

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Inquiry into the RSPCA Victoria

Melbourne — 17 July 2017

Members

Mr Bernie Finn — Chair

Mr Khalil Eideh — Deputy Chair

Mr Jeff Bourman

Mr Mark Gepp

Ms Colleen Hartland

Mr Shaun Leane

Mr Craig Ondarchie

Mr Luke O'Sullivan

Participating members

Mr Greg Barber

Ms Samantha Dunn

Mr Cesar Melhem

Mr Gordon Rich-Phillips

Witnesses

Mr Michael Rosier, Executive Director, Biosecurity,

Ms Anne Cole, Director, Biosecurity Assurance, and

Dr Dwane O'Brien, Director, Animal Health and Welfare, Agriculture Victoria, Department of Economic Development, Jobs, Transport and Resources.

The ACTING CHAIR (Mr Bourman) — We are commencing this hearing of the inquiry into the RSPCA Victoria, so I extend a welcome to the public that have come here, and if there is any media hiding in there, I welcome them too. The committee is hearing evidence today in relation to the inquiry into the RSPCA Victoria, and this evidence is being recorded. I welcome the witnesses to this public hearing of the economy and infrastructure committee. All evidence taken at this hearing is protected by parliamentary privilege; therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. I invite the witnesses to address the committee and to keep their opening statements to about 5 to 10 minutes so we can ask some questions. Off you go if you would like to introduce yourselves.

Mr ROSIER — Good morning and thank you to the committee for having us here today. My name is Michael Rosier. I am the Executive Director for Biosecurity within Agriculture Victoria, which is part of the Department of Economic Development, Jobs, Transport and Resources. Also with me here today I have Anne Cole, who is the Director of Biosecurity Assurance within Agriculture Victoria — so the policy stream — and also Dr Dwane O'Brien, who is the Director of Animal Health and Welfare, from operations, also from Agriculture Victoria.

If it pleases the committee, I would like to provide an opening address that covers off on the terms of reference, in particular the first term of reference regarding the appropriateness and use of the RSPCA Victoria's powers pursuant to the Prevention of Cruelty to Animals Act, including in the context of its other objectives and activities. I would just like to say obviously animal welfare is a high priority for Agriculture Victoria and the Victorian government. There are very strong community interests and expectations around animal welfare in Victoria. Animals form an integral part of many Victorians' lives both from a commercial or productive perspective and from an individual or companionship perspective, and there is a need to have laws in place to ensure the welfare of those animals.

Animal welfare-related legislation and compliance and enforcement are complex. They involve numerous acts and numerous agencies including not only Agriculture Victoria and the RSPCA Victoria but also the Department of Environment, Land, Water and Planning, the Game Management Authority and Victoria Police, as well as municipal councils. The Prevention of Cruelty to Animals Act covers all vertebrate species other than humans, as well as certain crustaceans. Its purposes are threefold: to prevent cruelty to animals, to encourage the considerate treatment of animals and to improve the level of community awareness about the prevention of cruelty to animals. Under the act sit regulations and some 28 codes of practice, 15 of which are mandatory codes, which are in place to ensure good animal welfare outcomes are achieved across species and uses.

The act provides for the appointment of general inspectors and specialist inspectors. With regard to general inspectors, those powers enable authorised persons to investigate whether the following things are being complied with: the provisions of the act or regulations; control orders made under the act which disqualify a person from owning or being in charge of a kind or class of animals for a period of time, or which places conditions on a person regarding a kind or class of animals for a period of time; and also notices to comply issued under the act. In addition to these, powers given to specialist inspectors enable authorised persons to seize, care for and dispose of animals that are likely to become distressed or disabled if a person has failed to take action to alleviate the risk to the animals despite being given notice to do so; provide powers of entry, other than to a person's dwelling, in regard to those cases; and powers of inspection of animals, plant, equipment and structures on a premises, and observation of any practice being conducted in connection with animals on the premises.

The act permits the appointment of RSPCA Victoria staff as general inspectors for purposes of part 2A of the act and also permits the appointment of RSPCA Victoria staff as specialist inspectors. I would note that other agencies that have staff authorised as general inspectors under the act include staff from Agriculture Victoria, staff from the Department of Environment, Land, Water and Planning, the Game Management Authority, municipal councils and also Victoria Police. RSPCA Victoria inspectors are appointed following a probationary period, completion of a range of competencies and demonstration to senior RSPCA inspectorate staff of knowledge of legislative powers. The RSPCA Victoria provides evidence of competencies and knowledge, which is reviewed by Agriculture Victoria as part of the appointment process.

