
Independent Review of the RSPCA Victoria Inspectorate

Transformation of the RSPCA Victoria Inspectorate

Final Report
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“No incident in the Society’s history conveys more starkly either the unique position occupied by the RSPCA among Victoria’s charitable organisations or the intensity of feeling that surrounds animal welfare issues.

The dark shade of malevolence has hovered at the threshold of all RSPCA opinions and activities since its inception”.

(References to the murder of RSPCA Inspector Stuart Fairlie at Mortlake on 1 May 1989 in ‘For All Creatures’, A History of RSPCA Victoria by Barbara Pertz, 2006)

Executive Summary

Inspectors of the Royal Society for the Prevention of Cruelty to Animals (Victoria) [RSPCA Victoria]¹ are authorised to investigate and prosecute offences of animal cruelty under the *Protection of Cruelty to Animals Act 1986* (POCTAA). These Inspectors operate within the Inspectorate of the RSPCA, based in East Burwood, Melbourne and report through their Manager to the Chief Operating Officer who in turn reports to the Chief Executive Officer.

The RSPCA is a charity, not a government agency and is therefore privileged to be authorised to enforce legislation under the POCTAA. No other charity in Victoria has similar law enforcement powers. The RSPCA is partly funded by the Victorian Government to carry out its Inspectorate functions and the balance of its funding is largely comprised of private bequests and donations. From our research, this appears to be a consistent approach to the prevention of animal cruelty across all Australian jurisdictions and also among the small sample of other international jurisdictions researched.

The general position of the RSPCA with regard to its law enforcement responsibilities is well illustrated by the finding of His Honour D.J. Faram (a Magistrate at the Bendigo Magistrates Court) on 24 September 2015 in proceedings against John Barry Peace, Phyllis Winifred Peace and Dean Leslie Peace (regarding offences associated with a puppy farm at Pyramid Hill). In his judgement in this matter, His Honour said:

The RSPCA in particular is a statutory body with prosecutorial powers but without significant support from Parliament. They are also the body charged with rescuing and rehabilitating these animals. This comes at a significant cost for an organisation that receives some state funding but otherwise relies on donations and bequests and other fund raising activities.

At the time of conducting this Review, when all staff are available, the Inspectorate consists of a Manager, four Senior Inspectors, 19 Inspectors and three support roles. (In terms of availability, these numbers are

reduced by vacancies and leave arrangements at any given time). This small unit is required to cover the State of Victoria and operates within 13 geographical regions. On an average week day, some 8 to 10 Inspectors will be on duty with weekend responsibilities covered by an Inspector on call. During the financial year 2014-15, the Inspectorate received 10,740 reports of animal cruelty. As a result of investigation of these reports, 953 animals were seized by Inspectors, many of which were then housed for extended periods in RSPCA shelters. A total of 494 charges were laid in relation to 69 successful prosecutions and 40 cases remain to come before the courts.

This Independent Review has been tasked with an examination of the Inspectorate, its functions and responsibilities and to provide the RSPCA Board with findings and recommendations that will provide a roadmap for necessary reform and improvements. To meet this requirement, the Review team has undertaken extensive consultation with key stakeholders, received written public submissions and has inspected RSPCA facilities. This approach has provided the Review team with a comprehensive understanding of the Inspectorate and the environment in which it operates.

The Review has operated with regard to the reality that funding pressures on the RSPCA, as they relate to Inspectorate operations, are likely to continue. Nevertheless, this limitation has not prevented the Review from exploring a broad range of service delivery efficiencies that can be implemented at little to no cost to the RSPCA. Indeed, there are recommendations in this report to cease certain activities that will free up some funding for more efficient and effective delivery mechanisms.

The Review has been favourably impressed with the commitment and professionalism of the Inspectorate staff, all of whom are dedicated to the prevention of animal cruelty and who possess a range of skills and experience that they draw upon during their daily duties. Many hold impressive undergraduate and post graduate qualifications across a diverse range of disciplines. No other organisation in Victoria is as well equipped in terms of experience and capability as the RSPCA to deal with animal cruelty reports.

1. RSPCA in this report means RSPCA Victoria unless otherwise stated.

However, the Review has identified shortcomings in the arrangements within which the Inspectorate operates including; workplace health and safety issues, training, supervision, staff retention issues, accommodation, equipment, workload management, court brief and prosecution practices, security of information, the absence of an appropriate case management system and analytical and intelligence capabilities. This report addresses each of these matters in some detail and provides findings and recommendations for remedial action for consideration by the Board.

The Review team has concluded that despite the dedication and expertise of the Inspectorate staff, their current work practices and arrangements involve risk to individuals and the RSPCA. This situation requires major reform of these practices and arrangements that must be a priority for the RSPCA.

At the outset of this Review, the RSPCA accepted advice from the Review team that this should be a dynamic undertaking with the Review team regularly briefing the CEO and the Board on critical issues as they arose. This has proven to be a very productive approach that has resulted in early support from the Board on significant reforms relating to a case management system, the location of a Victoria Police intelligence analyst at the Inspectorate and the creation of a specialist POCTAA prosecutor within the Prosecutions Unit of the Legal Services Department of Victoria Police. Consequently, the CEO has been able to initiate discussions with relevant agencies to further consider the potential of these transformational reforms.

Another matter of significance that emerged during internal and external consultations was a perceived conflict of interest for the RSPCA, which on one hand is charged with the responsibility for enforcing (specific) State laws but on the other hand is engaged in activism against those same or related laws. This perception has caused reputational damage to the

RSPCA and questioning of its capacity to operate as an independent body charged with enforcing Victoria's prevention of cruelty to animals laws. The Review is aware of recent similar situations in other jurisdictions, particularly in the UK.

The Review team raised this issue with the Board and has recommended that the RSPCA disengage from public activism against the laws of the State but continue to advocate for necessary change through more traditional channels. The Review team is convinced that the RSPCA can be more effective in preventing animal cruelty by becoming a trusted partner with other key stakeholders (including Government) who have the capacity to bring about legislative reform. This issue is discussed in more detail under the heading of Advocacy versus Activism later in this report.

The RSPCA Inspectorate performs a vital role in the community to prevent cruelty to animals and is the organisation most deeply involved in this important cause. There is no other organisation readily available to fill the breach if the RSPCA decided to withdraw from this role. RSPCA Inspectors are widely acknowledged (including by their POCTAA authorised colleagues across the State) as Victoria's pre-eminent animal cruelty experts. The RSPCA Inspectors are a dedicated team who perform extremely challenging roles under very difficult circumstances. They require a greater level of support to enable them to undertake this role more safely, more effectively and efficiently than their current working arrangements and environment permit.

The Review team firmly believes that the implementation of the recommendations in this report will result in major transformation of the manner in which the Inspectorate functions are undertaken with significant benefits for the Inspectorate staff, the RSPCA generally, the community and of course, those for which the RSPCA exists - our animals.

Findings and Recommendations

Findings

Finding 1

That the RSPCA Board has authorised the CEO to:

- a. commence the necessary processes to acquire a case management/intelligence software platform for the Inspectorate; and
- b. proceed with the necessary arrangements to secure the secondment of a Victoria Police intelligence analyst to the Inspectorate for a twelve month pilot period.

Finding 2

The RSPCA Board has authorised the CEO to take all steps necessary to secure the location of a specialist POCTAA prosecutor within the Police Prosecutions Unit.

Recommendations

Recommendation 1

Following implementation of all recommendations in this Report, the RSPCA reassess their budgetary position and the demand for Inspectorate services at that time and if warranted, take the necessary steps to develop a budget submission to the Victorian Government for an incremental increase to their recurrent budget allocation.

Recommendation 2

That the RSPCA take all necessary action to improve the safety culture at the Inspectorate.

Recommendation 3

That the RSPCA implement measures to retain valuable staff in the Inspectorate, including establishing incremental salary levels that recognise experience and responsibility and also adopt more contemporary, flexible working arrangements such as part-time employment and job sharing.

Recommendation 4

That the RSPCA consider all viable options for the efficient recruitment of Inspectors, including group assessments and the development of a priority list to be drawn upon when future vacancies occur.

Recommendation 5

That the People and Culture Department of the RSPCA in conjunction with the management of the Inspectorate, undertake a training needs analysis of the role of Inspector. A robust, skills based, accredited training program should then be developed to meet the specific needs of RSPCA Inspectors and successful completion of this program should be an obligatory component of the probationary period leading to authorisation of an Inspector under the POCTAA.

Recommendation 6

That, as far as possible, the RSPCA remove peripheral and corporate administrative functions from the Inspectorate to allow it to focus on operational responsibilities, especially supervision.

Recommendation 7

That supervisory responsibility and accountability be strengthened in the Inspectorate by the creation of new roles of Team Leader and Senior Inspector within a regional service delivery model.

Recommendation 8

That the RSPCA provide the necessary structure, support functions, training and development to ensure that the Inspectorate Manager, Team Leaders and Senior Inspectors provide strong leadership as well as meeting their management obligations.

Recommendation 9

That the RSPCA introduce a new structure and operating model in accordance with the 19 components outlined on pages 45 and 46 of this report.

Recommendation 10

That the RSPCA ensure that radio monitoring is the shared responsibility of Inspectorate administrative staff from 8am to 6pm each week day on a two-hourly rotational basis.

Recommendation 11

That the RSPCA review its existing memoranda of understanding, standard operating procedures and protocols with other organisations to ensure that these arrangements reflect the proposed operating environment of the Inspectorate, including the new approach to case management.

Recommendation 12

That the RSPCA take the action necessary to provide relevant policies, procedures and templates to Inspectors online.

Recommendation 13

That the RSPCA undertake a review of the accommodation arrangements for the Inspectorate and take the necessary steps to provide accommodation that meets the operational needs of that group under the proposed operating model.

Recommendation 14

That the RSPCA undertake an equipment needs analysis to ensure that the equipment issued to Inspectors enables them to undertake their duties more safely and efficiently.

Recommendation 15

That the RSPCA utilise specially selected and suitably trained and supported volunteers to assist with reports that are not the primary responsibility of the Inspectorate. This will involve direct contact with identified complainants to advise them of referrals or the actions taken by the RSPCA or to offer other advice, information or educational material. This may include seeking additional advice from complainants where critical information may be missing from relevant reports.

Recommendation 16

That the RSPCA:

- a. engage with Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to identify strategies to reduce the workload related to *Domestic Animals Act 1994* matters that is currently, by default, being directed to the RSPCA;
- b. engage with local government to ensure that there is a clear understanding of the future focus for the Inspectorate on animal cruelty and that *Domestic Animals Act 1994* matters directed to the Inspectorate will be referred to the relevant local government (and complainants advised accordingly); and
- c. develop and implement a communications strategy to better inform and educate the community that the future role of the Inspectorate is to be confined to prevention of cruelty to animals and that the Inspectorate will no longer respond to *Domestic Animals Act 1994* reports.

