



The Hon Mark Furner MP
Minister for Agricultural Industry Development and Fisheries

Our ref: CTS 09482/19

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26 APR 2019

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Services
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 2 April 2019 regarding petition No. 3057-18 received by the Legislative Assembly.

The petition relates to an alleged conflict of interest in the Royal Society for the Prevention of Cruelty to Animals Queensland (RSPCA) being an enforcer of Queensland laws relating to animal cruelty and neglect while at the same time being a major distributor of pets in Queensland.

The Department of Agriculture and Fisheries believes there are sufficient transparency and accountability safeguards contained within the provisions of the *Animal Care and Protection Act 2001* (Act) that effectively minimise and manage any potential, actual or perceived conflicts of interest. These safeguards include the requirement:

- for an inspector to give a receipt to the person from whom the animal was seized that generally describes the animal and its condition
- for the inspector to give an information notice about the decision to make the seizure to the person from whom it was seized
- for the inspector to return the animal to its owner within 28 days after seizure except in certain circumstances, including if the animal has been forfeited
- to give an information notice to the owner about the decision to forfeit the animal.

Further, the Act provides for the ability for the owner of a seized animal to apply to the chief executive for an internal review of a seizure or forfeiture decision, and thereafter to the Magistrates Court for an appeal against an internal review decision about the seizure or forfeiture decision.

There are additional transparency and accountability measures contained in an Activity Agreement between the Department and the RSPCA that outlines the respective responsibilities of each agency, including:

- consistency in the training and requirements imposed on all inspectors, whether employed by the RSPCA or the Department
- an agreed process for complaint management
- regular and detailed reporting to the Department on compliance and enforcement action taken by RSPCA inspectors.

RSPCA inspectors are also required to comply with Operational Procedures and Guidelines that contain administrative principles and comprehensive operating procedures for all animal welfare investigations and enforcement activities carried out under the Act. This provides additional transparency in relation to the RSPCA's enforcement role by ensuring:

- compliance and enforcement powers under the Act are lawfully exercised by RSPCA inspectors, and
- consistency in the exercise of inspector powers and functions by both RSPCA inspectors and departmental inspectors.

It is the Department's view that the Act, Activity Agreement and Operational Procedures and Guidelines contain appropriate and adequate measures for managing conflict or accountability concerns between the exercise of enforcement powers by RSPCA inspectors and the operation of the RSPCA's animal shelter and rehoming services.

The Department is unable to comment on matters relating to the Australian Competition and Consumer Commission and whether the RSPCA should be set up as a business, as these are outside of the Department's responsibilities.

If you require further information, I encourage you to contact Mr Brett Murphy, Chief of Staff in my office, on 07 3719 7420.

Yours sincerely



MARK FURNER MP
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