Authorised staff from both the RSPCA Victoria and Agriculture Victoria have emergency powers of entry onto properties for several purposes, including to attend to abandoned, distressed or disabled animals. To clarify a

query that came up in the hearing of the committee on 31 May, RSPCA Victoria inspectors have the same powers as appointed inspectors from Agriculture Victoria and other agencies.

I would like the committee to note that RSPCA Victoria inspectors are also appointed under the Domestic Animals Act. Whilst that is not the particular focus of this inquiry, the purposes for RSPCA Victoria being appointed under that act are to enable them to investigate alleged breaches relating to the conduct of breeding and rearing businesses. Local councils also have staff authorised under that act.

With regard to the respective roles of RSPCA Victoria and Agriculture Victoria, a memorandum of understanding, or MOU, exists between the two agencies to delineate the respective agencies' roles, and it also sets out other operational matters. The MOU is necessary, given that the Prevention Of Cruelty to Animals Act covers all animals and uses and that both agencies operate across species.

Agriculture Victoria employs veterinarians and animal health officers with expertise primarily in livestock production and welfare. With this expertise base Agriculture Victoria's focus is on animals used for commercial agriculture production, such as cattle, sheep, pigs and goats. RSPCA Victoria employs staff with expertise primarily in companion and non-commercial animal welfare and also has access to shelter facilities that enable it to hold, treat, rehabilitate and care for animals. Complementing this are the RSPCA's own veterinary facilities and staff.

The role delineation provided in the MOU is based on the commercial nature, number and species of animals involved. To clarify for the committee: under the MOU, 'commercial animals' — commercial livestock — means more than 10 livestock animals of one species or more than 50 poultry and where the keeping of such livestock is a significant or primary business of the person or organisation. It does not include wildlife; animals kept in zoos; riding schools; horses used in standardbred or thoroughbred racing or for rodeos; pet shops; and greyhound racing. Under the MOU there is a provision for both agencies to transfer cases of complaints about animal cruelty between each other if or as required.

The working arrangement between Agriculture Victoria and the RSPCA Victoria is facilitated by quarterly meetings between senior staff of the two agencies, and there are also quarterly meetings between their respective operational areas to discuss matters and implementation of RSPCA Victoria inspectorate activities.

With regard to the second term of reference regarding the appropriateness and use of funding provided by the Victorian government by the RSPCA Victoria, including in the context of its other objectives and initiatives, RSPCA Victoria is currently receiving two grants from the Victorian government, both of which are administered by Agriculture Victoria. The first grant is paid to the RSPCA Victoria for the purposes of assisting its inspectorate function. Paid quarterly, this totals \$1 million annually, and this arrangement has existed since the 2007–08 financial year.

The second grant follows the 2015 Victorian government's election commitment to phase out puppy farming. In 2015–16 the RSPCA Victoria was allocated a grant totalling \$5 million over four years to undertake this work. RSPCA Victoria has set up a special investigations unit which is responsible for implementing those activities. This grant was for an additional \$2 million in 2015–16 followed by \$1 million per year for the remaining three years. The payment of these grants is made under two separate Victorian common funding agreements. The RSPCA Victoria provides reports to Agriculture Victoria against these grants quarterly and includes information such as the details of complaints received, the details of ongoing cruelty investigations, summaries of enforcement action and prosecutions undertaken and detailed financial reports.

Funding provided by Agriculture Victoria, the department, is a contribution to the activities of the RSPCA Victoria inspectorate and does not — and is not intended to — cover all the costs incurred by the inspectorate. The Victorian common funding agreements relating to these grants explicitly state that the funding provided is not to be used for any activity outside the work done by the RSPCA Victoria relating to enforcement and specifically that the funding is not to be used for any lobbying or promotion of RSPCA policies or campaigns.

With regard to the third term of reference there are just a couple of points I would like to make. Regarding the Comrie review, the RSPCA Victoria informed the committee in its submission and at the hearing of this review that Agriculture Victoria would like to commend the RSPCA Victoria for accepting all the recommendations of the Comrie review in full and note RSPCA Victoria's progressing implementation of those recommendations.