Recommendation 17

That the RSPCA ensure that the prosecutor responsible for POCTAA prosecutions actively pursues the payment of court costs awarded to the RSPCA.

Recommendation 18

That the RSPCA actively pursue with the State Government the authority to issue infringement notices:

- a. for lower level offences that are not to the requisite level of seriousness to warrant criminal prosecution; and
- b. for failing to meet the requirements of Notices to Comply issued under Section 36G of POCTAA.

Recommendation 19

That the RSPCA engage with the State Government to seek an amendment to the POCTAA to allow for the fostering out and/or transfer of ownership of seized animals held for extended periods pending the resolution of court proceedings.

Recommendation 20

That the RSPCA further explore with DEDJTR the viability of licensing the keeping of horses as an aid to better management of animal welfare and cruelty reports.

Recommendation 21

That RSPCA Victoria, while continuing its legitimate advocacy role, discontinue its public activist campaigning against the existing laws of this State.

Recommendation 22

To ensure that effective governance and accountability arrangements are in place regarding the implementation of the recommendations in this report, the RSPCA:

- a. ensure that one senior executive in the organisation is the accountable officer for the delivery of these recommendations;
- b. make that officer responsible for the preparation of the implementation plan for consideration of approval by the Board;
- c. task a Board committee to oversight regular reports on progress against the implementation plan; and
- d. publish progress on implementation of these recommendations in RSPCA annual reports for the next three years.

Introduction

On 25 May 2016, RSPCA Victoria announced that it had engaged Neil Comrie AO APM, former Chief Commissioner of Victoria Police (the Senior Reviewer), to undertake an independent review of the Inspectorate of the RSPCA.

In the associated media statement that attracted broad media coverage, the community was invited to make submissions that would help the Senior Reviewer answer three key questions:

- What is the scale of animal cruelty in Victoria?
- What resourcing and approaches need to be put in place to ensure animal cruelty is being adequately investigated and prosecuted and community expectations are being met?
- Are there any ways RSPCA Victoria could use the resources it has right now more effectively and efficiently?

The community was advised that online submissions could be made from that day on the RSPCA website and would close on Friday 8 July. An assurance was given that all submissions would be received in confidence to protect the privacy of individuals and ensure that people could be candid and open in the information that they provided.

The CEO further advised that the RSPCA would “release a report along with our public response to the review” in September this year.

On the advice of the Senior Reviewer, the RSPCA then engaged Brian Hine, former Deputy Emergency Services Commissioner and Peter Marczuk to assist with the conduct of the review. The Review team records its appreciation for the excellent administrative support provided by Philomena Kelly. This team formed the Independent Review of RSPCA Victoria Inspectorate (IRRVI).

In consultation with the RSPCA, the Review team identified a list of stakeholders. The Senior Reviewer wrote to each of these stakeholders to advise them of the review, to seek submissions and provide them with an opportunity to meet with the Review team. A total of 101 written submissions were received and the Review team undertook personal interviews with 48 stakeholders including those in government (State and local), the racing industry, animal welfare organisations

and RSPCA staff, including the Inspectorate. These submissions and consultations revealed a significant number of issues for further examination by the Review. Of particular interest was the fact that there was a high degree of commonality in these issues which allowed the Review team to adopt a thematic approach to the conduct of the Review.

We thank all of those individuals, groups and organisations who took the time and effort to contribute to this Review through their submissions, information and participation in interviews.

Shortly after the commencement of the Review, the Review team conducted a workshop with all available Inspectorate staff. This was a most productive discussion that allowed the Review to focus attention on a number of key issues.

Research was undertaken by the Review to examine relevant legislation, authority and powers, operational policies and procedures utilised by animal welfare organisations in other jurisdictions including the UK, USA, Canada, New Zealand and all other Australian States and Territories.

The Chair of the RSPCA Board and the CEO agreed with the proposal of the Review team that the review should be dynamic in nature. This meant that issues of importance could be raised and addressed in a timely manner, rather than wait until the delivery of the Review report. This has ensured that some of the key directions of the Review are already under active consideration at the time of production of the Report. In the interests of animal welfare, all submissions received that appeared to relate to current investigations were referred to the Chief Operating Officer for action as required, whilst maintaining the anonymity of the individual making the submission.

Although the Review was undertaken in accordance with the terms of reference, the CEO agreed that should important matters arise that were outside of these terms of reference, they should nevertheless be brought to her attention. The Review has taken this opportunity in relation to some matters that the CEO has undertaken to address.

The Review team wishes to acknowledge the high degree of support and co-operation provided by the Chair, Board, CEO and staff of the RSPCA. The team was particularly impressed by the enthusiastic

and candid contributions from Inspectorate staff who willingly recognised that reform of their working arrangements was critical to future success.

We also acknowledge the substantial contribution made by Sal Perna, the Racing Integrity Commissioner and senior officers of Victoria Police who have generously offered to support the RSPCA to implement major reforms in intelligence management, training and the prosecution of cruelty to animal offences in Victoria.

Chapter 1: Interstate and International Comparisons

The RSPCA is a non-government, not-for-profit organisation committed to the prevention of cruelty to animals through providing assistance and education to the community in the proper care of animals and by taking action to protect animals from cruelty and neglect.

The RSPCA provides services including the operation of adoption centres, veterinary clinics, education facilities and an Inspectorate. Inspectors are an important part of the organisation's key undertakings regarding the education of the Victorian community on the proper care of animals and the prosecution of cases of neglect and cruelty. They are often the public face and first contact point that people have with the RSPCA and are well known to the public through the publicity involved in cases of animal cruelty.

The Review has examined the role and responsibilities of RSPCA Inspectors and their counterparts in other States and Territories and comparable overseas organisations in New Zealand, United Kingdom, USA and Canada, to determine if RSPCA Inspectors operate in accordance with current best practice models. It has also looked at recent reviews of animal welfare legislation and organisations in the UK, WA and Ontario, Canada to identify any findings relating to the Inspectorate function that may inform this Review.

Legislation

Victoria

Prevention of Cruelty to Animals Act 1986 (POCTAA)

RSPCA Inspectors are authorised to carry out their responsibilities under the POCTAA by the Minister for Agriculture and Food Safety (S18(i)(b)(2)) and are issued with an identification certificate. They are accountable to the Minister for the proper exercise of those powers.

The POCTAA allows the Inspectors to enter premises (other than dwellings), seize animals and other evidence of animal cruelty and apply for search warrants to enter properties where animals are at risk, abandoned, distressed or disabled. The Inspector is also able to issue animal welfare notices and take action to prosecute persons who they consider are in breach of the POCTAA.

New South Wales

RSPCA NSW Inspectors are authorised to exercise the powers under the *NSW Prevention of Cruelty to Animals Act 1979* by the Minister of Agriculture, Secretary or Deputy Secretary of the Department of Industry, Skills and Regional Development (S24D(2)). The powers of Inspectors are similar to those of Victorian Inspectors.

They are able to enter land (other than dwellings), apply for a search warrant, examine animals that are suspected of suffering from neglect, are injured or diseased, seize the animals and other evidence and serve notice on the responsible person to take action to rectify the neglect of the animals.

Queensland

RSPCA Queensland Inspectors are authorised to exercise the powers under the *Animal Care and Protection Act 2001* by the Chief Executive Officer of Biosecurity Queensland. The powers of Inspectors include entering places or vehicles, inspecting animals, issuing an animal welfare direction, seizing an animal and destroying an animal. These powers are similar to those of Victorian Inspectors.

In relation to the powers of RSPCA Inspectors in South Australia, Western Australia, Tasmania and the ACT, the powers of those officers are similar to Victorian RSPCA Inspectors.

Northern Territory

Currently, RSPCA Darwin does not have Inspectors in the Northern Territory (NT) and asks that animal cruelty reports be directed to Animal Welfare, a NT government body. Inspectors are currently employed by State and NT Local Government bodies.

New Zealand

Animal Welfare Act 1999

The Society for the Prevention of Cruelty to Animals New Zealand (SPCA) is a charity that aims to prevent cruelty to animals and alleviate their suffering while conducting education programs and advocating its policies.

It has a National Support Office and 45 branches and member societies across the country, such as SPCA Otago and SPCA Canterbury. The national office conducts major prosecutions that have national implications, handles Inspector training throughout the country as well as national education programs.

The branches investigate and deal with reports of cruelty and neglect, enforce the laws dealing with the treatment of animals (including prosecutions), assist in public education and look after animals in distress, including finding them a new home.

The branches conduct their own operations and finances. The larger branches have some paid staff but most rely on volunteers. Each branch has one or more Inspectors, who may be paid or voluntary, to investigate reports of cruelty and enforce the relevant legislation.

The Inspectors are appointed by the Minister for Primary Industries and are responsible to the Chief Executive Officer of the Ministry for Primary Industries in the exercise of the powers conferred on them by the *Animal Welfare Act 1999* (SS124, 126). The powers and limitations on the exercise of those powers are similar to RSPCA Inspectors. This includes the ability to enter property (except residences unless a warrant has been obtained) in order to inspect animals suspected of neglect or mistreatment, the seizure of animals, the requirement to produce identification and the humane destroying of suffering animals.

United Kingdom

Animal Welfare Act 2006

The Royal Society for the Prevention of Cruelty to Animals (RSPCA UK) is a registered charity in England and Wales and has as its vision “to live in a world where all animals are respected and treated with compassion.”

The *Animal Welfare Act 2006* specifies the powers of RSPCA UK Inspectors. These are: the serving of improvement notices to persons responsible for the care of animals who fail to provide the basic needs of the animals (food, space, care and treatment, housing); seizure of animals (other than those engaged in fighting) that are suffering and arranging for them to be treated or destroyed; entering a property (other than a dwelling) and applying for a warrant to enter and search a property for animals suspected of suffering cruelty or neglect; entering premises to check if persons with licences are complying with the terms of the licence and persons with registered activities (such as farms) are complying with the conditions of their registration.

These powers are broadly similar to RSPCA Victoria Inspectors, however UK Inspectors require Police assistance to gain access to properties and seize animals.

United States of America

The laws relating to the prevention of cruelty to animals are predominantly State laws that form part of criminal statutes/codes. There are also local laws that are enforceable within municipalities. These laws are generally enforceable by a variety of officers including police, local government and animal control/SPCA officers. In addition, the Federal *Animal Welfare Act 1966* deals primarily with the regulation of the purchase, sale, housing, care, handling and treatment of animals by carriers or by persons or organisations engaged in using them for research, exhibition or holding them for sale as pets or for any such purpose or use. This is generally enforced by officers of the United States Department of Agriculture.

Canada

In Canada, each province has its own animal welfare/protection law. It is, however, a crime in Canada to deliberately harm animals. People suspected of animal cruelty can be prosecuted under the Federal Criminal Code of Canada under sections 444 to 447. These provisions have been criticised by animal welfare groups as being out of date and historically, convictions have been difficult to achieve. Cases under the Criminal Code are usually investigated by community police or the Royal Canadian Mounted Police.

