes.

All other State jurisdictions have similar arrangements in place. The Panel considered the possibility of and justification for different service delivery models

including where either RSPCA or DAFWA took sole responsibility for administering the Act. The Panel saw shortcomings in how each of these alternative models would operate. If RSPCA were solely responsible, then this would leave a gap in direct government involvement. Alternatively, if a government agency were solely responsible, then this would likely result in a loss of community commitment and access to the substantial community funded services provided by RSPCA.

It is the view of the Panel that the current model is the most appropriate model to meet community expectations and accountability provisions within the terms of the Act and currently available resources. The Panel has however identified a number of areas where improvements can be made with a small increase in the funding provided by Government.

Summary of findings and recommendations

Policy and Legislation

There is no strategic plan and policy framework for Animal Welfare in WA and the Panel recommends that this be addressed to guide public sector officers and inform stakeholders and the community as to how animal welfare is handled in WA.

The Panel recommends that the Act be reviewed to make legislative improvements in line with the many submissions made to the Panel in this regard.

The Panel is of the view that the Minister should have access to a high level advisory Council to provide independent strategic and policy advice on animal welfare matters. A Ministerial Advisory Council should be established with an independent Chair and a small membership comprising representatives of key stakeholder groups and animal welfare experts.

Governance and Administration

The Panel is of the strong view that the Minister for Agriculture and Food assisted by DAFWA remain responsible for administering the Act.

With respect to perceived conflicts of interest, the Panel recommends that DAFWA and RSPCA ensure that inspectorial services are separated from operational areas within their respective organisations where there is potential for a conflict of interest to arise.

The Panel found that there is no framework in place that describes how DAFWA deals with complaints about inspectors and restricts or revokes the appointment of General Inspectors and Scientific Inspectors under the Act, and recommends that this be addressed.

To ensure consistency in the application and interpretation of the Act, the Panel recommends that DAFWA and RSPCA prepare standard policies and procedures for all inspectors to follow.

The Panel also could not find evidence of an overall monitoring and evaluation system for activities carried out under the Act, and recommends that such a system be established by DAFWA.

Compliance

The Panel noted that compliance with this type of legislation can be achieved through a range of activities which include education to encourage voluntary compliance and the creation of an effective deterrent for non-compliant behaviour. Voluntary compliance is the preferred position of the Panel.

The Panel made four recommendations in this area, including DAFWA to work closely with key stakeholders to actively promote the Act, that the promotion of Defence Codes and other standards be considered, that a community Animal Ethics Committee be established, and that DAFWA develops and delivers an ongoing training program for all inspectors.

Regional Coverage

The Panel recommends that local governments be supported to seek the appointment of rangers as General Inspectors, particularly in regional WA, and that DAFWA and RSPCA work with local governments to provide centralised support and coordination. The Panel is aware that improving animal welfare in regional WA is not straight-forward and will require ongoing cross-agency cooperation and support between DAFWA, DLG&C and other government agencies supporting regional and indigenous communities across WA.

Value for Money

A value for money assessment was undertaken based on available information, using the framework suggested by Department of Treasury (Treasury).

It is clear to the Panel that there are considerable savings to Government because of the services delivered by the RSPCA through community funding. The Panel believes that DAFWA is working to provide the best service it can within available resources and this represents value for money within the delivery model. However, the Panel is of the view that DAFWA is under-resourced to deliver a level of service to meet community and industry expectations.

The Panel noted the lack of Key Performance Indicators (KPIs) and recommends that processes be put in place for annual reporting of animal welfare activity by inspectors from which KPIs should be developed. The Panel further recommends that future grant agreements with RSPCA are to only include inspectorate functions.

Resourcing

The Panel formed conclusions regarding resource allocation based on the available information, noting an absence of whole of sector data on activity and outcomes. The Panel is mindful that there are a number of important recommendations in this report that are at risk of not being adopted if they are not appropriately resourced.

Consequently, the Panel has identified the need for additional resources to be invested in animal welfare in WA, including an additional recurrent appropriation to DAFWA and areas requiring one-off injections of resources that would deliver a significant improvement in animal welfare services in WA.

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Report Recommendations

Policy and Legislation

- Recommendation 1: Director General DAFWA work with stakeholders to develop a strategic plan and overarching policy framework for animal welfare under the Act to be endorsed by the Minister.
- Recommendation 2: A review of the Act is undertaken.
- Recommendation 3: A Ministerial Advisory Council is established to provide strategic and policy advice to the Minister on animal welfare matters, with an independent Chair and a small membership comprising representatives of key stakeholder groups and animal welfare experts.

Governance and Administration

- Recommendation 4: The Minister assisted by DAFWA remain responsible for administering the Act.
- Recommendation 5: DAFWA and RSPCA ensure inspectorial services are managed to ensure separation from operational areas where there is a potential for conflict of interest, particularly with respect to regulatory enforcement.
- Recommendation 6: DAFWA develop and make publicly available a policy and associated processes for managing complaints relating to the conduct of inspectors and the restriction or revocation of appointment of General Inspectors and Scientific Inspectors.
- Recommendation 7: DAFWA and RSPCA prepare standard policies and procedures for inspectors appointed under the Act to improve consistency.
- Recommendation 8: DAFWA establish a help desk facility to provide Inspectors with the support they need to meet their obligations under the Act.
- Recommendation 9: DAFWA establish a monitoring and evaluation framework for animal welfare activities supported by appropriate reporting and information management mechanisms.

Compliance

- Recommendation 10: DAFWA work closely with key stakeholders to coordinate activities and promote the Act, its provisions and how it functions to deliver animal welfare outcomes in Western Australia.
- Recommendation 11: DAFWA consider the promotion of Defence Codes and any applicable agreed standards as a means of underpinning compliance with the Act.
- Recommendation 12: Government consider establishing a community Animal Ethics Committee to deal with submissions from institutions which do not have the resources to establish their own Animal Ethics Committee.
- Recommendation 13: DAFWA designate officers to develop the curriculum and an ongoing training program for all Inspectors appointed under the Act.

Regional Coverage

- Recommendation 14: Local governments be supported to seek the appointment of rangers as General Inspectors particularly in regional WA.
- Recommendation 15: DAFWA and RSPCA work with local governments to provide centralised support and coordination for their General Inspectors.

Value for Money

- Recommendation 16: Processes are put in place for annual reporting of animal welfare activity by all appointed Inspectors under the Act, from which KPIs should be developed.
- Recommendation 17: The terms of future service agreements between DAFWA and RSPCA are changed to include only the provision of the inspectorate functions.

Resourcing

- Recommendation 18: Government consider providing additional budget appropriation to fund DAFWA for an additional five (5) General Inspectors.
- Recommendation 19: Government consider additional funding for animal welfare in WA as identified in individual recommendations.

Scope and Terms of Reference

In May 2015, an independent panel (the Panel) was appointed by the Western Australian Minister for Agriculture and Food, Hon Ken Baston MLC, to undertake a review into certain aspects of the administration of the *Animal Welfare Act 2002* (WA) (the Act) in accordance with the terms of reference set out below and to provide a final report to the Minister.

The review was undertaken by the following panellists appointed by Minister Baston:

- Mr Brian Easton, Chair
- Ms Lynsey Warbey, Senior Assistant State Solicitor, State Solicitors Office
- Mr Bruno Mezzatesta, Executive Director Regional Services, Department of Fisheries
- Dr Ashley Mercy, Veterinary Consultant, Western Biosecurity Services

DAFWA was not represented on the Panel but provided executive, specialist and technical support. This included the hosting of an online public submission process on DAFWA's website.

The objective of the review was to examine and make recommendations on the investment in, and administration of, animal welfare to determine the best return on funding in achieving animal welfare outcomes, including appropriate investment in a regulatory framework.

The review was intended to drive value for money and accountability in investment, identify alternative service delivery methods, and ensure public funding can be based on appropriate quality and consistency measures, particularly in relation to regulatory operational policy and procedures.