Regarding the appropriateness of an advocacy role, there has been some commentary regarding a potential conflict of interest between RSPCA Victoria's advocacy and enforcement roles. The MOU between Agriculture Victoria and the RSPCA Victoria states that the RSPCA Victoria will clearly separate its enforcement role and enforcement policies from its other policies so that the proper enforcement of the Prevention of Cruelty to Animals Act is not compromised. Recommendation 21 from the Comrie review says that the RSPCA Victoria, while continuing its legitimate advocacy role, should discontinue its public activist campaigning against the existing laws of this state. RSPCA Victoria has accepted this recommendation in full.

I will make a couple of quick comments in relation to other matters, and then I will close. Regarding complaints against RSPCA inspectors, I will make just a quick comment because there has been some commentary around this in the past. The Ombudsman oversees the use of RSPCA Victoria inspector powers and has the function to monitor compliance with part 2A of the Prevention of Cruelty to Animals Act by officers of the RSPCA who are appointed as general inspectors under the act. Whilst in the first instance Agriculture Victoria would encourage someone to raise any specific concerns they have regarding the activities or behaviour of an RSPCA Victoria inspector regarding the use of powers with the RSPCA Victoria themselves, a member of the public has recourse to the Ombudsman, who, under the Ombudsman Act, may conduct an inquiry or investigation either on their own motion or in response to a complaint against an RSPCA inspector.

Finally, just a quick comment in regard to the Victorian Government Animal Welfare Action Plan. In September 2016 the Victorian Minister for Agriculture announced a reform to animal welfare and released a draft action plan for improving the welfare of animals in Victoria for public consultation. Over 650 formal submissions were received. There was significant support for an action plan with approximately 95 per cent of respondents agreeing with part or all of the proposed streams of work. The plan will provide an important way forward for improvements to four key areas that were identified, including legislative reform, compliance and enforcement, collaboration and education. Agriculture Victoria and the Victorian government will work closely with the RSPCA Victoria and other stakeholders to implement the final plan to further improve animal welfare in Victoria.

The ACTING CHAIR — Would Anne or Dr O'Brien like to say something? Have you anything to add?

Ms COLE — No, we are happy to answer questions.

Dr O'BRIEN — Nothing from me.

The ACTING CHAIR — Thank you for your presentation. I will just ask this straight out: I was surprised that the RSPCA inspectors have exactly the same powers as the department of agriculture inspectors. Do you think it is appropriate that a private body has exactly the same powers as a government body?

Mr ROSIER — The functions that the RSPCA Victoria are implementing is responding to complaints of animal cruelty, so the powers that are conferred on them through the appointment of general inspectors for that purpose is no different to Agriculture Victoria staff or other agency staff from municipal councils or Victoria Police who have been given those powers. The arrangement for RSPCA Victoria to address non-commercial livestock and other companion and recreational animal welfare complaints, because that is their remit under the current arrangements specified in the memorandum of understanding, allows them to perform that function.

The ACTING CHAIR — Right. But only one of all of those bodies is a private entity, and I guess that is where the appropriateness comes into it. It is very uncommon for any private entity to have prosecutorial powers under an act. So you have got Victoria Police, the department of agriculture, councils, you name it, that are still government bodies, and yet right at the end you have a private or business entity, whatever you want to call it, and that just seems to stand out. I am wondering what the department of agriculture thinks about something where you have got to deal with people who obviously have a different master, for want of a different term. All of those other bodies answer to the government and the RSPCA answers to its board and things like that.

Mr ROSIER — Noted, and I think the comment we would provide there is that the memorandum of understanding between the two agencies explicitly requires that the RSPCA Victoria inspectorate keep its enforcement role and policies separate from its other policies for exactly the purpose of not compromising enforcement under the act.

Ms COLE — I might add that the model in Victoria is not unique. It is a model that is adopted internationally and in other states of Australia. The RSPCA fills a really important role in the Victorian community in meeting community expectations with regard to animal welfare. The government recognises this role and provides the annual grant to contribute to the costs of its inspectorate. It is a tried and tested model.

The ACTING CHAIR — Actually the efficiency of the inspectorate as I understand it is that we are getting more than our dollars' worth, so I appreciate that from the RSPCA's perspective. It does seem funny that you have got a private body with prosecutorial powers.

The memorandum of understanding — I do not believe I have seen that. Is it possible for a copy of that to be provided to the committee so we can read it?

Mr ROSIER — Yes, certainly.

The ACTING CHAIR — Thank you. One last question before I hand over. Under this MOU the RSPCA's jurisdiction is amongst other things for livestock herds of less than 10. About 14 years ago there was a high-profile case out at Framlingham when they went out — 'they' being the RSPCA back then — and dealt with a herd of cattle. Are we aware of any other instances where there might have been a little bit of stepping outside the lines, or is that less than the number 10 a recent thing?