An example of the animal welfare law in Canada can be found in the province of Alberta. In Alberta, the Alberta Society for the Prevention of Cruelty to Animals (ASPCA) Peace Officers together with officers from other animal welfare bodies, are appointed by the Solicitor-General for Alberta and the Minister for Public Security to enforce its Animal Protection Act.

Peace Officers have the power to seize animals that have been abandoned or where the animal is suffering or suspected of suffering from neglect and the owner is not able to provide for the animal. The Officers may destroy animals deemed by veterinarians to be suffering. They may also enter properties or vehicles where they have reasonable grounds to suspect that an animal is in distress. Peace Officers are exempt from prosecution when performing their duties in good faith. In general, the powers of Peace Officers are similar to RSPCA Victoria Inspectors.

Prevention of Cruelty to Animal Organisations

From the examination of interstate and overseas counterpart animal welfare organisations, the role and powers of RSPCA Victoria Inspectors are broadly similar to those of their counterparts.

In addition, there are striking similarities between the organisations involved in the prevention of cruelty to animals examined in this Review. They tend to:

- be not-for-profit bodies that are involved in educating the community in the proper care of animals and the investigation and prosecution of persons involved in the neglect of animals and cruelty toward animals;
- provide care for animals that have been abandoned or injured or require a home;
- have inspection staff authorised by a State or similar law to enforce the prevention of cruelty to animals provisions of legislation;
- rely heavily on public and private donations for the conduct of their operations; and
- receive some government funding that, in isolation may appear significant, but is only a small proportion of the funds required to operate their services.

The inspection services have responsibilities to receive and investigate reports from the public and resolve the issue. The Inspector may find that the complaint is not supported by evidence, the owner may need some help or advice to properly care for the animal(s), there is evidence of neglect that requires a welfare or infringement notice or that the situation requires seizure of the animals and prosecution.

Key limitations on Inspectors to carry out their duties involve the nature and number of reports, the number of Inspectors available, the location of the properties and the complexity of the situations.

Recruitment and Training

Victoria

In Victoria the RSPCA had traditionally recruited Inspectors from the ranks of ex-military or law enforcement personnel. Over time the applicants have come from a variety of backgrounds with recruitment focussing on candidates with a combination of animal welfare and regulatory experience. Recruits now include former State and local government officers, veterinary practice staff, volunteers from the RSPCA and staff who have worked in its animal shelter.

There are no mandatory qualifications and applicants are assessed on their communication skills, physical fitness and maturity, as well as their commitment to animal welfare. However, the Inspectorate has identified specific skills that it strongly prefers applicants to possess and its selection process is geared to assess applicants against those required skills.

Successful applicants are put through a six month period of training involving working in the animal shelter, veterinary clinic, completion of training courses in defensive tactics, wildlife rescue, firearms handling and safety and on-the-job training working with an experienced Inspector. The training includes completion of official documentation and competence in the application of legislation in the field, use of enforcement tools, using existing programs and systems, such as Sheltermate.

In addition to the use of longarms (i.e. firearms fired from the shoulder) to humanely put down animals assessed as being in excessive pain, Inspectors are issued with extendable batons and are trained in their use.

Inspector salary packages range from \$76,536 per annum for Inspectors to \$98,309 per annum for Senior Inspectors (including \$12,660 for use of vehicle). The Inspectors are compensated for overtime and working on public holidays via a time off in lieu of payment arrangement.

New South Wales

NSW has at present a mix of personnel in its Inspector team. Approximately half of the Inspectors come from law enforcement or military backgrounds, whilst the others have veterinary, animal keeping/welfare and council backgrounds. It also has a mentoring program

for its animal attendant shelter staff and considers this program as a valuable source of suitably qualified applicants for Inspector positions. The mix of personnel allows for the sharing of information and expertise.

New Inspectors undergo training in emergency management in conjunction with NSW Police and complete the Certificate IV in Government Investigation together with certification in euthanasia from the NSW Department of Health. They receive initial training in the use of longarms, including tranquiliser guns, and are required to undergo retraining each year including a range test. They are also equipped and trained in the use of extendable batons for self-defence. The training includes a six month period where the appointee is mentored by an experienced Inspector.

The new Inspector is provided with selected jobs for the first twelve months. Team Leaders conduct a yearly review of Inspectors to identify training issues and actions are planned to rectify training deficits.

If needed, specialist training courses of one to two days are conducted by the Department of Primary Industry dealing with stock handling, sheep, horses, alpacas and goats. RSPCA NSW is the front line agency in emergency management events, such as fires, floods and storms involving animal welfare and evacuation. It also deals with all types of animals including livestock as part of its ongoing responsibilities.

On appointment, Inspectors are classified as Level 1 (\$53,699 per annum) and progress every 12 - 18 months to Level 4 (\$68,703 per annum), subject to the attainment of necessary qualifications and satisfactory performance and assessment.

Queensland

There are no mandatory qualifications for appointment as an RSPCA Inspector although the Certificate IV in Government Investigation is preferred. Positions are usually advertised on its website or on a commercial employment website. Applicants traditionally had come from areas such as police or the military but this has now changed to animal related professions such as veterinary nurse.

The selection process involves group interviews of between 15 to 20 applicants to observe behaviour and communication skills. Individual interviews are conducted and applicants also "ride along" with an Inspector to allow them to see first-hand the work

of Inspectors and for the Inspector to observe the applicants' reactions and behaviour.

Appointees are provided with training that includes six modules, experience in working in an animal shelter and four weeks accompanying an experienced Inspector. The modules include one module completed on-line and the others are classroom based, including scenario based modules. After completion of the training each Inspector is allocated a Region and is put through the Certificate IV in Government Investigation course. Inspectors are also put through the Diploma in Government Investigation conducted by Australian Security Services. Ongoing training is provided where needed and an annual conference is held where identified areas of interest are addressed by presentations from veterinarians and others with specialist expertise. Some Inspectors have particular areas of expertise or knowledge which is shared with the other Inspectors.

Rates of pay for Inspectors range from \$50,710 per annum to \$71,822 per annum for Senior Inspectors.

South Australia

Previously Inspectors had been recruited from law enforcement agencies. RSPCA South Australia (SA) now looks at people with a passion for animal welfare, including staff from its animal shelters who have good communication and people skills. The selection process includes an exercise in report writing after accompanying an Inspector for part of a day and an interview.

Appointees undergo an induction program involving office based systems, shelter experience, working in the veterinary clinic as well as the role of Inspectors and an ongoing mentoring program with experienced Inspectors. The appointee's performance is reviewed every two weeks with regular feedback provided. They are provided with selected jobs for their probationary period (six months). After 13 weeks, subject to satisfactory performance, applicants are recommended for authorisation by the Minister as an Inspector. Their performance is regularly monitored and reports and briefs are reviewed with feedback and assistance provided as necessary. A new electronic, formal, training planning system is being developed and a staff survey has been conducted to determine training needs and issues.

Inspectors are currently paid from \$55,981 per annum for Level 1 to \$67,406 per annum for Senior Inspectors.

Western Australia

Applicants have previously been recruited through advertising (commercial website and internal) with preferred applicants having good communication skills. Selection has involved an assessment day involving group discussions, exercises including information on Inspector duties, scenarios, written exercises and a panel interview. This is followed by individual interviews. A new graduate recruitment program is about to be introduced so all future applicants will have a degree as a pre-requisite for appointment.

Appointees are required to complete a Certificate IV in Government Compliance tailored for the RSPCA and a Diploma in Government Inspection. Following an induction process they are assigned a Senior Inspector as a mentor for an initial period of approximately eight weeks with ongoing assessment and training.

Current rates of pay range from \$63,526 per annum for Level 1 Inspectors to \$91,559 per annum for Senior Inspectors. (Note: the current RSPCA WA Inspectors Collective Agreement 2010 has expired and the rates of pay are now individually negotiated).

New Zealand

Inspectors are nominated by a local SPCA and are required to have completed a Certificate in Animal Welfare Investigations conducted by Unitec Institute of Technology. This is through a sponsorship scheme conducted by the Ministry for Primary Industries where all necessary fees are paid by the Ministry. The majority of the course is conducted via distance education over a twelve month period.

Inspectors may be volunteers or paid staff. Volunteers are available on-call or outside their normal working hours in their other full-time work.

Inspectorate Activities 2015

The following table provides an annual overview of the activities of the respective RSPCA State and Territory Inspectorates. There is considerable diversity across Australian jurisdictions in terms of history, legislation, geography, socio-demographics as well as in administration, policy and practice in relation to the broad spectrum of animal welfare. Some Inspectorates may prioritise criminal cases of cruelty (prosecutions) while others may prioritise lower level welfare cases (prevention and education).

This data is a snapshot of the volume of Inspectorate work. It does not include information on the nature, scale, complexity or severity of reports and prosecutions. It is important therefore not to use this data to compare the quality of performance of Inspectorate jurisdictions.

State	Inspectors	Cruelty Reports	Prosecutions
Victoria	20	10,740	69
NSW	30	15,555	89
Queensland	24	18,499	17
South Australia	8	4,953	60
Western Australia	15	16,506	28
Tasmania	6	3,017	31
ACT	3	2,235	9

Table 1: State and Territory jurisdictions (excluding the Northern Territory) by number of Inspectors, cruelty reports received and prosecutions undertaken

RSPCA Australia has statistics on the number of animal welfare reports and prosecutions over a number of years. The figures indicate that the increasing trend in animal welfare reports is not unique to Victoria.

Year	2011-12	2012-13	2013-14	2014-15
Reports	45,717	49,861	58,591	60,809
Prosecutions	206	358	236	274

Table 2: RSPCA Australia - National report and prosecution statistics

For RSPCA Victoria the number of reports has increased from 8,509 in 2012 to 10,740 in 2015 with indications that the 2015 figure will be exceeded in 2016.

NSW approach to prosecutions

RSPCA NSW shared information with the Review team regarding the benefits it has derived from the engagement of a brief handling officer for two to three days a week. The officer is a retired police prosecutor. This has had a major impact in improving the quality of prosecution briefs and the conduct of prosecutions and he has become an important source of advice and assistance to Inspectors. In addition, the appointment of a lawyer to conduct some prosecutions and act as instructing solicitor in other prosecutions where a barrister has been engaged, has provided additional advice and assistance to Inspectors in the preparation of briefs of evidence. The RSPCA NSW has a Memorandum of Understanding with NSW Police where Police prosecutors conduct the mention hearings² for RSPCA cases.

Other Recent Reviews

Western Australia - Animal Welfare Review, October 2015

This review was conducted by an independent panel appointed by the Western Australian Minister for Agriculture and Food to review aspects of the WA *Animal Welfare Act 2002*. It confirmed that the animal welfare models in all States are similar. In its report it examined and commented on the roles of Inspectors involved in animal welfare in WA. A number of those comments are relevant to RSPCA Victoria Inspectors.