Terms of Reference

The Review Panel was directed to inquire into the following matters:

1. whether the delivery model and expenditure of the State's monies on functions, powers and duties under the Act and related activities represents best value for money in the area of animal welfare; and
2. whether there is a consistent and appropriate approach to the administration and enforcement of the Act by the various bodies and individuals having functions, powers or duties under the Act and if not, how a more consistent approach may be achieved.

The Panel was to:

- a) make any recommendations (including as to the amendment of the Act) it considers appropriate having regard to the Terms of Reference; and
- b) make recommendations on any improvements to the service delivery model for the administration of the Act.

The Review Panel was not charged with inquiring into or making recommendations in respect of the following matters:

- 1. amendments to the offence provisions, penalties for offences and orders which can be made consequent upon conviction for an offence under the Act; and
- 2. policies concerning the handling of animals which is not otherwise unlawful.

Conduct of the Review

The Panel considered the Terms of Reference in the context of the timeframe within which the review was to be conducted. The Panel took the view that it was not intended for it to conduct a detailed investigation into every aspect of animal welfare in WA. The Panel focused on providing the Minister with advice on the steps needed to improve the delivery of animal welfare functions in Western Australia and to ensure that the expenditure of State monies on those functions represents best value for money. In doing so, the Panel has focussed on positive animal welfare outcomes for WA.

The Panel began its consultation at its first meeting on 27 May 2015. Notices were published in state-wide and regional newspapers commencing on 16 June 2015 in *The West Australian* newspaper. The public notices invited submissions via a web page that was set up on DAFWA's website. The public consultation period was open from Tuesday 16 June 2015 to Wednesday 15 July 2015 5.00pm WST. A total of 30 public submissions were received (**Appendix A**). To assist in the consultation process the following questions were posed:

1. When considering animal welfare outcomes, please describe how well you consider that the Act is currently being administered in WA? Please provide examples.
2. What do you consider would be the most important measures of effective regulation of animal welfare in WA?
3. Please outline the 3 most important changes that you would make to the way the Act is administered in order to improve the efficiency and effectiveness of delivering an appropriate level of care for all animals in WA? Please be as specific as you can.
4. Do you have any other comments?

These questions were drawn from the Terms of Reference and were deliberately drafted to be forward looking.

In addition to the public call for submissions, major stakeholder organisations were identified by the Panel and representatives were invited to make a submission and/or to meet with the Panel (**Appendix B**). These stakeholder meetings with the Panel focussed on the same questions that were provided for the online submission process.

As some local governments play an important part in the delivery of certain services under the Act, the Panel met with representatives from the Western Australian Rangers Association (WARA) and the Western Australian Local Government Association (WALGA). The Panel also contacted DLG&C which advised that in its view, it was not the appropriate representative of local governments in relation to this issue. Given the timeframe, the Panel did not approach individual councils and relied on the information presented by representatives from WARA and WALGA. The Panel acknowledges that many local government agencies are well intentioned and active in the animal welfare area.

It was noted by the Panel that while the terms of reference are specific, the body of information and the breadth and passion of opinion expressed left no doubt that this matter was highly complex and the time available did not allow the Panel to explore every issue that arises in relation to animal welfare in Western Australia. It was clear to the Panel that its role was to examine the service delivery model for animal welfare in Western Australia and to recommend areas for improvement. The recommendations should not be considered exhaustive but the Panel does believe, if implemented, they will drive improvements in this area.

Background and Intent of the Animal Welfare Act 2002

Western Australia has had legislation concerning animal welfare since 1920 reflective of the long standing public interest in the protection of animals from cruelty. The *Prevention of Cruelty to Animals Act 1920* provided for the appointment of police and special constables from certain societies (including RSPCA) to prosecute offences under that legislation. The current Act introduced in 2002, provided for General Inspectors to be appointed and changed the approach to animal welfare in a number of ways.

The *Animal Welfare Act 2002* (the Act) intends to promote the welfare, safety and health of animals to ensure their proper and humane care and management and to reflect the community's expectation that people who are in charge of animals will ensure they are properly treated and cared for.

The Act provides for the protection of animals by regulating the actions of people who may use animals for scientific purposes, and the manner in which they may be used; and prohibiting cruelty to, and other inhumane or improper treatment of animals.

The Act is administered by DAFWA, which has had that responsibility since 1 July 2011. Prior to that, the Act was administered by the then Department of Local Government.

Part 2 of the Act deals with the use of animals for scientific purposes and applies the National Health and Medical Research Council (2013) Australian code for the care and use of animals for scientific purposes, eighth edition. DAFWA licenses the use of animals for scientific purposes and provides broad oversight of this function by annual returns in relation to each licence and periodic external review (at least every four years) of the institution by peers. Scientific Inspectors are also appointed under the Act and they are responsible for the licensing regime for the use of animals for scientific purposes.

Part 3 of the Act sets out the cruelty offences against animals. It also identifies Defence Codes for those offences. The Defence Codes set out minimum standards for the handling of certain animals.

While the Act in its generality intends to promote the welfare of animals through proper care, the offence provisions can only respond to unacceptable levels of care and welfare. Some community members (who made submissions to the Review) expressed a desire for regulators to pursue higher standards of welfare than those required to avoid prosecution.

Part 4 of the Act deals with the appointment, functions and powers of inspectors.

Part 5 determines enforcement of the Act, including the ability to create penalty infringement notices for some offences and appeals against reviewable decisions.

The Terms of Reference of the review specifically exclude inquiring into or making recommendations concerning the offence provisions, penalties for offences and the orders which can be made consequent upon the conviction for an offence under the Act.

Current Model for Administering the Animal Welfare Act 2002

Several agencies and organisations currently have roles and responsibilities in administering and enforcing the Act. These include:

- DAFWA
- RSPCA
- Department of Parks and Wildlife (DPaW)
- Local Government
- WA Police
- Department of Commerce (DoC)

DAFWA has responsibility for assisting the Minister in the administration of the Act, with the Director General having a number of specific responsibilities.

General Inspectors appointed under the Act are responsible for the enforcement of the provisions of the Act concerning offences against animals. These functions are primarily performed by the General Inspectors appointed to RSPCA and the Livestock Compliance Unit (LCU) within DAFWA.

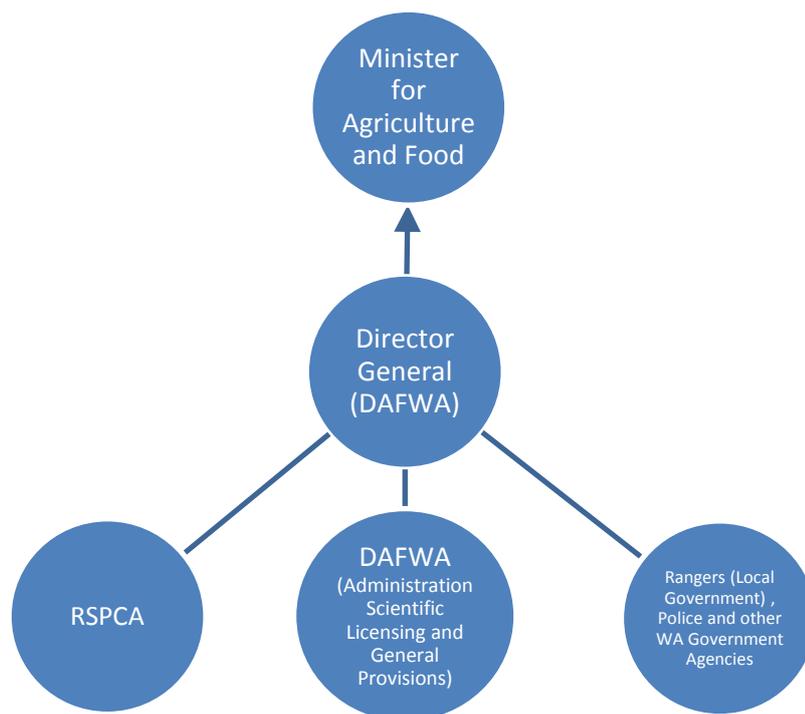
Public sector officers in other government agencies, such as DPaW, DoC and local governments are also able to be appointed as General Inspectors. They perform General Inspector duties in conjunction with their other duties.