Mr ROSIER — I am not aware of any other significant cases where that has occurred. The reference to commercial livestock animals being more than 10 of any one species or greater than 50 poultry, and a significant or primary business for people — I am not sure exactly when that came into effect, it is post-2003, but essentially that is clearly defined within the MOU between the two agencies, and it has been the case for some years.

There is good collaboration and communication between the RSPCA Victoria inspectorate staff and staff from the department at the local and regional levels. So if either agency is responding to a report of a complaint of animal cruelty and they go out and inspect that, then there is the provision under the MOU to refer that case to ourselves, if it is in regard to commercial livestock, and vice versa. So the MOU provides the arrangements and mechanisms by which a referral of cases can occur and does occur, so that alleviates any ambiguity in response to responding to complaints.

The ACTING CHAIR — It will be interesting to read that. I look forward to getting a copy.

Mr O'SULLIVAN — Thanks for coming in to appear before the committee today. I just want to for a moment see if we can get a better understanding from the committee's point of view of the cross-pollination between what Agriculture Victoria does in a production animal sense versus what the RSPCA does. Obviously you guys have the primary responsibility for overseeing animal welfare practices in a production animal sense. Is there ever a time, or does it ever occur, when the RSPCA does come in and investigate or look at scenarios or cases within the production animal space?

Mr ROSIER — I almost refer again to my previous response. Yes, there can be times when they do come in and refer cases. The MOU does provide, and I will refer to it, for the transfer of cases that have not proceeded to an investigation but are merely preliminary inquiries, so they can be transferred to the department and vice versa. And there may also be instances where it would be appropriate to transfer a major case that might be in progress from one agency to the other, for example for resourcing reasons. So the example I will use is if there are animal health and welfare operational staff that would normally respond to an issue of animal cruelty in regard to commercial livestock but for whatever reason are unable to attend to that in a timely manner — if they are responding to an outbreak of anthrax or something like that — then the MOU does provide for the ability for other authorised staff under the act to be able to come in and assist with that for the benefit of better animal welfare outcomes.

Dr O'BRIEN — I would also add there could be a circumstance where they have a report that there are five animals at risk, and when they tend to the property they find that there are a lot more than that. And if the case was, when they investigated that, that it was unsubstantiated and no further action was required, then they would complete the investigation and close it. So that is a circumstance where they have entered, they have carried out their duties as an inspector but no further action is required.

Mr O'SULLIVAN — So are there instances where the RSPCA engage in the production animal space without having a referral from Agriculture Victoria? And under the MOU are they actually allowed to do that?

Dr O'BRIEN — So they receive the complaints directly from members of the public, and until they investigate it further they do not know exactly what the circumstance is on that farm or property or whatever it is. So in that regard they are not receiving a referral from us, they are investigating a complaint of a welfare matter, and when they get out there they can then establish under what circumstances in the MOU it might be appropriate, but if the report initially is that it is of something that would fall within their responsibilities under the MOU, then they would investigate it.

Mr O'SULLIVAN — So that is even for production animals?

Dr O'BRIEN — Well, if it is under 10 animals and non-commercial, then they would expect that that would be their role.

Mr O'SULLIVAN — I am sorry; I am only talking about production animals. Forget the under 10. I am not referring to those at the moment.

Dr O'BRIEN — If it is sheep and there are five, then it is their role.

Mr O'SULLIVAN — But that would not be production.

Dr O'BRIEN — No, it would not, but if the report is five and when they get out there they find that there are 100 over the hill — —

Mr O'SULLIVAN — I understand that. Let us forget about small numbers. I want to talk about farming animals — production animals — for the moment. So if the RSPCA gets a call from a member of the community about what they perceive is an animal welfare issue for a farmer who has more than 10, do the RSPCA in that instance refer that back to you guys, or do they go and undertake their own investigations?

Mr ROSIER — They would if it is more than 10. In that example, if they have got that information when they receive the complaint, and that is from a farming business, then yes, according to the MOU, they would refer that on to the department to take the lead on. If they did not have all that information at the time, they would go out and investigate, and if they were quickly able to ascertain that, yes, it is more than 10 animals, it is obviously a farming business, then at that point they would refer the matter across to us.

Mr O'SULLIVAN — So in that instance do they ever take it upon themselves to investigate that matter, or do they always refer it to you guys if it is over 10?

Dr O'BRIEN — It is my experience that they are more than happy to refer the cases to us, and they do.