These included:

- that prosecutions were needed when the education of individuals in animal welfare had failed or the offence warranted prosecution
- that inspectorate services need to operate in a manner that ensures that they are seen to operate independently in the administration of the animal welfare legislation; and
- that ongoing training of all Inspectors is essential to promote consistency of application of codes and interpretation of elements of the legislation.

2. A mention hearing is when a summary matter (i.e. a less serious offence tried by a judge alone) is first brought before a court and where, if the accused pleads guilty, the matter can be heard and determined.

United Kingdom - The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals - 24 September 2014

This review was commissioned by the RSPCA UK and conducted by Stephen Wooler CB, a former Chief Inspector of the Crown Prosecution Service Inspectorate. It deals primarily in the conduct of prosecutions by the RSPCA UK and has limited examination of the role of Inspectors. It does, however, suggest that RSPCA UK Inspectors be given powers similar to those of RSPCA Inspectors in Australia.

The review noted that the RSPCA UK had attracted criticism for a number of years about the relationships between its responsibilities of investigation and prosecution of animal cruelty reports, campaigning for law reform, direct welfare action and commercial activities. He considered that the RSPCA should in future work more closely with government and public sector counterparts.

Wooler found that there was a need for an in-house capacity for the management of cases that were referred to external solicitors to strengthen the independent element.

Ontario, Canada - Difference Makers: Understanding and Improving the OSPCA's Animal Cruelty Investigation Work 2016

This review was undertaken by Drs. Kendra Coulter from Brock University and Amy Fitzgerald from the University of Windsor.

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) is a non-profit charity and primary body responsible for enforcing provincial and federal animal cruelty legislation in the province of Ontario.

The intent of the study was to:

- a) build understanding of the realities of animal cruelty investigation work and workers, and
- b) identify specific steps to improve the quality and effectiveness of animal cruelty investigations.

The review was conducted by way of an on-line survey of staff involved in investigating animal cruelty cases, focus groups with officers and an analysis of policy and financial data. It found that:

- most officers work in the field alone
- some officers are responsible for large geographic areas
- they are not equipped with radios and some regularly enter areas without cell phone service
- officers are not able to access data in the Canadian Police Information Centre prior to an investigation and rely primarily on the information provided by the person making the complaint
- a majority of OSPCA investigations officers are women
- the work exposes them to extreme physical, psychological and emotional demands
- most officers go to great lengths to find compassionate solutions to issues
- officers expressed a desire to help animals as the reason for them joining the OSPCA; and
- officer pay is substantially lower than law enforcement work such as police, conservation and wildlife.

It concluded that the working conditions of OSPCA officers need to be improved for their own safety and wellbeing.

The information provided by OSPCA officers to the Canadian review is similar to the that provided by Victorian staff to our Review and indicate that the challenges faced by the RSPCA are not unique.

Chapter 2: Public Submissions

In announcing the Review on 25 May 2016, the RSPCA stated that it was committed to being transparent and accountable about how the generous donations from the community and government funding are used. The RSPCA said that it believed all organisations are obliged to regularly review how they work and to improve their effectiveness and efficiency. The four terms of reference were described and members of the public were encouraged to make submissions. An online submission process was established which was accessible from a link on the RSPCA home page. People were advised that their (confidential) submissions may contain facts, opinions, arguments or recommendations.

The announcement included the following statement:

IMPORTANT: All submissions are made in full confidence, will not be made public and will only be seen by the independent review team to ensure the individuals' privacy is protected. The online submission site is secure site and is suitable for uploading sensitive and confidential material.

People were encouraged to read recent RSPCA Annual Reports to help inform their submissions. Links to the 2013, 2014 and 2015 Annual Reports were provided on the RSPCA home page. The telephone number and email address of the Independent Review of RSPCA Victoria Inspectorate (IRRVI) were also provided. Submissions were accepted over a six week period closing on Friday, 8 July 2016. The Review received comprehensive media coverage, particularly across regional and rural Victorian print media right up until submissions closed.

Apart from a few initial minor technological problems which were quickly resolved, the submission process worked effectively. All submissions were received directly by IRRVI and no breaches of security are known to have occurred. A number of individuals (34) requested permission to provide hard copy submissions either by email or via post. All requests were approved. A number of individuals and organisations sought extensions to the submission deadline. All requests for extensions were granted. Although the link was deleted from the website on 8 July 2016, the online survey was maintained until Friday 29 July 2016 and those making late submissions were provided with a link directly to the survey. Twelve submissions were accepted after the closing date.

Week Ending	Received			Organisations	Individuals				Cumulative Total
	Online	Hard Copy	Total		(Anon)	(RSPCA)	(Other)	Total	
3 June	15	-	15	-	5	1	9	15	15
10 June	3	-	3	-	1	1	1	3	18
17 June	18	7	25	2	5	7	11	23	43
24 June	6	2	8	-	1	1	6	8	51
1 July	15	13	28	8	8	4	8	20	79
8 July	4	6	10	4	1	-	5	6	89
29 July	4	8	12	6	1	2	3	6	
Total	65	36	101	20	22	16	43	81	101

Table 3: Submissions received by the IRRVI

Key themes

In general, anonymous submissions (22/101) were shorter and more single-issue focussed than others. A very small number were abusive and appeared to be related to current or recent investigations. As advised earlier in this report, any submissions received that related to current investigations were referred to the Chief Operating Officer for action as required, while maintaining the anonymity of the individual making the submission. This occurred on three occasions during the Review process. The majority were positive, well informed and generally well intentioned. Several submissions called for more Inspectors, resources and powers, more prosecutions and heavier penalties. There was also a view that the number of prosecutions could be increased and the processes improved. The absence of the provision of feedback to complainants was raised as was the limited expertise of Inspectors in relation to equine management. A suggestion was made to introduce licences for pet ownership and to use local rather than Burwood based veterinarians as well as having more local police, council, Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and Department of Environment, Land, Water and Planning (DELWP) officers active in matters of animal cruelty.

One respondent was concerned at the extreme length of stay in shelters for animals subject to court proceedings. This person proposed that the changes should be made to enable fostering of such animals. Another submission recommended realigning Inspectors' areas to match workloads, strengthening reports information, allocation and prioritisation processes, becoming more proactive and less reactive and adopting contemporary human resource management approaches such as part time/job share opportunities for Inspectors.

Staff and Volunteers

There were not a lot of internal (staff/volunteer) RSPCA submissions (16/101). Many staff did, however, take advantage of the opportunity to meet directly with the Review team. Volunteers were mainly concerned at ensuring that the public were more aware of the individuals found guilty of animal cruelty offences and recommended harsher penalties. One volunteer recommended strengthening the relationship between all POCTAA authorised officers of the State, prioritising action to the most serious cases and having the Director of Public Prosecutions (DPP) prosecute all court matters. Staff also raised concerns in relation to length of stay in shelters for animals subject to court proceedings and the need for more Inspectors and resources to be dedicated to the Inspectorate generally. Another submission highlighted the complete underutilisation of approximately 3,300 RSPCA volunteers in Inspectorate support roles. The volunteers were described as an untapped existing and potential future resource (with appropriate training, supervision and management support) to assist the Inspectorate.

Workloads were described as very high and unevenly distributed across the State. There were also concerns expressed at the lack of internal cohesion within the RSPCA in relation to the Inspectorate functions. One survey respondent stated:

I am concerned that the way the Inspectorate is currently operating is not sustainable and that major change is required to protect the Inspectors, the reputation of the organisation and the welfare of the animals it serves.

Workplace health and safety conditions were raised in terms of Inspectors' safety. The need for more flexible conditions of employment was also raised. Recruitment, training, professional development, retention, information, opportunities for advancement in a currently flat structure, intelligence, systems, triaging, prosecutions, positive media, supervision and management were all identified by staff as areas requiring attention and improvement. Recidivism, hoarding and horse reports were mentioned as particular areas of concern. Current office accommodation for the Inspectorate at Burwood was described as inadequate.

Organisations, Local Governments and State Government Department

Twenty submissions were received from organisations. Most of the organisations were animal welfare focussed, two were municipalities, two were from legal firms, one was from a State government department, one was a joint submission from two hunting associations and one was a peak group representing volunteers who made an offer to work with the RSPCA to assist directly with Inspectorate functions. Several examples of agencies that use volunteers in operational service delivery roles were provided such as the Country Fire Authority, the Office of the Public Advocate, Lifeline, Surf Life Saving and the Asylum Seekers Resource Centre. The submission emphasised the significant range of professional and life skills that recently retired and part time employees can bring to organisations in a voluntary capacity. Their distribution across communities and linkages to other community groups provides a great opportunity for engagement in locally based prevention and community education programs. Other organisations also identified opportunities for volunteers to assist in Inspectorate functions.

Both municipal submissions noted the disjointed arrangements for addressing animal cruelty in Victoria with a number of authorised agencies operating in isolation, apart from occasional joint operations on large and complex cases. These concerns were picked up by other organisations expressing confusion at the number and role of agencies active in animal cruelty. They state that there is no shared strategic approach or any centralised database of animal cruelty. Neither Councils have RSPCA Inspectors based in their areas. Responses to reports were seen to be slow and feedback non-existent. Both Councils were very keen to build stronger strategic relationships with the RSPCA (and other POCTAA authorised officers) and develop proactive early intervention, prevention and education approaches to animal cruelty at the local level.

The departmental submission confirmed the increasing trends in animal reports in Victoria over recent years which the department attributed largely to a combination of changing public expectations towards animal welfare and the increased use of social media

to raise awareness. There appears to be a particular increase in reports related to horse welfare to the extent that consideration may need to be given to licensing owners or registering horses similar to current requirements for domestic cats and dogs. The joint hunting associations' submission primarily expressed concern at the RSPCA's perceived conflict of interest between public activism for animal rights and enforcing laws of animal cruelty.

Almost all submissions from organisations expressed praise and admiration for the Inspectors. The high workloads, limited resources and often dangerous nature of their roles were universally acknowledged. Some organisations did not think that the scale and scope of animal cruelty had necessarily increased. Their view was that with new technology, social media and more organised and committed animal rights activists, more cruelty is being exposed and the public are increasingly more aware than in the past. There was also a view expressed that actual levels of animal cruelty are significantly under-reported, particularly in commercial animal production and scientific testing. There were suggestions that Inspectorate workloads are in fact manageable if all positions were operational and reports were more closely screened for non-cruelty matters. Organisations also expressed concern at the length of time animals spend in shelters during prosecution cases. A very small number of organisations were critical of the RSPCA's inability to fulfil its enforcement role, particularly in a timely manner, which is seen to have damaged the reputation of the RSPCA as a whole. There were also suggestions that the RSPCA needs to improve the community understanding and appreciation of its enforcement role.