All WA Police officers have the powers of a General Inspector by nature of their appointment. They use these powers from time to time to investigate and commence proceedings in relation to offences under the Act.

General Inspectors also may be appointed from other bodies, including non-government agencies.

Figure 1 (on page 14) reflects the Panel's understanding of the current delivery model for the Act.

Figure 1: Governance and Administration Delivery Model for the Act



Department of Agriculture and Food, Western Australia (DAFWA)

DAFWA is responsible for assisting the Minister for Agriculture and Food in the administration of the Act. DAFWA is responsible for compliance and enforcement activities, policy development, community engagement and education in relation to livestock.

The Director General of DAFWA has specific responsibilities under the Act for issuing of Scientific Licences (except to DAFWA) and appointment of General Inspectors. The Director General is also the employer of General Inspectors who work within DAFWA. The Director General also has delegated responsibility to deal with reviewable decisions relating to scientific licensing (except DAFWA licences) and the exercising of an inspector's power.

Compliance and enforcement functions are undertaken by staff in the LCU. The LCU's core activities include:

- inspecting and monitoring of proper animal management practices at what are known as livestock aggregation points, e.g. sale yards, ports, abattoirs;
- as a priority, investigating reports of cruelty to livestock identified during routine inspections, referred by RSPCA (this referral process is set out in more detail later in the report) or from agricultural industry; and
- conducting compliance and enforcement actions, including prosecution where appropriate.

DAFWA has informed the Panel that it maintains separation between the LCU and its other animal research, development, production, policy and education activities.

Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA)

The RSPCA provides education, compliance and enforcement functions under the Act. Inspectors work in the field, following up on reports of animal cruelty, conducting rescues, and educating members of the public on the appropriate care of their animals. This work occurs in the context of the broad range of animal welfare activities delivered by other divisions within RSPCA made possible by public financial support.

The RSPCA receives and investigates complaints of animal cruelty concerning both companion animals (pets or other domesticated animals) and livestock. In relation to livestock, RSPCA undertakes inspections and educates farmers, livestock agents, truck drivers etc. in proper animal management practices. In relation to companion animals, defined to include all animals except commercial livestock, RSPCA educates members of the public on responsible companion animal ownership.

The RSPCA receives an annual funding grant of \$500,000 from DAFWA to support its role in state animal welfare, in the areas of:

- public education and promotion of responsible companion animal ownership;
- training of RSPCA General Inspectors;
- enforcement of the Act in relation to companion animals; and
- a 24 hour complaint receipt, assessment and response service for public reports of cruelty.

This has been formalised in a Grant Agreement and a Memorandum of Understanding (MOU) between DAFWA and RSPCA executed in January 2014 for a two-year period. The MOU expresses the intention of the two organisations to work cooperatively on legislative responsibilities and obligations and to ensure regulatory consistency in the general operations of inspectors.

RSPCA receives animal welfare complaints from the public and assesses and categorises those complaints. Reports of suspected animal welfare incidents in livestock are graded as follows:

- Level 1 – the welfare of the animal/s is compromised but the management of the situation is consistent with what would be expected of a reasonable person in the circumstances.

- Level 2 – the welfare of the animal/s is compromised and the situation is not consistent with (is less than) what would be expected of a reasonable person in the circumstances.
- Level 3 – the person in charge of an animal is considered to have intentionally or recklessly caused harm or failed to take action that is consistent with what would be expected of a reasonable person in the circumstances.

Level 1 and 2 complaints are matters that seem likely to be dealt with through advice and/or a Direction Notice. RSPCA Inspectors transfer Level 1 and 2 matters concerning livestock to the LCU in accordance with the MOU. The reason why DAFWA is better placed to deal with less urgent Level 1 and 2 incidents is because they have an established network of officers dealing with commercial livestock.

Level 3 commercial livestock complaints relate to animal welfare concerns where the seizure of the animals could occur and a prosecution may result. When a seizure takes place the animals may require removal, transportation, agistment and/or veterinary treatment pending surrender, forfeiture or prosecution. The RSPCA has established processes and resources to respond to Level 3 incidents, however with mutual agreement, RSPCA may transfer to the LCU reports involving commercial livestock defined as a Level 3 complaint.

The RSPCA reported to the Panel that \$2.93 million is spent on inspectorial functions under the Act, which substantially exceeds the \$500,000 grant provided by the government through DAFWA.

Local Government

Local government rangers who are appointed as General Inspectors are limited to the geographic boundaries of their respective local government agency. The Panel noted that many local government agencies have appointed General Inspectors while some others have chosen not to.

In some circumstances, these inspectors may exercise their powers outside their boundaries, particularly if it relates to an offence reasonably suspected to have been committed in the inspector's district, if the local government has authorised the inspector to exercise their power in its respective district, or the inspector considers the situation to be an emergency.

According to RSPCA, local government rangers appointed as General Inspectors frequently refer animal cruelty cases to RSPCA, due to the latter organisation's knowledge, resources, infrastructure and the costs related to litigation.

WA Police

All WA Police officers have the powers of a General Inspector.

According to RSPCA, police officers work frequently with the organisation on an assistance basis and when officers encounter situations that appear to involve animal cruelty, they routinely refer the matter to RSPCA inspectors. The RSPCA indicates that as WA Police do not have the infrastructure required for ongoing care of animals that have been seized and/or when seizure is undertaken, the animals are passed to RSPCA for ongoing care pending the legal outcome.

The Panel noted that 19 charges were made by WA Police under the Act in 2014.

Conclusion

The model described above for WA is similar to the model in place in other Australian jurisdictions. There is no other jurisdiction in Australia where RSPCA or the relevant government agency is solely responsible for the functions under animal welfare regulations.

**All other states
have similar
arrangements in
place.**

The Panel considered different service delivery models including where either RSPCA or DAFWA took sole responsibility for administering the Act and saw shortcomings in how each of these alternative models would operate. If RSPCA were solely responsible, then this would leave a gap in government involvement. Alternatively, if a government agency were solely responsible, then this would result in a loss of community commitment and access to the community funded services provided by RSPCA.

The Panel noted that the additional community funded resources provided by RSPCA with respect to animal welfare activity is substantial. In particular, RSPCA's inspectorate functions under the Act are not covered solely by the \$500,000 grant and are largely community funded.

The Panel believes that there would not be sufficient capacity in an existing government agency to be able to fulfil the requirements of the Act.

**Overall, the current
model is the most
appropriate.**

It is the view of the Panel that the current model is the most appropriate model to meet community expectations and accountability provisions within the terms of the Act and currently available resources.

The Panel notes that the model has weaknesses that are apparent in WA and possibly other jurisdictions. For example, the fact that General Inspectors are managed by different agencies can lead to inconsistencies in how the Act is applied. Without sound coordination and planning, strategic goals may not be identified or pursued, and training and education efforts can be disjointed.

These weaknesses are not always well managed and can adversely affect the delivery of animal welfare outcomes in WA.

The Panel is of the firm view that there are opportunities for improving the weaknesses in the current model and have made recommendations accordingly.

There are opportunities to improve the current model.

The Panel noted strengths in the quality of the people working at DAFWA, RSPCA and in local governments, and that staff in these organisations have expressed a desire to work together. However, the Panel believes that this collaboration has not always been effective, representing a shortcoming that needs to be addressed.

Key Findings and Recommendations

Policy and Legislation

Overarching Strategic Plan and Policy Framework

The Panel found that there is no overarching strategic plan and policy framework for animal welfare in WA to guide the implementation of the Act and the development of new policies.

The Panel considers that it is vital that there is an effective strategy and framework to guide the implementation of the Act. This is also necessary to assist public sector officers and inform stakeholders and the community as to how animal welfare is handled in WA.

In the absence of a clear strategic plan, it is difficult to assess the success (or otherwise) of service delivery models, the performance of the public sector and the efficacy of grants. This has been the Panel's experience when conducting this Review.

A policy framework provides the public sector, stakeholders and the community more generally with a clear understanding of the priorities and directions for the legislation, subsidiary legislation, codes and policy documents. Projects, such as proposals for legislative amendment, can be developed in accordance with the framework. In the absence of such a framework, proposals for legislative and policy change become piecemeal, if they are made at all.