Mr O'SULLIVAN — Because I guess one of the things that would occur quite a bit is a well-meaning member of the general public would be driving along the road and see a sheep standing out on a warm day, or a mob of sheep standing out in the sun, and would call the RSPCA. Does that happen much?

Mr ROSIER — Yes, and we also get those calls as well. So there is a lot of complaints from an animal welfare or animal cruelty perspective that then have to be followed up on and obviously substantiated or otherwise. So, yes, those calls do come in.

Mr O'SULLIVAN — I am wondering, do you think there is a role for the RSPCA to actually play in the inspecting of production animals at all, or do you think it should be completely separated? I guess as a follow-up question to that, would you prefer when there was a complaint registered that that went directly to you guys rather than through the RSPCA, which has a different filter, I guess, in terms of what is an animal at risk?

Mr ROSIER — Obviously Agriculture Victoria's primary role is in the lead of commercial livestock and production animals, so that is clearly our remit. The working arrangements that are specified and laid out in the MOU around the 10 and the 50 poultry have been that way for a number of years. The MOU is reviewed annually as part of a process in consultation with the RSPCA Victoria and has remained that way with regard to

the less or more than 10, if you will, or 50 poultry, for some years now. So that has been a pretty longstanding arrangement, and as I said going forward, yes, it is able to be reviewed annually as well.

Mr O'SULLIVAN — And the last question before we move on, Dr O'Brien, would you actually like to see that MOU strengthened in terms of clarifying exactly the roles that Agriculture Victoria have as against the RSPCA in a production animals sense?

Dr O'BRIEN — The roles are pretty clear in the MOU, and as we are going to provide it you can see in that that it is pretty clear. As Michael said, it is reviewed annually, and we consider anything that comes up through that process.

Mr GEPP — Just so that I can be crystal clear in terms of the examples that we are using in relation to production animals, AV has a very specified review inspection program that you follow in terms of looking after commercial animals. The RSPCA respond to tip-offs primarily. When that tip-off occurs, initially if they cannot establish how many animals are involved, they may well conduct an inspection, and when they do that, if it is above a certain limit as prescribed by the MOU, they then routinely refer that to you for follow-up. Is that right?

Mr ROSIER — That is correct. And there is good collaboration at the local level — good communication between officers of Agriculture Victoria and RSPCA Victoria. So that working arrangement works well.

Dr O'BRIEN — They do refer a number of cases to us before they go and visit the property. If the report is that it is more than 10 animals, they will just automatically refer it to us, so it is not a matter of them going out and inspecting first.

Mr GEPP — So they are not doubling up on the work that you do —

Dr O'BRIEN — No.

Mr GEPP — in terms of your routine inspections and reviews. They are responding to particular tip-offs. If they do not know the information, they will establish it and collaborate with you. If they do understand the circumstances, they may well refer it to you straightaway?

Mr ROSIER — Correct.

Dr O'BRIEN — Our interest is that if people have a complaint, if they see something that they feel uncomfortable about, they refer it to someone. If they refer it to us and it is for the RSPCA to investigate, then we will refer it to them. If they notify the RSPCA and it is one for us, then they will refer it back to us.

Mr GEPP — You talked earlier about there being quarterly meetings between AV and RSPCA to monitor the MOU, and I know it is formally reviewed every 12 months. But is that the sort of thing that would come up if there was something a little bit left of centre that may have occurred during that period?

Mr ROSIER — Yes, that is right. In essence there are two quarterly meetings — one is between senior staff of Agriculture Victoria and RSPCA Victoria, and then there are also quarterly catch-ups of the respective operational areas to talk about more detailed activities, I suppose, and any issues arising like, for example, the one you are talking about, so there is that collaboration. If there is any ambiguity that comes up during that quarter, then obviously that is the opportunity talk through it. Having said that, there is just open communication between Agriculture Victoria and RSPCA Victoria at the local level, so there is a two-way information flow, and that working arrangement works really well at the local as well as the state level.

Mr GEPP — Dr O'Brien, your experience is that that relationship works really well in its — —

Dr O'BRIEN — Yes. We get regular referrals to and fro. The information exchange is really good.

The ACTING CHAIR — I might also welcome Colleen Hartland.

Ms HARTLAND — My apology for being late.

The ACTING CHAIR — I will let you off this time only. Now I understand that both you and Mr Leane were not here for the presentation, but do you have any questions you would like to ask?