Most agencies expressed a commitment to work with the RSPCA to assist the Inspectorate to improve its operations. All organisations expressed concern at the RSPCA's perceived conflict of interest as a "charity" that is both an animal rights activist and a law enforcer. This conflict was also perceived in the RSPCA endorsement of various brands of animal product where the potential for cruelty to be present in the production process chain was seen to be highly likely. Some organisations expressed a strong view that the RSPCA should discontinue the enforcement role and focus solely on

animal care. Others believed that the State should provide more Inspectors and funding to enable the RSPCA to fulfil its enforcement responsibilities appropriately. There were also suggestions that Victoria Police should take on more of the workload via the establishment of a specialist animal cruelty taskforce. Most organisations promoted the idea of an Independent Office of Animal Welfare for Victoria based with the Department of Justice and Regulation to avoid conflicts of interest including a perceived conflict of interest for DEDJTR regarding commercial animal production and scientific testing.

Prosecution briefs were universally described as of a very high quality, however concern was expressed at the absence of financial indemnity for the RSPCA in Victoria. It was suggested that this is the reason for the very low number of cases prosecuted, expressed as less than one percent of all reports. Prosecutions were seen as very successful, however there is a belief that many more serious cases could be successfully prosecuted and the decisions publicised more broadly to the public. This invited the expression of terms such as “justice delayed is justice denied” and “justice must be done and also be seen to be done”.

There is a belief among most agencies that current responses to animal cruelty do not meet community expectations and there is a need for legislative change. One organisation believed that all municipalities should have POCTAA authorised officers. Another identified a link between family violence and animal cruelty and suggested closer arrangements with Victoria Police to investigate this as well as extending the range of enforcement options to include on the spot fines for minor infringements. There was also concern at the inability of the RSPCA to provide comprehensive statewide cover and to deliver locally based community education and prevention programs. There is a generally held view that reports only represent the tip of the iceberg in terms of the actual incidence of animal cruelty across Victoria. Workloads, triaging reports, accessing specialist expertise (eg equine) and working more collaboratively with others were all ideas that were expressed consistently in organisational submissions.

Individuals

The largest single category of submissions came from individuals (81/101), although a significant number of these individual submissions (15) were identical in content and recommendations to one animal welfare (organisational) submission which calls for the establishment of an Independent Office of Animal Welfare for Victoria. This is an initiative also proposed in other submissions. A small number of submissions were from individuals who had recent unsatisfactory contact with Inspectors. They suggested that the RSPCA should be stripped of its enforcement authorisation. Others stated that they believed the RSPCA was compromised in its enforcement role which conflicted with its core animal welfare beliefs and values. There was a perspective expressed that the RSPCA is attempting to be all things to all people and therefore does none of these things well. There is a view also that there is too much emphasis on prosecution and not enough on prevention, education and compliance monitoring. There were contrary views that the RSPCA is now so animal rights focussed that it is difficult to differentiate it from groups such as Animals Australia.

The most common concerns from individuals could be described as related broadly to reports management. Specifically, this included the absence of any feedback to complainants, slowness in acting on reports and low equine expertise. This translated into a number of specific suggestions, particularly the need for more funding and Inspectors (especially regionally) with more power, training and co-operative arrangements with relevant local agencies, especially local government and Victoria Police. Many individuals believed there should be a special Victoria Police animal cruelty unit with responsibility for all prosecutions. There were also many suggestions to increase penalties for animal cruelty offences and review the legislation generally to bring it up to date with contemporary community expectations. A number of submissions pointed to the need for more community and school based education programs and the potential for volunteer involvement in such activities. The use of formal registers was also discussed in terms of offenders and breeders including suggestions that all domestic animal owners be licensed and registered. Concern was also expressed in several submissions in relation to on the job safety for Inspectors.

Summary

The public submission process produced a wealth of observations, views, concerns, and ideas from a very diverse range of individual and organisational perspectives. Submissions were relatively evenly distributed between foci on animals, Inspectors and organisational arrangements. In relation to animals, there is a view among many that reports represent only the tip of the iceberg in relation to the actual incidence of animal cruelty. Prosecution levels are perceived to be too low with penalties seen as too lenient. There is concern among many people at the length of time that animals subject to court proceedings spend in the shelter environment. There is also a view that the significant number of RSPCA volunteers could be more actively assisting the Inspectorate, as well as delivering more community based education and support programs to the community related to animal welfare matters generally.

There is widespread admiration for the Inspectors themselves and real concern for their wellbeing due to a number of matters including high and inequitable workloads, long distance driving, increasing reports, more complex and larger scale cases and inadequate skill levels. The overriding concern is for their safety in the field where they often attend reports on their own in remote locations, at times without radio or mobile telephone reception, where the potentially volatile characteristics of the persons of interest that they are visiting may be entirely unknown to them.

Many people describe the legislation and administration of animal cruelty in Victoria as complex and confusing with a large number of departments, councils, industries and agencies fulfilling a range of overlapping and interdependent roles and responsibilities. RSPCA is seen by some to contribute to this itself as a result of its broad span of interests from public activist on the one hand to law enforcer on the other. This matter is addressed in more detail elsewhere in this report. This led to a number of submissions recommending that the RSPCA discontinue the (government) enforcement role and focus on the (charitable) welfare role. Alternative models to achieve this included creating an animal cruelty task force within Victoria Police or an entirely Independent Office of Animal Welfare within the Department of Justice and Regulation as discussed earlier.

Chapter 3: Key Stakeholder Interviews

A total of 57 stakeholders were identified for engagement in the review process. On 26 May 2016, the day following the announcement of the Review, the Senior Reviewer wrote to all stakeholders providing contact details, terms of reference and encouraged them to make a submission to the review. Thirty were deemed to be key stakeholders and in addition to making a submission they were invited to meet with the Review team to discuss issues relevant to the terms of reference. Key stakeholders comprised a number of local government councils, State Members of Parliament, State Government departments and agencies, racing industry associations and a number of animal welfare organisations. Stakeholders invited to make written submissions included RSPCAs from all Australian States and Territories, a range of animal welfare, wildlife, veterinarian and farming organisations.

On Thursday, 16 June 2016 a half day workshop was conducted with Inspectorate staff focussed on exploring the Review's terms of reference. The Review team also spent time with staff in the Inspectorate office examining systems and processes. Eighteen interviews were conducted with key stakeholders between Monday, 27 June and Tuesday, 2 August 2016. Thirty interviews were also conducted over the same period with RSPCA board members and staff making a total of 48 interviews (including 21 Inspectorate staff).

Animal Welfare Organisations

The overriding concern of animal welfare organisations with whom we met is that significant animal cruelty exists which is not reported. Relationships with the RSPCA were described as long standing and productive. Organisations believe that the public perception of the RSPCA is increasingly poor and unreasonably so. There is widespread concern however that there are insufficient Inspectors across the State. Inspectors' powers are seen to be inadequate as are the penalties imposed by courts for cruelty offences. Action on reports is perceived to be too slow and feedback to complainants almost non-existent. Many animal welfare agencies receive calls from members of the public dissatisfied with the RSPCA response to their reports, usually related to the absence of any feedback to their concerns. Concern was expressed that the Inspectorate appears to have lost many excellent staff in recent years.

The legislation was described as out of date and no longer representative of community expectations regarding animal welfare. Administrative arrangements are described as complex and confusing with enforcement roles and responsibilities spread across a range of authorised agencies. There were suggestions that far greater co-operation is required with councils which have animal registration and inspection responsibilities under the *Domestic Animals Act 1994*. Some councils also have staff authorised under the POCTAA.

There is a view among these organisations that community concern for animal welfare has historically been championed by non-government and charitable associations, while justice can only be delivered by government. There is a perception that the RSPCA as both a charity and law enforcement agency has an inherent conflict of interest which compromises its Inspectorate function. Conflict of interest is also perceived to exist in DEDJTR where the Department is seen to be compromised between economic viability considerations of commercial primary production and animal cruelty. This led to suggestions for a much enhanced role for Victoria Police in animal welfare via the establishment of an animal cruelty taskforce or ultimately the creation of an Independent Office of Animal Welfare for Victoria. The views expressed by organisations interviewed correlated strongly with submissions received from other organisations.

Local Government

There is support generally among councils with whom we met for stronger co-operation and linkages with RSPCA Inspectors whom they acknowledge are Victoria's pre-eminent animal cruelty experts. This comment was repeated by other key stakeholders, particularly government departments with authorised officers and racing industry bodies. Opportunities for compliance and enforcement officers to share knowledge and conduct joint training and awareness exercises with other regional departmental POCTAA authorised officers occur at quarterly regional forums of council compliance officers conducted in some parts of the State. Councils would welcome RSPCA Inspectorate participation in such meetings.

Relationships with councils vary across the State depending largely on accessibility of RSPCA Inspectors. Many councils have not had locally based Inspectors for several years. Relationships can be ad hoc but reportedly work well whenever joint operations are required where the expertise of RSPCA Inspectors is highly valued and appreciated. Several councils offered to embed RSPCA Inspectors within council offices where such a model may prove beneficial to both agencies. Councils regularly observe inconsistent community perceptions of what constitutes animal cruelty and estimate that up to 50 percent of reports that they receive do not constitute cruelty. There is also a perception that cruelty is more often detected during unannounced, rather than routine, council inspections of premises. Although some councils do have POCTAA authorised staff there is a general feeling that this is an RSPCA and not local government role.

Councils shared the opinion of animal welfare organisations that POCTAA operations are complex and confusing without any overarching network, consultative or information sharing arrangements in place. This was seen to be particularly problematic in relation to those matters finely balanced between welfare (education and support) and cruelty (enforcement). This was expressed as a need to... *“all be singing off the same song sheet”*. Councils believe that the State has responsibility to ensure a more integrated approach to POCTAA application especially in relation to local training and development practice for authorised officers and at regional and State level across departments and agencies in relation to policy and legislation. There appears to be significant goodwill between councils and Inspectors in the field and potential for enhanced (formal) working relationships between the RSPCA and councils.

State Government and its Departments and Agencies

Elected Members of the Parliament of Victoria expressed concern at the RSPCA's conflict of interest in being both an agent of government as an authorised law enforcer and an activist against lawful behaviour supported by government (such as hunting and jumps racing). Uncertainty was expressed at the ability of the RSPCA to regain the trust of government and to ensure that sufficient “Chinese walls” exist between enforcement and advocacy roles within the organisation (see Chapter 5: Advocacy versus Activism).

All government departments interviewed expressed serious concern for the welfare of RSPCA Inspectors, particularly in relation to operating alone when investigating reports in an area increasingly involving organised crime. Inspectors are held in very high esteem by their fellow POCTAA authorised officers and are clearly recognised as experts in animal cruelty. All departments recognise the complex arrangements that exist in Victoria in animal cruelty and that these relate to their broader areas of responsibility - for example, Victoria Police with extensive, society-wide crime, safety and security responsibilities; DELWP in relation to ecology and native wildlife; and DEDJTR in economic primary production and exotic diseases. All are firmly committed to strengthening working relationships with RSPCA Inspectors. Opportunities to establish regular meetings, training, information sharing and joint surveillance and operations were considered critical to improving animal welfare outcomes in the State.