The Panel noted that DAFWA has considered this issue and LCU has developed some suggestions to remedy this void.

The Panel notes that no area of DAFWA is specifically responsible for the development of policy in relation to companion animals. The Panel was advised by DAFWA officers that DAFWA was responsible for policy for companion animals and was provided with an assurance that this deficiency was being addressed.

The overarching strategic plan and policy framework should include a plan for the development of the Act, subsidiary legislation, Codes of Practice, standards and policy that relate to domestic and commercial animals.

Recommendation 1: Director General DAFWA work with stakeholders to develop a strategic plan and overarching policy framework for animal welfare under the Act to be endorsed by the Minister.

Review of the Act

The Act is more than 10 years old and has not been reviewed since its inception. The Panel heard examples where simple changes would make the Act much easier to understand.

Many submissions identified a need for legislative improvements in the Act. For example, some of the terms used are not defined in a way that allows the general public to understand their responsibilities under the Act.

The Panel noted DAFWA, RSPCA and others provided some detailed comments in relation to possible areas for legislative amendment. Any review of the Act should have regard to those submissions.

Recommendation 2: A review of the Act is undertaken.

Ministerial Advisory Council

The Panel was advised that the existing Animal Welfare Advisory Committee was established in 2013 to advise the Minister on animal welfare issues. However, the committee met only twice in 2013 and has not met since then.

The Panel is of the strong view that the Minister should have access to a high level advisory committee (referred to as a Ministerial Advisory Council) to provide advice on animal welfare matters, and as a mechanism to ensure that there exists a forum to consider and deliberate on industry and community concerns. It would also provide an appropriate channel of communication and advice to the Minister on such matters. This body would replace the existing Animal Welfare Advisory Committee.

It is clear to the Panel that there are differences in views on some aspects of animal welfare administration between key stakeholder groups. Given these apparent divergent views, it is important that the Ministerial Advisory Council be chaired by an independent person with no previous affiliation with or past positions on bodies dealing with animal welfare and related matters. Membership should be relatively small with a maximum of seven (7) members comprising a cross-section of key stakeholder groups, plus some experts in the area of animal welfare.

The Director General of DAFWA or his representative should be an attendee at the meetings of the body. The focus of the Ministerial Advisory Council should be on matters of strategic importance to improving animal welfare rather than driving the policy positions of individual stakeholder groups.

Recommendation 3: A Ministerial Advisory Council is established to provide strategic and policy advice to the Minister on animal welfare matters, with an independent Chair and a small membership comprising representatives of key stakeholder groups and animal welfare experts.

Governance and Administration

Proper governance structures and administrative arrangements are necessary to ensure effective and transparent implementation of the Act.

It is clear that when DAFWA took over responsibility for the Act, it understandably did not have these governance structures and administrative arrangements in place. However, it has taken longer than the Panel would have thought to put these arrangements in place. The Panel noted that, for the most part, the basic administrative processes are now in place, including mechanisms for the public to access information regarding reviewable decisions, prosecution policy, and where and how to report instances of animal cruelty.

Responsibility for the Act

A number of submissions and stakeholder presentations expressed the view that DAFWA should not be the agency responsible for implementing the Animal Welfare legislation because of a conflict of interest. They questioned whether DAFWA could be truly independent as it also promoted and assisted industry to increase animal production.

These submissions also emphasised the potential for a conflict of interest in DAFWA administering the Scientific Licensing component of the Act while holding a Scientific Licence and having a significant animal research program.

In contrast to these views, some submissions believed DAFWA was the appropriate agency to administer the Act, given the depth of animal welfare expertise within the agency and the opportunity for synergies to be identified and exploited, particularly in regional areas.

The Panel noted that the animal welfare legislation in most other Australian States and Territories is similarly administered by the agriculture or primary industry agency. (The table in **Appendix C** provides comparative information of animal welfare administration arrangements in Western Australia and other Australian Jurisdictions.)

The Panel also noted that DAFWA is responsible for a considerable amount of other legislation and regulations, for example the *Biosecurity and Agricultural Management Act 2007*, and as such has experience in managing the balance between enforcement of legislation and promotion of the industry. Other Government agencies have similar dual regulation and industry support roles.

The Panel also noted assurances from DAFWA senior management that the issue of a potential conflict of interest in relation to the Act was recognised and that processes are in place to manage this issue.

Some submissions suggested that an independent office of animal welfare be created. This concept was not supported by the Panel.

Overall, the Panel concluded that the existing arrangements for administering the Act are broadly sound. However, there are clear opportunities for improvement that are reflected in other recommendations in this report. In this context, the Panel concluded that there is no basis for change at this time. However, it is important that DAFWA manage, and continue to manage, the performance of inspectorial services by its officers to ensure there is no actual conflict of interest and reduce the risk of perceived conflicts of interest leading to a loss of confidence in DAFWA's performance. This has been achieved in the past by the LCU being located in a separate division to the divisions/branches within the agency responsible for livestock. Currently the LCU sits as a separate unit within the Biosecurity and Regulation Directorate, reporting directly to the Executive Director.

Recommendation 4: The Minister for Agriculture and Food assisted by DAFWA remain responsible for administering the Act.

Recommendation 5: DAFWA and RSPCA ensure inspectorial services are managed to ensure separation from operational areas where there is a potential for conflict of interest, particularly with respect to regulatory enforcement.

Maintaining Inspectorial Standards

DAFWA's Director General is responsible for the appointment of General Inspectors and Scientific Inspectors under the Act. This gives the Director General, and DAFWA more generally, an important role in maintaining inspectorial standards. In order to perform that function the Director General is required to receive and evaluate complaints relating to the conduct of inspectors and have a clear and transparent process for doing so.

The Panel found that there is no framework in place that describes how DAFWA deals with complaints about inspectors and restricts or revokes the appointment of General Inspectors and Scientific Inspectors under the Act.

Such a framework needs to be developed and implemented and it should include policies and processes that:

- identify the interaction between the Director General's procedure and the complaints procedure of the General Inspector's employer;
- provide for subsequent consideration by DAFWA's Director General on the appropriateness of the review process; and
- include the actions to be taken and specific sanctions, and in what circumstances.

Recommendation 6: DAFWA develop and make publicly available a policy and associated processes for managing complaints relating to the conduct of inspectors and the restriction or revocation of appointment of General Inspectors and Scientific Inspectors.

Standard Operating Procedures and Guidelines

Both DAFWA and RSPCA General Inspectors are subject to standard operating procedures and other guidelines which are issued by their respective employer.

Currently DAFWA and RSPCA have developed separate Standard Operating Procedures (SOPs) and guidelines for investigating reports of animal welfare incidents. Using separate SOPs can increase the risk of perceived or actual inconsistent approaches between the agencies and lead to confusion in the public's mind.

The submission from the Australian Veterinary Association WA Division (AVA) indicated that there appears to be no Codes of Practice for companion animals in WA. The AVA indicated that they had the resources available and are willing to assist with the development of such a policy and Codes of Practice.

The Panel is of the view that there is an opportunity for DAFWA to lead the development of an approach to improve consistency in SOPs and guidelines for inspectors appointed under the Act. This would promote consistency of application of the Act regardless of the employing authority, be it DAFWA, RSPCA or other agencies.

RSPCA and DAFWA both advised that they would support the development of standardised SOPs and guidelines, including prosecutions policies.

In Queensland, for example, there are Operating Procedures and Guidelines which jointly cover the role of government and RSPCA in the application of their *Animal*

Care and Protection Act 2001. This document also includes templates, prosecution policy and practical guidelines, such as guidelines for providing veterinary opinions in animal welfare investigations.

The recommended approach would be to promote consistency by maximising the standardisation of operating procedures and guidelines which apply to all inspectors appointed under the Act.

The Panel is of the view that a help desk facility would assist Inspectors meet their obligations under the Act.

Recommendation 7: DAFWA and RSPCA prepare standard policies and procedures for inspectors appointed under the Act to improve consistency.

Recommendation 8: DAFWA establish a help desk facility to provide Inspectors with the support they need to meet their obligations under the Act.