Ms HARTLAND — Just following on from that conversation, what I am hearing from you is that there is good communication between yourselves and the RSPCA, that you work together quite well and that there is a clear understanding about who inspects what kind of scale of cruelty et cetera? It is actually quite a good working relationship?

Mr ROSIER — Yes.

Ms HARTLAND — Have you ever had cause to be concerned about that working relationship?

Mr ROSIER — Not in my experience. No. It is quite collaborative.

Ms HARTLAND — When someone reports cruelty, especially in terms of farm animals, does that automatically go to the RSPCA and if it is bigger than their MOU can handle, then they pass it on to you? Is that the way it works?

Mr ROSIER — Dwane might be able to comment on this, again from an operational perspective, but if people are driving past and seeing something, they may call the RSPCA Victoria. They may well choose to call Agriculture Victoria as well, so pretty quickly our respective authorised officers will be able to ask the person a series of questions and be able to determine if it is for the RSPCA Victoria or is it for us.

Ms HARTLAND — In an average year, how many inspections have you actually done, especially to farms, and out of those inspections, in how many has there been obvious cruelty or neglect? You can take it on notice if you like.

Mr ROSIER — No, that is okay. The number of inspections, I suppose, we would take on notice. In terms of complaints, we can probably talk to it from that perspective.

Dr O'BRIEN — The number of complaints varies obviously from year to year. And there are complaints about welfare; it is not necessarily that there is cruelty occurring. So for the last three years we had 795 complaints in 2014–15, 996 in 2015–16 and 756 in 2016–17. That is the number of complaints. The number of inspections, just depending on what we found and how many visits are required to some of those properties, you can pretty much double that, on average. As far as substantiating welfare issues — and this is substantiating welfare issues, not cruelty — we would say that roughly 40 per cent of the complaints that we receive are unsubstantiated in some nature, which means that 60 per cent are substantiated in some way. That does not mean that we establish that cruelty has occurred; we classify substantiated as we find that there could be a better welfare outcome occurring on that property, and therefore we would work with that producer to increase the welfare outcomes. That could be through a number of ways — through providing verbal advice or providing advisory letters and the like.

Mr LEANE — Thanks for your attendance, especially attending in Melbourne. I am only saying that because of what we had to do last week. I am sorry I was late. You might have covered this, but we had witnesses from the Victorian Farmers Federation and others at the previous hearings that seemed to be convinced around the coverage that RSPCA may have and expressed their concerns that there was a conflict of interest because of the RSPCA's opinions, attitudes and so forth towards some of the practices in the industries. Do you know how that confusion could come about — that there were concerns that the RSPCA had coverage of their industries but actually did not?

Mr ROSIER — I am aware of some of those concerns, and I suppose the comment that I would provide on that one is that they were picked up and addressed very much through the Comrie review report and specifically recommendation 21 around that, which was that the RSPCA Victoria while continuing its legitimate advocacy role was to discontinue its public activist campaigning against existing lawful activities in the state. So we would note, and I made the comment earlier, that the RSPCA Victoria has accepted that recommendation in full, and we support them implementing that recommendation.

Mr LEANE — You mentioned the memo of understanding, which I would imagine would be between you and the RSPCA and how you operate together. Is there anything in that memo of understanding that disallows the RSPCA to voice opinions on other state government policy?

Mr ROSIER — Yes, there is. I make reference to it and will provide a copy of the memorandum of understanding to the committee. In regard to RSPCA policy versus enforcement roles, for clarity, the MOU does explicitly state that:

the RSPCA will clearly separate its enforcement role —

that being the inspectorate part of RSPCA Victoria —

and enforcement policies from such other policies so that the proper enforcement of the act —

being the Prevention of Cruelty to Animals Act —

is not compromised or brought into disrepute.

Mr LEANE — Right. There are areas that the RSPCA do not have a conflict of interest, because they have no responsibility. The MOU only pertains to the areas that they actually do have responsibility for. Is that —

Mr ROSIER — Correct.

Mr LEANE — If the RSPCA wanted to have an opinion about something that is outside their jurisdiction — we, the government, get accused sometimes of being a communist state here by some people — they do have the freedom of speech to voice their opinions in areas that they do not have responsibility for.

Mr ROSIER — That is right. We would acknowledge that the RSPCA Victoria may have policies that are not in accord with government and DEDJTR policy. As the MOU states, there is a clear requirement with regard to its inspectorate role that those roles are clear.

The other thing that I would probably say there is that the common funding agreements that are provided for both grants — for the inspectorate and the special investigations unit — are very explicit in that those funds are to be used for the activities funded through the provision of that funding and not for any other purposes, including campaigning or promotion of RSPCA policies.