Departments believe that the RSPCA needs to decide whether it wishes to focus on working with the State in preventing cruelty to animals, or continue to actively campaign against lawful activities. Some departments regret that the RSPCA is not more active in using their superior expertise in understanding, interpreting, detecting and proving cases of animal cruelty. This would enable them to promote and ensure improved animal welfare outcomes in existing legal activities such as hunting, rather than simply actively campaigning against them. This is described by some departmental representatives as an enforcement agency picking and choosing what it will regulate. Departments with responsibilities that include animal welfare considerations are seeking more active engagement by the RSPCA in improving animal welfare outcomes in these areas of existing legal activity. This important matter is comprehensively addressed in Chapter 5: Advocacy versus Activism.

The complex roles and responsibilities in relation to POCTAA were reiterated by Victoria Police who also stated a strong commitment to work more collaboratively in future with all key state agencies to deliver multi-agency solutions. More than any other state agency interviewed, Victoria Police both recognised and responded to the extreme risks associated with the existing RSPCA approach to investigating animal cruelty. Officer safety is of paramount concern and influences every element of policing in Victoria. Victoria Police has also observed

an increase in the involvement of organised crime in a range of activities often associated with animal cruelty.

Statistics from Victoria Police reinforce the data from all other agencies of a continuing trend of increased reports of animal cruelty reports. Victoria Police initiated proceedings in relation to 133 cases of animal cruelty in the twelve months to April 2016. The need to address prevention and community education in addition to enforcement was also identified, particularly in an increasingly multi-culturally diverse community. Modern information communication technologies as the basis of a secure case management system are seen as fundamental to improved and successful law enforcement. Resources must be invested in strategic intelligence gathering and analysis to ensure officer safety and security in the future. Victoria Police offered to provide practical support to the RSPCA to establish a more integrated intelligence led model of law enforcement. Specific details of these particular offers are discussed in more detail elsewhere in this report.

Victorian Racing Codes

All Victorian racing codes' governing bodies have reformed their approach to racing integrity in recent times. Each code now has a dedicated integrity unit comprising inspection and investigation functions. In 2015, an independent review of the integrity functions of Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria (the Bittar Review) was conducted. The Review consulted with the industry and developed recommendations to enhance collaboration between the codes, provide greater transparency of integrity services functions and consider the separation of integrity functions from commercial operations. In part, the Review recommended the establishment of a new body, the Victorian Racing Integrity Unit (VRIU) to deliver integrity services for the three codes of racing. The Victorian Government accepted this recommendation in principle and committed to work in partnership with the industry to implement this recommendation over two years.

The codes prefer to adopt a prevention and education approach to regulation over compliance and enforcement. They tend to see the RSPCA as more reactive and less proactive in this regard. They would welcome working more closely with the RSPCA on shared cases of interest before enforcement action is taken. All acknowledge and adopt a whole of life

approach to animal welfare, before, during and after the competitive racing phase of animals' lives. In recent times in particular, much greater attention has been given to managing animal welfare after they finish racing through rehoming and adoption programs. The codes are all keen to develop closer working relationships with the RSPCA Inspectorate. The status of formal MOU's with the RSPCA appears to be variable across the codes that generally recognise that a positive relationship with the RSPCA is clearly beneficial to their industry. This view, however, is not necessarily shared by connections within their industries, many of whom see the RSPCA as actively opposing their sport. The codes regulatory regimes are often primarily driven by the need to eliminate the use of illicit drugs and potential collusion between competitors. Nonetheless, their unannounced presence at breeding and training facilities across the State can uncover cases of animal cruelty. These (relatively small number of cases) are usually referred to the RSPCA for attention.

All codes recognised the need to improve relationships with the RSPCA. In particular, this includes ensuring that information regarding alleged cases of animal cruelty is shared between agencies to achieve the best possible outcome. Each code is utilising the same secure case management information technology system (Redshift) which enables easier sharing of information and intelligence. The same system is currently used by the Office of the Racing Integrity Commissioner and several State government departments where information security is paramount. Offers were made by some of the codes to assist the RSPCA to develop, adapt and adopt this system if the RSPCA chose to do so.

Staff

Retention and Workloads

Inspectorate staff (current, former and those on leave) were both forthcoming and forthright in sharing their concerns and aspirations for their roles with the Review team. The current number of active staff is well below full establishment (27). In recent years recruitment to vacant positions has been extremely slow. Some regional positions have remained (or remain) unfilled for several years. Workloads and stress levels were raised as an issue, particularly among less experienced staff. Since 2013 staff have been leaving at the rate of almost 25 percent per annum. From 1 April 2015 until 31 March

2016, one third of staff left. At the time of conducting this review, almost 60 percent of the Inspectorate staff have less than five years experience. This is the number of years generally agreed to be required to be fully competent. In interviews with staff, this loss of experienced and highly valued staff in recent years was universally expressed as the biggest problem currently confronting the Inspectorate.

Staff provided many possible explanations for the exodus of their colleagues. Workloads are very high and the numbers of reports are increasing each year which is often described as being driven by increasing social awareness and the use of social media. The reports management system is described as totally inadequate with often poor quality or incomplete reports allocated directly to Inspectors without involvement of senior managers or any form of prioritisation or triage. There is no ability currently to conduct comprehensive intelligence analysis on reports. Attempts to have a number of serious quality concerns addressed by the call centre have been unsuccessful.

Up to 50 percent of reports do not constitute animal cruelty under POCTAA. There is a mismatch between public expectations and Inspectors' powers and responsibilities. The Sheltermate system is an adapted animal shelter management system, not an investigation case management system. It cannot be encrypted and therefore is not secure. Staff find it impossible to get on top of incoming work. All have substantial backlogs of cases that have been awaiting prosecution for many months. Case notes and paperwork generally are often neglected. Inspectors feel like they are operating on fast forward. They are entirely reactive rather than proactive. This makes them anxious that they will make mistakes and be unsupported by the organisation if they do. They feel isolated from the broader parts of the RSPCA and uncertain about how their enforcement role fits with the organisations' activist campaigns.

Training

Recruits spend six months learning on the job and are then given an area to manage, often working alone. There is no standard investigation or prosecution training. There is no certified (Certificate 4) level training. There is no training manual or skills inventory that is regularly maintained. There is no culture of formal supervision and support to Inspectors in the field. Senior Inspectors are seen to be too busy to provide supervision. Many staff, especially new staff feel unsupported, vulnerable and lack confidence in their roles.

Salary and Conditions

Salary and conditions are believed to be well below all comparative fields in Victorian State and local government agencies. There is no paid overtime and part time or job share employment is not supported. Hours are long and distances are great in rural areas. There are significant workplace health and safety concerns for Inspectors, especially when they are sent alone into isolated or remote locations, often where there is no radio or mobile telephone coverage with limited information available on the person of interest. In terms of equipment, staff were generally satisfied, recognising that electronic tablets were to be provided soon although there was a suggestion that body cameras should be worn. This would be helpful in terms of evidence collection, safety and for training purposes. There are extremely limited career path opportunities with a very flat structure of a Manager, four Senior Inspectors and Inspectors.

Almost unanimously the Inspectors acknowledge that just more Inspectors alone will not fix the problems which are largely systemic and organisational. Opportunities to develop strategic approaches to managing workloads are given a lower priority than the operational imperative of dealing with the number of reports. They feel undervalued by the organisation. The East Burwood accommodation is extremely overcrowded, noisy, poorly designed and unsuited to contemporary Inspectorate functional requirements. There is a clear need to ensure that strong systems and processes support the orderly operation of the report intake and allocation area which includes radio operations. Relationships are strained both within the Inspectorate and between the Inspectorate and the broader RSPCA.

Although there are clearly many major concerns especially in relation to health and safety, the Inspectors are all extremely passionate about their role. Individuals seem to survive on their wits. Some have developed strong informal relationships with others (adjacent Inspectors, local government officers, police etc) that enable them to remain "relatively" safe. Others have highly developed protective behaviours gained from decades of human interaction in the role with the specific persons of interest demographic. All want to continue in their role that they value highly and generally believe that if all positions were filled with a more stable, experienced and supported workforce then their role can be managed.

Possible initiatives

The establishment of formal structured supervision and support especially for regional staff, career path options, specialised training especially for investigation and prosecutions, information and referral, feedback to complainants and the ability to be more proactive and less reactive were all acknowledged as critical elements of a future model. Regional boundaries were established many years ago and there is a need to review these, especially to achieve a more equitable distribution of Inspectors' workloads. There is also a belief that much of the work done in the unit (human resources, information technology, fleet management etc) should be carried corporately by the broader organisation. A range of other initiatives were also considered worthy of consideration in easing the demand on Inspectors, such as the potential for volunteers with adequate selection, training and support, to be actively engaged directly in assisting with some specific Inspectorate functions and the introduction of infringement notices as an additional tool in preventing animal cruelty. These initiatives were consistent with the views expressed within public submissions received. Stronger local and regional relationships and partnerships with other authorised officers, agencies and departments were also seen as important for the future.

Board Members

The RSPCA Board has indicated that the workplace health and safety of its Inspectors is a top priority matter. The Board has expressed a commitment to ensuring that workplaces and practices comply with all legislative and regulatory requirements. The role of Inspector is acknowledged as highly conflicted between public expectations, resources, government policies and legislative powers. In addition to staff safety concerns, the Board is concerned that current workloads and approaches may prevent Inspectors from following up on cases that are worthy of deeper investigation or intervention. There is an acceptance that the Inspectorate function is critical core business for the RSPCA. It is seen as an integral component of overall RSPCA responsibilities. The relationship between seizure and shelter of animals is also a demanding and complex consideration for the RSPCA which needs to ensure the best possible (short term shelter) outcomes for animals

that have been subjected to cruelty. The board is clearly committed to fulfilling the authorised officer role under POCTAA and considers that it is in the best interest of the State of Victoria to have a capable and competent RSPCA Inspectorate.

Summary

In general terms, interviews with stakeholders were consistent with public submissions received. There is admiration for the Inspectors especially from authorised officers in other fields and there is genuine concern for their safety and wellbeing when working alone with limited information and intelligence. Although funding and numbers of Inspectors were raised consistently in public submissions, this level of concern was not necessarily supported in interviews with stakeholders nor the Inspectors themselves. Funding was one of the lower levels of concern expressed in interviews. Most staff believe that if all available positions are occupied and retention and management systems and supports are improved, the number of Inspectors is possibly adequate to deal with the current level of cruelty reports.

Following consideration of public submissions and interviewing key stakeholders, the Review team firmly believes that the existing Inspectorate model is unsustainable without significant reform. Major concerns arise in relation to accommodation, structures, systems and processes. There are critical case management quality concerns in particular regarding reports, officer safety, supervision and prosecutions. Other matters which arose consistently in interviews were the need for stronger local, regional and statewide partnerships and agreements, more feedback to complainants, a potential role for volunteers, more equitable distribution of workload and greater regional presence.