Note: The additional resources estimated under Recommendations 14 and 15 should establish and manage the help desk facility.

Monitoring and Evaluation

The Panel noted the central role of DAFWA's Director General in administering the Act and, within this, the responsibility for ensuring that all animal welfare activities in WA are undertaken consistently within an overarching strategic plan and policy framework (refer to Recommendation 1).

However the Panel could not find evidence of an overall effective monitoring and evaluation system for activities carried out under the Act. Whilst some areas such as the Scientific Licensing component appeared to have good reporting processes and records, activities under Part 3 of the Act were less than satisfactory. It was difficult to obtain a clear picture of what activities had been carried out in this area.

It is the view of the Panel that a monitoring and evaluation framework needs to be put in place, supported by appropriate reporting and information management mechanisms, to improve accountability, consistency in service delivery and strategic decision-making into the future.

In practice, such a framework will require:

1. a clear obligation on the part of General Inspectors to report to the Director General about the activities they undertake as inspectors which is consistent with their functions under the Act; and
2. an information management system capable of producing meaningful statistics which will allow the Director General to monitor performance, identify areas of deficiency or emerging need and set strategic directions to respond to those identified issues.

Such a system will also allow the Minister and DAFWA to inform the public in more detail of the activities undertaken by General Inspectors under the Act.

Recommendation 9: DAFWA establish a monitoring and evaluation framework for animal welfare activities supported by appropriate reporting and information management mechanisms.

Compliance

The purpose of the delivery model and the role and responsibilities of DAFWA and RSPCA in particular are to achieve compliance with the Act by reducing the number of offences of animal cruelty and promote the welfare of animals through proper care.

Such compliance with this type of legislation can be achieved through a range of activities which include education (awareness raising with respect to the standards expected) through to creating an *effective deterrent* for non-compliant behaviour.

In this instance the Act covers a range of individuals responsible for the care and control of animals in many different situations across the entire large geographic area of WA. The Panel concluded that ensuring compliance with the Act requires not only effective inspectorial activities but also considerable community and stakeholder support.

Under the Act, a full range of compliance tools is available. The deterrents available under the Act can range from monetary penalties to prohibition of keeping animals and ultimately imprisonment.

The legal structures for issuing and enforcing infringements have some technical difficulties which the Panel believes needs to be resolved in order for all compliance mechanisms to be available.

The deterrents however will only act to change behaviour in terms of how animals are appropriately managed if there is a reasonable probability that the non-compliant behaviour will be detected and action taken. It is widely accepted that the costs associated with investigating and taking action on non-compliant behaviour through investigation and prosecution is more costly than raising awareness of the standards required of those responsible for the care of animals.

The Panel was made aware of the perception in some sectors that RSPCA is sometimes regarded as being heavy handed in its approach to dealing with animal welfare matters. However, it was thought that this can be partly explained by the fact that RSPCA deals with all of the Level 3 incidents and these require immediate action to alleviate the more serious welfare issues for animals.

Voluntary compliance is the preferred position of the Panel.

Overall, the Panel believes that the community has an expectation that deterrents are in place to prevent cruelty to animals and if the deterrents fail, then appropriate punishment can be applied when there is non-compliant behaviour.

Promotion of the Act and Coordination Activities

The Panel notes that both RSPCA and DAFWA in their submissions supported the value of education as the most appropriate method of achieving compliance with the Act and its provisions. The Panel supports the view that prosecution is to be regarded only as a tool when the education of an individual has been seen to fail or the nature of the evidence has rendered prosecution the only suitable option.

“RSPCA WA encourages compliance of the Act through education and, if necessary, enforcement. The reduction and/or prevention of animal cruelty is paramount.” (RSPCA prosecution policy)

DAFWA’s prosecution policy cites “DAFWA administers numerous pieces of legislation relating to agriculture, biosecurity and natural resource protection and conducts its activities and programs with the aim of promoting compliance with this legislation. DAFWA encourages compliance through promotion, education and enforcement.”

DAFWA’s prosecution policy includes an assessment of the relative cost of compliance options, with education considered to be the most cost effective and prosecution the most expensive option.

A number of submissions expressed concern at the lack of easily accessible information on how the Act is implemented and on the roles and responsibilities of the agencies.

The Panel was of the opinion that DAFWA is responsible for coordinating activities under the Act and that more should be done to promote the Act and how it operates across agencies. In addition information is needed on the animal welfare standards embodied in the Defence Codes and how these are achieved and applied.

It is the Panel’s view that RSPCA is well positioned to help achieve voluntary compliance outcomes through active promotion of the Act and should work closely with DAFWA in this regard. Organisations such as WA Farmers Federation (WAFF), Pastoralists and Graziers Association (PGA) and AVA can also play a key part in this process.

The Panel encourages DAFWA to promote the Act and its provisions as a cost effective way of achieving compliance outcomes.

Recommendation 10: DAFWA work closely with key stakeholders to coordinate activities and promote the Act, its provisions and how it functions to deliver animal welfare outcomes in Western Australia.

Promotion of Livestock Industry Codes of Practice

The Panel noted that some submissions suggested that DAFWA should take a more active role in promoting the livestock industry Codes of Practice (the Defence Codes) as a way of promoting compliance with the Act. A dedicated community engagement and education officer would provide a focussed and effective input to such an approach and assist in achieving improved outcomes.

DAFWA reported that LCU officers undertake over 300 inspections annually at livestock aggregation points and issue a written Agricultural Management Advice when they find lack of compliance with the Defence Codes but no evidence of an animal cruelty offence.

Recommendation 11: DAFWA consider the promotion of Defence Codes and any applicable agreed standards as a means of underpinning compliance with the Act.

Scientific Licensing

Part 2 of the Act covers the use of animals for scientific purposes.

The Panel was presented with information about DAFWA's management of the Scientific Licensing aspects of the Act. The LCU in DAFWA appears to have made good progress in establishing policies and procedures in this area since taking over responsibility for the Act in 2011.

The Panel noted that there are currently 122 institutions in WA which hold a Scientific Licence under the Act. These include 15 universities and 35 institutions (e.g. Perth Zoo) and 72 schools. (Note that all Public and Catholic schools operate under a single licence.)

Some submissions suggested DAFWA has a conflict of interest as a scientific use licence holder in WA as well as the administrator and regulator of the Act, and should not remain as the regulator. Other submissions were supportive of the existing arrangements and saw no need for change.

As the Panel has noted previously, most Australian States and Territories house the administration of their Animal Welfare legislation within their respective Departments of Agriculture or equivalent agency.

The Panel also noted that DAFWA is aware of the perception of a potential conflict of interest and has processes in place to manage this issue, including separating the

Executive administrative responsibilities for compliance with the Act and those relating to livestock industry development.

The Scientific Licensing officers at DAFWA had used the information it collected to identify areas for future action. This identified the lack of a community-based Animal Ethics Committee (AEC) to consider submissions from institutions which do not have the resources to establish their own committee. This would include the activities of private consultants undertaking environmental assessments, which are currently not being monitored by an AEC.

The Panel agreed that a community-based AEC would improve compliance with obligations on scientific institutes and those using animals for scientific purposes. This could be funded on a fee for service basis.

Recommendation 12: Government consider establishing a community Animal Ethics Committee to deal with submissions from institutions which do not have the resources to establish their own Animal Ethics Committee.

Part 4 – Inspectors

The Panel noted that there are 130 Inspectors (in addition to Police) who are appointed under the Act. (Refer to Appendix D for a breakdown by organisation.) Appointments are normally for a five year term, and not all Inspectors appointed under the Act are currently active in animal welfare.

There is an online short course provided by DAFWA as the minimum training requirement prior to appointment as an Inspector under the Act. While an experienced regulatory officer may satisfactorily discharge their powers and obligations under this Act there is a considerable body of knowledge and skill needed which is beyond this minimum. These include matters such as a practical understanding of the application of the defence provisions and codes, a practical and consistent understanding of the terms and concepts used in the Act, training in investigative techniques for the purpose of preparing evidence for a prosecution and communication skills to allow the inspector to perform educative functions.