The ACTING CHAIR — I am actually going to explore the inspectorate powers versus advocacy. I understand that since the Comrie review a lot of things have changed, but given that pre the Comrie review there was the RSPCA doing both the inspectorate and the activism — and it was definitely activism — would the government think it appropriate that someone that is taking money for a government enforcement function actually be trying to actively change government policy, being duck shooting or greyhound racing or whatever the case may be? Because I would think it would be like Victoria Police, for instance, suddenly deciding one day that they are going to start making a policy on tree logging or something like that because they feel it is something they do. Does the government actually think it was appropriate at that time for the two to try and coexist, particularly in light of the MOU, where it says it should not?

Mr ROSIER — I cannot comment on matters before my time and experience in the role with Agriculture Victoria, but I suppose the comment I would make in regard to that is that that area was clearly focused for the Comrie review and resulted in specific recommendations to separate that advocacy versus activism component. So I think it was clearly recognised, and the RSPCA Victoria has accepted that recommendation in full.

The ACTING CHAIR — With the benefit of hindsight, though — and I guess I am asking you to venture an opinion here, and this is open to anyone — do you think it is appropriate for a private body that has inspectorate power to try and actively change government policy in that way?

Mr ROSIER — It is probably inappropriate for me to comment on matters in the past.

The ACTING CHAIR — Okay, I will leave that. The committee has noted that the inspectorate actually operates at a loss — I mentioned that earlier — and that the RSPCA actually gives pretty good value for money in the scheme of things. I think they spend way more than we give them. Does the department of agriculture/government think that the current funding for the inspectorate only — I understand the puppy farms are a separate thing — is appropriate to what they do?

Mr ROSIER — Noting that the RSPCA Victoria get I think it is around 90 per cent of their funds outside of government grants, I would say that the Victorian government clearly recognises the role that the RSPCA

Victoria perform and recognises it through the fact that it has continued that \$1 million grant every year since 2007–08, so it is clearly recognised and captured in regard to the common funding agreement and the MOU. My understanding is that that funding is an ongoing experience, so I think the department recognise their role through that — the fact that that is provided every year.

The ACTING CHAIR — Okay. I will be a little more blunt. Do you think they should get more?

Mr ROSIER — It is not appropriate for me to speculate on what the future funding arrangements might be.

The ACTING CHAIR — Okay. One last thing. I do not know if you will have this on hand. We were talking about a lot of referrals between the RSPCA and the department of agriculture and so on. Do we have a rough idea of how many referrals go to and from on an annual basis? Are we talking hundreds, thousands, tens of thousands?

Dr O'BRIEN — Hundreds.

The ACTING CHAIR — Hundreds. Okay. So it is a fairly active system.

Dr O'BRIEN — Very active.

Mr O'SULLIVAN — I just want to follow up on some earlier questioning in relation to some of the numbers that Agriculture Victoria deal with in terms of inspections. If you look at some of the evidence that was provided earlier — Mr Leane mentioned the Victorian Farmers Federation, and they, as a part of their written submission to us, outline some of the numbers in terms of the investigations — it says in here that between July 2012 and June 2016 Agriculture Victoria investigated 3287 complaints. Whether that number is exactly right or not, it is somewhere in that vicinity, which is consistent with what we have heard here this morning. Compared to the RSPCA, they received 74 369 complaints over that same period, which I find is a very wide distance in terms of the difference in complaints. Would it be fair to say that the real issue in terms of animal welfare issues is actually within the companion animal space and not the production animal space? By the look of those numbers — 74 000 compared to 3000, which is a very big difference — is the real problem in terms of animal welfare in Victoria actually within the companion animal space?

Dr O'BRIEN — They are very different figures. When you look at the numbers of animals affected, I think it is not really comparing apples with apples.

Mr O'SULLIVAN — It is comparing investigations between one organisation and another organisation in the same space in terms of animal welfare.

Dr O'BRIEN — Yes. I do not have the exact numbers — the number of animals that we investigate compared to the number of animals — —

Mr O'SULLIVAN — Let me rephrase the question. It seems by those numbers, if you take them at face value, that there are not that many investigations into production animals. Would it be fair to say for this committee to take on board that there is not much of an issue in terms of animal welfare within the production animal and farming space in terms of the animal welfare aspect?

Mr ROSIER — I do not know that there are not much animal welfare issues in the livestock or commercial livestock area, but certainly — —

Mr O'SULLIVAN — But did you say there are not many animal welfare issues within the production animal space?