The Review has carefully considered all of the issues raised in public submissions and interviews with key stakeholders. This extensive consultation process has provided the Review team with a comprehensive knowledge base on which to consider necessary reforms. The reforms identified by the Review team are expressed as either findings or recommendations as part of discussions under the specific terms of reference in this report.

Chapter 4: Responses to the Review Terms of Reference

Term of Reference 1 – Scale and Scope of Reports

Describe the scale and scope of the animal welfare and cruelty reports in Victoria.

It is extremely difficult, with any degree of certainty, to determine the scale and scope of animal welfare and cruelty reports in Victoria due to a range of factors. In addition to the RSPCA Inspectorate, reports are currently received by three separate government departments including Victoria Police, the Game Management Authority, three racing codes and up to 79 local government councils. Data definitions, categories and reporting processes have changed over time and are inconsistent across these agencies. Current RSPCA data definitions were adopted in 2013.

Nonetheless, in addition to the RSPCA reports, the Review team obtained data in relation to animal cruelty reports from the three other key Victorian agencies authorised under POCTAA. Although it is not possible to directly compare the data for the reasons outlined above, all agencies are experiencing increasing levels of animal welfare reports. The RSPCA has experienced a 15 percent increase over the past three years. Data received from other enforcement agencies, via submissions and interviews, indicate similarly increasing trends. This is by no means unique to Victoria. Data provided by RSPCA Australia (see Table 2 on page 22) indicates an increase in reporting of 25 percent over four years. Trends in the overseas countries researched for this report also generally reflect the Australian experience.

It is not possible to determine whether increased reporting indicates an increase in the actual incidence of animal cruelty. There is a broadly held view that increasing public awareness, emerging environmental sensitivity and the use of social media are all contributing to increased levels of reporting. There is no statistically reliable data available on animal welfare and cruelty outside of recorded reports.

Individual reports often relate to multiple animals for which there may be a number of offences. Examination of the data that was available for the Review also

indicates the likelihood of multiple reporting of the same complaint to various agencies over time. Seasonal conditions also have an impact with larger numbers of reports received in relation to livestock during times of drought. Due to the disparate approach to data collection, it is currently not possible to comment authoritatively on the nature of reports in terms of types of animal, forms and severity of cruelty and perpetrator profiles. There is no centralised statewide database of reports. This makes detailed examination and analysis of the data, particularly in terms of scale and scope, extremely difficult at this point in time.

Animal cruelty is defined under the POCTAA, however there is no specific agreed definition of animal welfare. It is clear from the evidence obtained by the Review team that a significant number (up to 50 percent) of cruelty reports across the State do not meet the POCTAA definition of cruelty. These reports relate to a broad range of matters that can fall within other legislation, such as the *Domestic Animals Act 1994*. Motivations of individuals for reporting crimes and offences are based upon a range of human emotions and desires. Cruelty to animals is no different. It is apparent upon the investigation of many reports by the RSPCA that animal welfare is not always the central concern of the complainant.

In relation to the RSPCA, which records by far the largest number of reports in Victoria, there is currently no process in the intake phase of reports management to reject reports which do not meet the legal definition of cruelty under the Act. Such an approach is common practice across other investigative agencies. The classification of “not substantiated” is used by some agencies to classify, quantify and then refer as appropriate to other agencies, allegations which fail to meet legal definitions.

The actual incidence of animal welfare and cruelty is difficult to determine. There is a widely held view that far more animal cruelty exists than is actually reported. Most agencies also believe anecdotally that there is an increasing level of organised crime involvement in cruelty to animals in activities such as animal fighting and trafficking. Due to the increasing number of reports, much of the approach to enforcement is reactive and not proactive. It is likely therefore, that the actual incidence of animal cruelty is higher than current rates of reporting indicate.

As discussed elsewhere in this report, there is a real opportunity for the Inspectorate to engage directly with other agencies, including Victoria Police, in the sharing of information and intelligence. This would support more proactive investigation of animal cruelty and provide a more complete picture of the scale and scope of animal welfare and cruelty in this State.

Regardless of the relationship between the actual incidence of cruelty and cruelty reports, the increasing trend of reporting to enforcement agencies is positive. The Review team firmly believes that Victoria will be in a far better position to understand animal welfare and cruelty once the recommendations contained within this Report, particularly those related to data management and operating models, are implemented by the RSPCA.

Term of Reference 2 – Resourcing and Funding

Analyse resourcing and funding levels, and if appropriate, recommend alternative operating, funding and resourcing models.

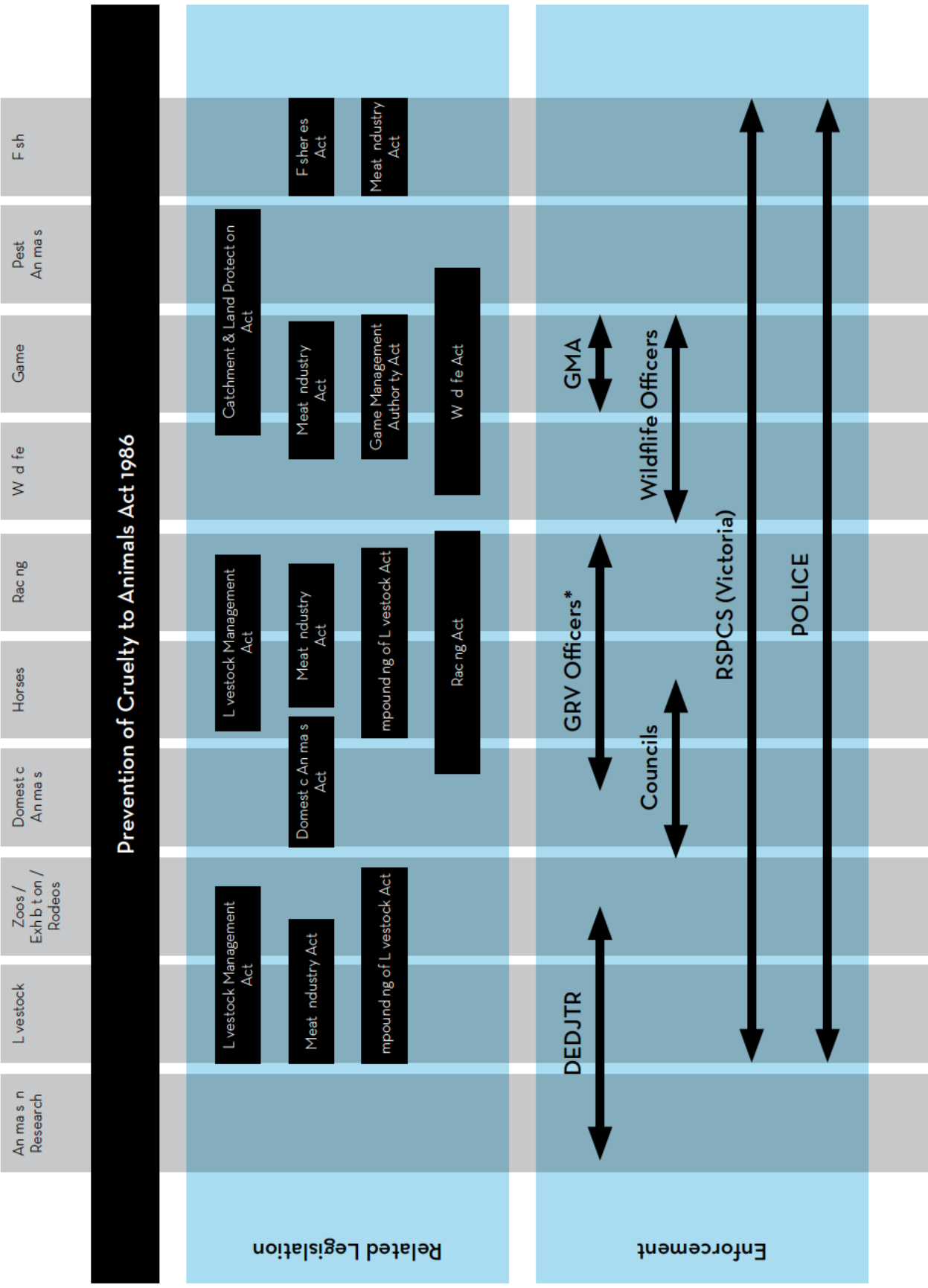
The RSPCA's estimated operating expenditure for 2016-17 is \$32.375 million of which Inspectorate expenditure is estimated to be \$5.962 million or 18.4 percent. Income is comprised mainly of fundraising, donations and bequests.

The RSPCA has been authorised under the POCTAA since the introduction of the Act in 1986. The Victorian government has provided \$1 million per annum to the RSPCA to contribute to the operating expenses of the Inspectorate since 2007-08. The RSPCA provides annual reports to the Minister for Agriculture on the operations of the Inspectorate associated with this funding. The annual cost to the RSPCA to operate the Inspectorate is well in excess of the government funding received. Research conducted during the review indicates that it is not uncommon either in other Australian jurisdictions and overseas, for non-government agencies to subsidise the cost of enforcing animal cruelty laws. The extent of the subsidy depends largely on the particular roles, responsibilities and service delivery models that operate in each jurisdiction.

There are several immediately obvious sources of alternative resources that could improve the efficiency of Inspectorate operations. There appears to be a range of functions conducted by Inspectorate staff that could more appropriately be delivered by other parts of the RSPCA such as human resources, procurement, transport, information technology, and administration. In addition, there is significant corporate management and leadership expertise within the RSPCA that could be better used to support the Inspectorate. There appear to be opportunities for improved resourcing models both within the Inspectorate and between the Inspectorate and the broader organisation.

The RSPCA has a very large, active and committed group of volunteers numbering approximately 3,300. Currently none of these volunteers are engaged in Inspectorate functions. The Review team believes that there are significant opportunities for volunteers (appropriately selected, trained, supported and managed) across a range of functions in the Inspectorate including administrative, logistical, information and referral and potentially, local fieldwork assistance.

As indicated in Figure 1, legal and administrative arrangements under POCTAA are complex and confusing. State and local government have more resources in the field authorised to enforce POCTAA than the RSPCA. There are many opportunities to work more closely with these officers to ensure a more efficient and effective statewide animal welfare network. This includes shared information and intelligence, training, development and networking. In some councils, local government compliance officers are highly supportive of Inspectors. There are opportunities to formalise and further develop such arrangements via standard operating procedures, agreements and memoranda of understanding.



*POCTAA authorisation pending

Figure 1: Complexities of law enforcement under POCTAA 1986

The Inspectorate and the broader RSPCA are inextricably linked in many ways, especially in relation to animal shelters where mutual dependencies exist. The shelters cannot accept seized animals if they have no vacancies and the Inspectors cannot seize animals if they cannot provide them with shelter. The stated objective of the RSPCA to provide and enhance the wellbeing of society and the welfare of its animals is founded upon a belief that (companion) animals belong in safe and caring relationships with people and not institutionalised (in long term shelter) which can be a secondary form of (unintended) cruelty. Shelter resourcing and funding has a critical impact on Inspectorate operations.