DAFWA has historically provided joint training to DAFWA and RSPCA inspectors in the issue of Direction Notices. RSPCA and DAFWA agree that there should be a standardised induction process and joint training for their inspectors. This should be extended to all General Inspectors appointed with a “refresher” course available to those already appointed.

The Panel considers that ongoing training of all inspectors appointed under this Act is essential to promote consistency of application of codes and interpretation of elements of the legislation.

It is noted that WA Police are not appointed under the Act and undergo specialist training in investigative techniques beyond what would be expected of any General Inspector and as such requiring them to undertake the same training as all General Inspectors is unnecessary. Of course, DAFWA should make its training courses available to the WA Police if that would be of assistance.

A training program needs to be designed to promote consistency in the application of the Act by inspectors appointed to DAFWA, RSPCA and other agencies. Successful completion of the training should be linked to continuing appointment as an inspector. DAFWA should collaborate with RSPCA in developing the training program.

Recommendation 13: DAFWA designate officers to develop the curriculum and an ongoing training program for all Inspectors appointed under the Act.

Regional Coverage

One of the key concerns raised in the public submissions was the lack of consistent coverage of animal welfare compliance and enforcement work across the State. Inspectors appointed in regional and rural locations are required to cover significant geographical areas which limit their ability to ensure consistent inspection and enforcement activities. An appropriate and financially sustainable resourcing model is required to ensure greater consistency in the application of the Act throughout the State.

The Panel had the opportunity to discuss this matter from a local government perspective with representatives from both WARA and WALGA.

It is the view of the Panel that local government is in the best position to provide regional coverage for animal welfare compliance and enforcement in the regional areas of Western Australia given it already has a presence and structure in these areas. A number of local governments already take considerable responsibility for animal welfare in their areas, and they should be supported in that endeavour.

The Panel noted an alternative model. In 2012 the City of Kalgoorlie-Boulder entered into an arrangement with RSPCA to provide a General Inspector to deliver its animal welfare service. The Inspector is employed by RSPCA and has all the benefits of its inspector training, expertise and equipment, but is allocated to work in the City of Kalgoorlie-Boulder at premises it supplies. The City pays RSPCA an amount for the provision of the Inspector's services and the Society provides quarterly reports to the City on the Inspector's work under the Act. RSPCA is of the view that this arrangement has been working well.

The Panel is of the view that all local governments, particularly those in the regions, should be engaged in promoting the welfare, safety and health of animals. This seems to be envisaged by the Act given it particularly identifies local government employees to be appointed as General Inspectors. It is acknowledged that this will require some additional effort by DAFWA, RSPCA and Local Government to ensure that all local government inspectors appointed under the Act are properly trained and more local governments identify officers for appointment.

It would also require DAFWA and RSPCA to provide centralised support and coordination for those General Inspectors given they would not have the support networks available to RSPCA and DAFWA General Inspectors. However, even given these additional needs, it is the Panel's view that this model represents the best opportunity to significantly improve the service delivery model for animal welfare in regional areas and provide best value for money.

The Panel was made aware of animal welfare issues that can occur in regional and remote communities requiring additional social and economic support, including indigenous communities. The Panel did not have the time to fully explore these matters but acknowledged that these are complex issues.

Overall, the Panel is aware that improving animal welfare in regional WA is not straight-forward and will require ongoing cross-agency cooperation and support between DAFWA, DLG&C, and other government agencies supporting regional and indigenous communities across WA.

Recommendation 14: Local governments be supported to seek the appointment of rangers as General Inspectors particularly in regional WA.

Recommendation 15: DAFWA and RSPCA work with local governments to provide centralised support and coordination for their General Inspectors.

Value for Money

Department of Treasury provided the Panel with advice on determining value for money in the context of delivering services funded by Government. It was suggested that the following aspects be taken into consideration:

- Knowledge of current expenditure
- Assessment of the benefits delivered (including KPIs)
- Potential for duplication.
- Inter-jurisdictional comparisons
- Community expectations

In considering whether value for money has been achieved, the Panel noted that there is a deficit in the information available, such as an absence of KPIs. The Panel has therefore assessed the value for money question based on the available information.

Knowledge of current expenditure

DAFWA – The current budget for animal welfare in DAFWA is \$1.71 million and currently provides funding for 10.1 FTEs, including nine (9) General Inspectors appointed under the Act.

The Panel noted that DAFWA is impacted by the current State Government financial environment that means ongoing budget reductions for the agency. The Biosecurity and Regulation (B&R) Directorate (which is responsible for animal welfare functions in DAFWA) has not been exempted from budget reductions. To date the reductions in staffing and budget in the B&R Directorate have been less than reductions in other Directorates.

With current budget allocation to animal welfare and livestock identification compliance, it must be expected that there will be resource pressure across all elements of the program including the total number of inspections, which may reduce in 2015/16 and out-years.

It was reported to the Panel that the LCU has undertaken between 344 to 475 inspections of livestock at aggregations points annually since 2012. These inspections assess standards against the applicable Defence Codes and are targeted to the areas where livestock welfare is considered at greatest risk. The number of investigations undertaken by LCU annually is increasing.

Investigations take priority over inspections but are reactive not proactive. If the increasing investigation trend continues, a corresponding reduction in routine inspections is anticipated.

The Panel was made aware that there are insufficient resources for the LCU to be more proactive in delivering education, training and support programs, or to be able to extend inspectorial services to the intensive livestock and pastoral industries including talking to farmers about good animal welfare practice.

It is also expected that some policy development and system improvement matters, whilst of significant merit or strong interest to some community members, will not be able to be progressed. Rather, only reactive policy handling of issues of the day will be able to be continued at this stage.

The Panel is of the view that increasing the number of General Inspectors in DAFWA would be a most effective way to improve animal welfare outcomes in WA.

RSPCA – The Government provides an annual grant of \$500,000 to RSPCA which is required to contribute to a 24 hour animal welfare reporting service, public education programs to promote responsible pet ownership, inspectorate services for domestic animals and training of RSPCA inspectors.

The RSPCA has 12 inspectors involved in compliance activities and the Panel was informed that its total budget for inspectorial activities is currently \$2.9 million. This represents a significant community contribution over and above the Government grant.

Assessment of the benefits delivered (including KPIs)

As indicated previously, the Panel noted a deficit in the information available, such as an absence of KPIs and has therefore relied on the available information.

RSPCA reported receiving 20,749 calls in 2013/14 to the cruelty line resulting in 6,113 investigations of cruelty by its 12 General Inspectors.. The Panel was advised by the RSPCA that the call centre is used for communications on animal welfare matters generally, not only for cruelty reports. The number of calls will therefore always be greater than the number of investigations. The RSPCA initiated 22 prosecutions in the 2013/14 year, all of which were successful. As indicated above, RSPCA also reported the total cost of the inspectorate service is \$2.9 million and this has been increasing in recent years.

DAFWA reported 469 inspections in 2013/14 (monitoring practice against Defence Codes) at livestock aggregation points, including sales yards, export depots and

intensive industries. A total of 131 investigations were undertaken in 2013/14, of which 24 resulted from inspections and the remaining from reports.

The Panel noted anecdotal evidence from DAFWA of industry support for these inspections, with Sales Yard Managers reporting a decrease in casualty animals arriving at the sales. The proactive approach taken by DAFWA inspectors in an educative style has been reported as improving animal management considerably at these aggregation points which is very encouraging.

As previously stated, the policy of educating and encouraging compliance with the community and commercial operators to improve animal management practices is preferred rather than through prosecution.

Western Australian Police are also General Inspectors under this Act and, as previously stated, reported that 19 animal welfare charges were made by them in 2014. The resourcing applied to this area was not identified nor the geographic location of these offences.

General Inspectors are also appointed across local governments however statistics that relate to these appointments were not available.

Potential for duplication

The Panel has considered whether there is any duplication of effort. The scope for improved coordination between agencies could lead to improved service delivery. However, it seems clear that there is no duplication of service offered.

Inter-jurisdictional comparisons

Operational and resourcing comparisons were made with other States. This did reveal some variations in the delivery model and the resourcing of RSPCA and similar bodies with variations in government grants to animal welfare bodies ranging from \$250,000 annually in Queensland to \$1 million annually in Victoria.