Mr ROSIER — I would not be able to provide comment to say that there are not much animal welfare issues in livestock production by virtue of the fact that, from the numbers provided previously, over the last three years we have been responding to almost 800, 1000, again 800 complaints per year, so I think those numbers are what they are. In response to the companion animals comment, if they are the numbers of initial referrals or complaints that the RSPCA is referring to, then those are the numbers.

Ms COLE — I might say that in the agricultural sector there are many standards and codes, and animal welfare is part of business and part of reputation that is very valuable to farmers, and knowing about animal

welfare. The extension officers of the department, who are out every day on a wide range of biosecurity and other matters, are talking about animal welfare as part of their daily interactions. Probably the numbers here do not illustrate the effort between domestic animals and farmed animals in total. As Dwane said, it is apples and oranges. There is quite a different interaction. Members of the public reporting is one lens through which you can look at animal welfare, but inspection and involvement with the agriculture sector is more than the sum of the complaints that we receive.

Mr ROSIER — It also depends on the context or the nature of the complaint too. If it is a companion animal complaint against a nuisance dog or something like that in a suburban area, it is a very different thing from obviously the role that we play in the referrals that we respond to. Context is important, I guess, in respect of those numbers.

Mr O'SULLIVAN — If you look at those numbers, there are 74 000 complaints over that period for the RSPCA. Probably where I am coming from is that 74 000 is a lot of complaints. That is a lot of complaints, so I am just wondering whether RSPCA should really be confined to that space, because it seems that there are obviously significant issues in the companion animal space in terms of animal welfare complaints as against a very small number — 3200 — for the production animal space. It sounds like there are pretty good practices through the codes and so forth in the farming sector in terms of production animals. Does there need to be more education and more emphasis placed upon the RSPCA and their role in terms of looking after animal welfare practices for the companion animal space?

Mr ROSIER — The comment that I would provide in response to that is that there can always be more education and better communication around respective agencies' roles and responsibilities and accountabilities in the animal welfare space. Education is actually one of those four streams that was clearly identified as a focus area for the Victorian government's Animal Welfare Action Plan, along with further legislative reform and further enhancements and clarifications around compliance and enforcement. I think that has clearly been recognised, so the answer would be yes.

Mr GEPP — Chair, can I just pick up on that very quickly?

The ACTING CHAIR — Please do.

Mr GEPP — I would imagine that the sorts of issues that Mr O'Sullivan is talking about will indeed be looked at under the government's animal welfare action plan and has been, I would imagine, probably already the subject of some of the 650 submissions that we have received to date. Is that a fair assessment?

Mr ROSIER — Without knowing the specific numbers, yes. Parts of the legislative reform process for animal welfare in Victoria include companion animals as much as animal welfare regarding livestock and commercial. It is all encompassing.

Ms HARTLAND — I was interested in your exchange with Mr O'Sullivan. Is part of your inspectorate a preventive, that you might see some minor problem that you could see escalating, so by being able to do the inspections, or by the RSPCA being able to do those inspections, you are able to give people education and stop those crueller practices that are occurring? Is that something that happens?

Dr O'BRIEN — Yes. Our aim is to educate people on better practices. Where we see that welfare could be increased for animals, we will provide advice. We have a team of veterinarians and animal health officers that can provide that advice to commercial enterprises with the aim that we hope that that prevents issues arising.

Ms HARTLAND — Do you find that those kinds of productions or farmers are responsive to that advice or assistance?

Dr O'BRIEN — To varying extents, yes. It is a big spectrum of people that we work with. Some people are really keen to take on all the advice and others are not.

Mr ROSIER — But I could also probably say that with respect to the operational staff, the animal health and welfare officers in Agriculture Victoria, where they are interacting with the farming community, obviously responding to reports of animal welfare or animal cruelty is one component of the work that staff undertake. They are also there obviously to undertake things like animal disease surveillance, working with farming communities to ensure product integrity and traceability underpinning that market access side of things. And

they also undertake a range of activities relating to emergency management response and preparedness. So when they are going out there and interacting with commercial livestock producers, they are having a broader, more encompassing conversation. That enables the officers to relate to the farming community and talk about a range of issues, not just animal health and welfare.

The ACTING CHAIR — Well, that is it. I thank you all for your contributions today. You will receive a copy of the transcript in a few weeks for proofreading. I am sure it will be pretty good. With that, we will finish up. Thank you.

Committee adjourned.