With an annual quantum of \$500,000 provided to RSPCA, WA is within the national range for government funding provided to RSPCA.

Each State and Territory has different requirements for activity reporting by inspectors to the administrative body, with most having the activity of incident reporting tied to the grant or MOU. NSW reporting is embedded in regulation.

No States or Territories provided KPIs that clarified the quality of the regulatory outcome that was provided through the provision of animal welfare activities.

Community expectations

The Panel believes that the community has high expectations of government and RSPCA to deliver positive animal welfare outcomes. As previously stated, the community has an expectation that deterrents are in place to prevent cruelty to animals and if the deterrents fail, then appropriate punishment can be applied when there is non-compliant behaviour.

Conclusion

A value for money assessment was undertaken using the framework suggested by Treasury and the available information.

RSPCA delivers a substantial proportion of the services delivered under the terms of the Act and can only provide this level of services because of the significant amount of community funding that it receives. This represents value for money and means that RSPCA is an important and necessary part of the animal welfare delivery model.

Whilst there are differing views across stakeholders about a non-government organisation having a role in animal welfare compliance, it is clear that there are considerable savings to Government because of the services delivered by the RSPCA through community funding.

The Panel believes that DAFWA is working to provide the best service it can within available resources and this represents value for money within the delivery model.

As mentioned in the section about the current delivery model, the Panel believes that it is important that Government ensures it has a level of capacity to deliver animal welfare services, and this requires further government investment. DAFWA's role is important in this regard.

The Panel considers that increased reporting of annual activity by all appointed inspectors is a necessary first step to helping understand how the current delivery model functions and to support the development of appropriate KPIs for animal welfare.

Recommendation 16: Processes are put in place for annual reporting of animal welfare activity by all appointed inspectors under the Act, from which KPIs should be developed.

The Panel note that some submissions indicate a level of community concern regarding the funding of RSPCA for policy elements of its organisation which are contrary to expressed government policy.

In order to avoid this issue it would be simpler to follow the Queensland example and direct the government grant monies exclusively to the inspectorate role as either salaries or operating costs directly associated with the inspectorate. While KPIs have not been identified, activity reports about the inspectorate functions provided by RSPCA are in place.

Recommendation 17: The terms of future service agreements between DAFWA and RSPCA are changed to include only the provision of the inspectorate functions.

Resourcing

In the absence of whole of sector statistical data on activity and outcomes in the animal welfare sector, the Panel formed conclusions regarding resource allocation based on the information available.

There was a general theme running through many submissions to increase the resourcing available to support animal welfare. There was a range of passionately held views expressed in submissions which included suggestions such as:

- increased funding and resourcing options for DAFWA and RSPCA;
- increased resources to promote awareness of Defence Codes and proper care of livestock and companion animals; and
- increased resources to assist those less able to care for companion animals including (potentially mandatory) neutering of dogs and cats to prevent over breeding.

Some submissions were also received that advocated a change in how resources were allocated between DAFWA and RSPCA. There were also calls for the establishment of an independent office of animal welfare to administer the Act.

The Panel is mindful that there are a number of important recommendations in this report that are at risk of not being adopted if they are not appropriately resourced.

There are some aspects of the operation within DAFWA that have seen considerable improvements in animal management practices in the commercial sector through community engagement and education activities more generally. Similarly there is considerable scope for improvements in the consistency of interpretation of operating procedures by way of increased training of inspectors in RSPCA, DAFWA and local government and closer collaboration in the delivery of services.

The Panel has identified the need for additional resources to be invested in animal welfare in WA.

The Panel is of the view that additional resources are required to improve animal welfare outcomes in WA.

This includes the need for DAFWA to increase the number of General Inspectors in the LCU so that they can develop standard policies and procedures, and undertake proactive education, training and support activities to drive voluntary compliance with the Act.

Consequently, the Panel has identified the need for additional resources to be invested in animal welfare in WA, including additional appropriation to DAFWA and areas requiring one-off injections of resources that would deliver a significant improvement in animal welfare services in WA.

Appendix E lists the Panel's recommendations for additional resourcing to be provided to improve animal welfare outcomes in WA.

Recommendation 18: Government consider providing additional budget appropriation to fund DAFWA for an additional five (5) General Inspectors.

Recommendation 19: Government consider additional funding for animal welfare in WA as identified in individual recommendations.

The Panel has provided estimates on the level of resources required based on their knowledge and experience. If government approves the implementation of any of the recommendations in this report, then they will need to be fully costed by the relevant agency.

Appendix A: List of Submissions

No.	Name	Organisation (if applicable)
1.	Katrina Love	Animal Justice Party/Stop Live Exports
2.	Glenys Oogjes, Executive Director	Animals Australia
3.	Dr Matthew Carrick and Dr Ina Carrick	BOS Vet & Rural/ Advanced Equine Vets
4.	Roz Robinson	Cat Haven
5.	Lucy Radzikowska, Executive Officer	Commercial Egg Producers Association of WA
6.	Dr Catherine Gangell	Curtin University
7.	Jennifer Hood	Dr Jennifer Hood and Associates
8.	Caroline Perks	Hon Lynn MacLaren MLC
9.	Georgie Stewart	Humane Society International (HSI Australia)
10.	Ian Randles, Policy Officer	Pastoralists & Graziers Assn of WA
11.	Hazel Darkin, A/Chief Executive Officer	RSPCA
12.	Wendy Roberts	SAFE Broome
13.	Sue Hedley, Director	SAFE Inc.
14.	<i>Identity withheld due to request for confidentiality</i>	
15.	Dr Adele Lloyd	Sentient, The Veterinary Institute for Animal Ethics
16.	Sue Foster	Vets Against Live Export
17.	Kim Haywood, Executive Officer - Policy	WA Farmers Federation
18.	Bruce Pengilly	
19.	Cindy Eagle	
20.	Kim Walpole	
21.	Sharman Ellis	
22.	Sasha Wasley	
23.	Ruth McGregor	
24.	Dean Lyon	
25.	Kim Webster	
26.	Cree Monaghan	
27.	<i>Identity withheld due to request for confidentiality</i>	
28.	Dinny Laurence	
29.	Adele Culverwell	
30.	Jan Rakich	

Appendix B: List of Stakeholder Meetings

No.	Organisation/s (Attendees)	Date of Meeting
1.	Ms Charlotte McIntyre (Principal Compliance Officer, Albany, DAFWA)	27 May 2015
2.	Mr Alex Stewart (Senior Compliance Officer, Narrogin, DAFWA)	27 May 2015
3.	Mr David van Ooran CEO, Ms Lynne Bradshaw Chair and Ms Amanda Swift (RSPCA)	27 May 2015
4.	Ms Nicole Cottingham (Compliance Officer, South Perth, DAFWA)	15 June 2015
5.	Dr Kevin Chennell (Executive Director, Biosecurity and Regulation) and Dr Michelle Rodan (Director, Biosecurity and Regulation) DAFWA	15 June 2015
6.	Dr Maike Turnbull (Manager, Biosecurity and Regulation) and Mr Mark Stuart (Senior Policy Officer, Biosecurity and Regulation) DAFWA	22 June 2015
7.	Dr Barry Savage (Veterinary Officer, Livestock Industries) and Ms Renee Hines (Executive Officer, Livestock Industries) DAFWA	22 June 2015
8.	Mr Michael Andrews (Department of Treasury)	3 July 2015
9.	Ms Lynne Bradshaw (President), Ms Hazel Darking (A/CEO) and Ms Amanda Swift RSPCA	3 July 2015
10.	Mr Rob Delane, Director General, DAFWA	7 July 2015
11.	Mr Mark Stuart (Senior Policy Officer, Biosecurity and Regulation) and Dr Maike Turnbull (Manager, Biosecurity and Regulation) DAFWA	13 July 2015
12.	Ms Dawn Lowe, Animals Angels	13 July 2015
13.	Dr Zoe Ferris (Chair AVA WA Division) and Dr Bruce Twentyman (AVA).	20 July 2015
14.	Dr Maike Turnbull (Manager, Biosecurity and Regulation) and Ms Charlotte McIntyre (Principal Compliance Officer) DAFWA	20 July 2015
15.	Western Australian Animal Welfare Advisory Committee (Mr Eric Ball, Chair, Ms Lynne Bradshaw, and Dr Teresa Collins)	24 July 2015
16.	WA Farmers Federation (Mr Tony York, Vice President and Ms Kim Haywood, Executive Officer)	3 August 2015
17.	Dr Kevin Chennell (Executive Director, Biosecurity and Regulation) DAFWA	3 August 2015
18.	Site visit to RSPCA WA (Malaga Office)	5 August 2015
19.	WA Rangers Association (Mr Dene Lawrence, Ms Sharna Merritt and Ms Dee Rohan)	30 September 2015
20.	Western Australian Local Government Association (Ms Jodie Holbrook and Mr James McGovern)	30 September 2015

Appendix C: Comparison of Animal Welfare Administration Arrangements in Australian Jurisdictions

Jurisdiction	Administrators	Enforcers	Grant	Grant/MOU	Performance Indicators
Australian Capital Territory	Territory and Municipal Services	RSPCA , Territory and Municipal Services	~\$750,000	Written agreement (under review)	Unknown
New South Wales	Department of Primary Industries	RSPCA, Animal Welfare League, Police	\$424,000 (RSPCA) \$75,000 (AWL)	Grant – POCTA regulation requires specific activity reporting of funded NGOs with inspectors	Activity reporting required by Regulation,
Northern Territory	Department of Primary Industry & Fisheries (DPI&F)	DPI&F, Police	Unknown	Not Applicable	Unknown
Queensland	Department of Agriculture & Fisheries (DAF)	DAF, RSPCA, Police	\$250,000 (RSPCA inspector salaries and vehicle costs only)	Activity Agreement	Audited financial statement + assisting DPI&F as required
South Australia	Department of Environment, Water and Natural Resources (DEWNR)	Primary Industries and Regions SA, DEWNR, RSPCA, Police	~\$720,000 (RSPCA)	Funding agreement + MOU	MOU identifies roles and functions across all agencies, activity reporting
Tasmania	Department of Primary Industries, Parks, Water and Environment (DPIPWE)	DPIPWE, RSPCA, Police	\$400,000 (RSPCA)	Service Agreement	Unknown
Victoria	Department of Environment and Primary Industries (DEPI)	DEPI, other state government officers, RSPCA, Police	\$1m (RSPCA)	MOU	Quarterly activity reporting, working on improved reporting and KPI development
Western Australia	DAFWA	DAFWA RSPCA Police Local Governments DPAW DOC	\$500,000 (RSPCA)	RSPCA Grant Agreement and MOU	RSPCA provide an audited financial statement, assist DAFWA as required, activity level information provided against elements of grant agreement.

Appendix D: Inspectors currently appointed under the Act

Employer	Number
Local Governments	78
DAFWA	19
RSPCA	12
Department of Parks and Wildlife	10
Department of Commerce ¹	4
Pace Henley (<i>private investigators</i>)	2
Others	5
Total	130

Appointments are normally for a five year term.

Note: Not all Inspectors appointed under the Act are currently active in animal welfare.

¹ The Department of Commerce includes the responsibilities of the previous Department of Consumer Protection

Appendix E: Resources

Report Recommendations			Potential areas for additional resourcing	One-off time bound funding	Estimated Additional Appropriation pa	
				\$	FTE	\$
Policy and Legislation	1	Director General DAFWA works with stakeholders to develop a strategic plan and overarching policy framework for animal welfare under the Act to be endorsed by the Minister.	Consultancy to develop strategic plan and policy framework, including stakeholder consultation and engagement. 1 FTE – Snr Policy Officer \$120k pa to manage consultancy and policy development moving forward.	\$75,000	1	\$150,000
	2	A review of the Act is undertaken.	Consultancy to review the Act and undertake stakeholder consultation and engagement DAFWA LCU Unit Director to manage.	\$75,000		
	3	A Ministerial Advisory Council is established to provide advice to the Minister on animal welfare matters, with an independent Chair and a small membership comprising representatives of key stakeholder groups and animal welfare experts.	0.5 FTE Executive Officer		0.5	\$60,000

Report Recommendations			Potential areas for additional resourcing	One-off time bound funding	Estimated Additional Appropriation pa	
				\$	FTE	\$
Governance and Administration	4	The Minister assisted by DAFWA remains responsible for administering the Act.	N/A			
	5	DAFWA and RSPCA ensure inspectorial services are managed to ensure separation from operational areas where there is a potential for conflict of interest, particularly with respect to regulatory enforcement.	N/A			
	6	DAFWA develops and makes publicly available a policy and associated processes for managing complaints relating to the conduct of inspectors and the restriction or revocation of appointment of General Inspectors and Scientific Inspectors.	Contract or Consultancy to develop complaints policy and processes. <i>DAFWA LCU Unit Director to manage.</i>	\$30,000		
	7	DAFWA and RSPCA prepare standard policies and procedures for inspectors appointed under the Act to improve consistency.	Appropriately qualified officer contracted or seconded to prepare standard policies and procedures. <i>DAFWA LCU Unit Director to manage.</i>	\$60,000		
	8	DAFWA establish a help desk facility to provide Inspectors with the support they need to meet their obligations under the Act.	Refer to Recommendations 14 and 15			
	9	DAFWA establish a monitoring and evaluation framework for animal welfare activities supported by appropriate reporting and information management mechanisms.	Contract 1 FTE or Consultancy to develop a monitoring and evaluation framework. 1 FTE – Officer funded to establish and manage ongoing reporting and KPI development (also Recommendation 15)	\$30,000	1	\$120,000

Report Recommendations			Potential areas for additional resourcing	One-off time bound funding	Estimated Additional Appropriation pa	
				\$	FTE	\$
Compliance	10	DAFWA work closely with key stakeholders to coordinate activities and promote the Act, its provisions and how it functions to deliver animal welfare outcomes in Western Australia.	1 FTE – Communications Officer		1	\$120,000
	11	DAFWA consider the promotion of Defence Codes and any applicable agreed standards as a means of underpinning compliance with the Act.				
	12	Government consider establishing a community Animal Ethics Committee to deal with submissions from institutions which do not have the resources to establish their own Animal Ethics Committee.	0.5 FTE		0.5	\$60,000
	13	DAFWA designate officers to develop the curriculum and an ongoing training program for all Inspectors appointed under the Act.	*2 FTE – Training and Education Officers <i>Pool of ongoing organisations capable of delivering the curriculum could be established in the future.</i>		2	\$200,000

Report Recommendations			Potential areas for additional resourcing	One-off time bound funding	Estimated Additional Appropriation pa	
				\$	FTE	\$
Regional Coverage	14	Local governments be supported to seek the appointment of rangers as General Inspectors particularly in regional WA.	* 2 FTE to: <ul style="list-style-type: none"> work with local government to implement recommendation 14; develop the centralised support and coordination mechanism; and provide the centralised support and coordination. 		2	\$200,000
	15	DAFWA and RSPCA work with local governments to provide centralised support and coordination for their General Inspectors.				
Value for Money	16	Processes are put in place for annual reporting of animal welfare activity by all appointed Inspectors under the Act, from which KPIs should be developed.	Officer appointed under Recommendation 9 to manage this on an ongoing basis.			
	17	The terms of future service agreements between DAFWA and RSPCA are changed to include only the provision of the inspectorate functions.	Officer appointed under Recommendation 9 to support the Director LCU to establish and manage the RSPCA Service Agreement.			
Resourcing	18	Government consider providing additional budget appropriation to fund DAFWA for an additional five (5) General Inspectors.	Appoint 5 General Inspectors in DAFWA for ongoing proactive approach. Senior Policy Officer in Recommendation 1 to manage strategy and policy framework and address ongoing matters that may arise.		5	\$500,000
	19	Government consider additional funding for animal welfare in WA as identified in individual recommendations.				
TOTAL				\$270,000	13	\$1,410,000

*Appoint as soon as possible.