There are a broad range of other concerns in relation to the existing model including office accommodation, Inspector safety, recruitment, retention, training, supervision, support, systems, process and prosecutions. For example, the costs associated with prosecutions are very high with minimal returns in terms of funding to the RSPCA. An alternative approach that could return funds to the RSPCA and reduce legal costs is explored more fully later in this Report. However, these concerns primarily relate to operations (rather than funding and resourcing) and are therefore discussed in more detail under Term of Reference 3.

In addition to the \$1 million per annum recurrent funding, on 21 May 2015 the Victorian Government provided a one off grant of \$5 million over four years for the RSPCA to assist in enforcing legislative changes directed to uncover and prosecute intensive animal breeding facilities. These funds were initially utilised to establish a Special Investigations Unit within the Inspectorate.

Recurrent government funding has not increased since funding commenced despite reports having risen by approximately 20 percent over the past four years. The Review team notes the recent public comments from the Minister for Agriculture (*Herald Sun*, 23 July 2016, page 35) in relation to this matter stating that should the RSPCA seek an increase in funding such an approach would be considered. Given current recruitment and retention concerns and the significant underdevelopment of systems and processes, the Review believes an approach for increased government funding is premature at this stage. Future funding requirements will become clearer once the existing acute resourcing demands are addressed and trialled for a period of at least 12 to 18 months. At that time it may be appropriate for the RSPCA to put a case to the Victorian government for an incremental adjustment to recurrent funding levels.

Recommendation 1: Following implementation of all recommendations in this Report, the RSPCA reassess their budgetary position and the demand for Inspectorate services at that time and if warranted, take the necessary steps to develop a budget submission to the Victorian Government for an incremental increase to their recurrent budget allocation.

Term of Reference 3 – Operational Response and Recommended Improvements

Document RSPCA Victoria's operational response to reports, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.

Operational Response to Reports

Under the present arrangements, the Inspectorate generally operates in a reactive manner to reports and does not undertake a substantial role in proactively investigating animal cruelty offences.

Reports regarding animal cruelty are received by the RSPCA through two streams. Firstly, people can directly enter a complaint via a portal on the RSPCA website. The second and most utilised option is for telephone contact by complainants. These email and telephone report messages are received on behalf of RSPCA Victoria by a call centre in Brisbane operated on a contractual basis by RSPCA Queensland. This call centre operates on a 24 hour, seven day a week basis.

On receipt of reports, the call centre operators enter relevant details onto templates within the web-based Sheltermate animal shelter database system (the web domain of which is over 14 years old). Sheltermate operates on Shelter Buddy® software developed by RSPCA Queensland that was developed as an animal shelter data management system, not as a reports case management system.

After entering data on Sheltermate templates, the system then generates a job number and an assessment of either 'critical', 'major', 'secondary', 'minor' or 'no incident' to each call. These jobs are then transmitted to RSPCA Victoria via the Sheltermate system. From Monday to Friday, these jobs are received by the complaints co-ordinator at the Inspectorate, who after checking details of the cases against existing records at the Inspectorate, then despatches the jobs directly

to relevant Inspectors in the field. On weekends, the Sheltermate jobs assessed as 'critical' and 'major' are despatched directly to the Inspector on-call without any prior checking at the Inspectorate. All other jobs await allocation on Monday.

The Review is advised that on average about 200 jobs per week are received by the Inspectorate on the Sheltermate system.

A number of concerns about the use of the Sheltermate system for the management of reports have been raised with the Review, including:

- although it is being used as a case management system, it was designed as a data management system and is therefore not fit for the operational needs of the Inspectorate;
- the system is web-based, data cannot be encrypted and it is therefore insecure;
- the system is not designed to accommodate the analytical and intelligence functionality required by the Inspectorate in the future.

Concerns were also expressed by the Inspectorate regarding the quality of the data entered by the call centre. Quality control checks by the co-ordinator at the Inspectorate have raised a number of serious concerns about errors or omissions in data entry, including the omission of critical data on the potential for violence in one complaint brought to the attention of the Review.

(The issue of data management is discussed further in this chapter under the heading Case Management System).

As previously discussed, the reports are despatched directly to Inspectors in the field via email (or by smart phone if critical), in most instances without any involvement or review by a Senior Inspector. The Inspector receiving the job is then tasked with the responsibility of assessing the urgency of the job and making any necessary additional enquiries regarding the persons of interest involved. In some instances, they may have been provided with additional information recorded on the Sheltermate system but due to its limited search capabilities, not all previously recorded relevant information may be included.

(Relevant issues are discussed further in this chapter under the headings of Leadership and Supervision, and Proposed Operating Model for Inspectorate).

The Review has been advised that about 30 reports per day are despatched to Inspectors in the field. There is a common view that up to 50 percent of these reports may relate to *Domestic Animals Act 1994* matters (which are the responsibility of local government) or are issues not involving actual animal cruelty. Regardless of this, the Inspectors need to deal with each of these reports in some manner. This occupies a significant amount of their limited time that could be directed to more serious animal cruelty cases. Given the geographical areas covered by individual Inspectors, especially in rural areas, on some occasions they travel in excess of a hundred kilometres to jobs that do not warrant their attention.

A further complication arising from the current approach to complaint management is that some reports received at the RSPCA fall within the jurisdiction of DEDJTR (in the case of commercial livestock) or DELWP (in the case of native or exotic animals). Other organisations, such as racing industry regulatory bodies have responsibilities for the welfare of animals associated with racing. Indeed, the regulatory and enforcement environment in which the Inspectorate operates is quite complex, as illustrated in Figure 1, for all agencies with responsibilities for POCTAA and related legislation.

On any given day in Victoria, there are a substantial number of officers from several different organisations operating in the field on issues related to animal welfare. It is not surprising then that the Review was advised of many instances where coordination, co-operation and communication between all of these authorities and agencies was less than satisfactory. Allegations were made to the Review that there was a degree of “buck passing” that occurred where responsibilities for particular tasks were inappropriately referred between agencies and authorities for a variety of reasons. There are obvious risks associated with this situation - to individual officers, their organisations, to government and the welfare of the animals concerned.

From the RSPCA perspective, the allocation of jobs directly to Inspectors without proper prior analysis and

consideration (and communication and coordination with other authorities) raises a number of issues of concern, including:

- significant risks associated with Inspectors attending jobs alone without adequate information on the person(s) of interest and the environment in which the job exists
- the possibility that other law enforcement agencies or government departments may have an interest in or even attended the property recently
- lack of support and guidance from supervisors
- no control over the allocation of tasks that leads to an imbalance in workload between Inspectors; and
- inappropriate matching of Inspectors’ skills and expertise to reports.

(The issues of workplace health and safety and supervision are discussed later in this chapter).

During the course of the Review, two Inspectors attended a remote property regarding a complaint of cruelty to horses. No radio or telecommunications contact was available at this location. Immediately on arrival, the Inspectors were confronted with a highly agitated woman who was aggressive and used abusive language. The Inspectors withdrew from this threatening situation after a brief inspection of the animals, with the intention of returning later to seize the animals. After leaving this property, the Inspectors discovered that earlier that same day police and Department of Human Services workers had been there on another matter. This case highlights the need for increased information and intelligence sharing between the RSPCA and relevant government agencies.

There is unequivocal evidence that the existing arrangements lead to a major backlog and consequential delays in the RSPCA response to many reports and to potential prosecutions. The daily cycle of incoming jobs places the Inspectors under significant pressure to quickly deal with matters and move on to the next job. They are placed in an invidious position where the pressure on them to make quick decisions may lead to later criticism of them and the RSPCA. This is an unacceptable situation and remedial action is urgently required.

The options available to Inspectors under the POCTAA in responding to reports are limited. They can offer advice or a warning, neither of which has any statutory basis, or a notice to comply (Section 24ZP), or they can commence action with the intention of prosecuting offenders before the Magistrates Courts. Unlike local government enforcement officers who are able to issue infringement notices for lower level offences under the *Domestic Animals Act 1994*, RSPCA Inspectors have very limited authority to issue infringement notices. The absence of this authority for all POCTAA offences means that many cruelty related offences that could be dealt with appropriately by an infringement notice are not adequately addressed as the only other option is the time and resource heavy commitment involved in proceeding with a court prosecution.

(The issue of infringement notices is further discussed in this report under Term of Reference 4).

Most of the Inspectors interviewed by the Review were concerned about the number of prosecution briefs they held that were unable to be completed because of time constraints. This situation leads to significant delays in bringing matters before the courts and as mentioned in a number of submissions received, “justice delayed is justice denied.”

(The management of briefs is further discussed in this report under Term of Reference 4).

Workplace Health and Safety

RSPCA Inspectors regularly engage with people in situations where these people are highly emotionally charged, suffering from mental illness, are alcohol or drug affected or are otherwise aggressive in nature. They also deal with people whose income may be at risk because of actions taken by the Inspectors, for example, the operators of puppy farms and those involved in the racing industry. Some of these people reside in remote locations where communications are poor or non-existent.

Tragically, one dedicated RSPCA Inspector, Stuart Fairlie was murdered in 1989 while going about his duties. Another Inspector was shot in the face in June 1999 at Derrinallum by a farmer while inspecting the mistreatment of sheep. Although he survived the shooting, the Inspector suffered extensive facial injuries requiring a lengthy and painful rehabilitation.

The farmer was charged with attempted murder but died in prison of natural causes while awaiting trial for attempted murder. A recent trial in NSW led to the conviction of a farmer for the murder of an environmental officer who was inspecting his property regarding a complaint about unlawful tree removal.

Records at the RSPCA indicate that since 2011, the Inspectorate staff have experienced 58 injuries, 14 ‘near misses’, 22 instances where violence had been threatened and 22 incidents involving property damage whilst undertaking their duties. Unfortunately, the reporting procedures for these matters are not robust and it is probable (based on anecdotal evidence) that there is a significant degree of under reporting of these serious incidents.

Given the inadequacies previously discussed regarding complaint analysis and allocation to Inspectors and also in supervisory practices at the Inspectorate, the risks associated with Inspectors operating alone are significant. In any law enforcement environment there will be a degree of underlying risk that should be identified and necessary action taken to mitigate that risk. This is exactly the obligation that now rests with the RSPCA. At present, there is not an acceptable safety culture evident in the Inspectorate.

One of the major requirements to address personal risk to Inspectors is a meaningful operational safety training program which should be delivered to all Inspectors at least annually. At present, Inspectors receive some baton training on an ad hoc basis. Operational contingencies will dictate that Inspectors will continue to operate alone in many circumstances and the underlying risks associated with their work will continue. However, improved case management, access to better intelligence, improved supervisory practices and a robust training program (including operational safety training) will all contribute to the mitigation of these risks. The Review team is pleased to note that the RSPCA appointed an officer to a new position of Workplace Health and Safety Adviser during this Review process.

Recommendation 2: That the RSPCA take all necessary action to improve the safety culture at the Inspectorate.

Recruitment, Training and Retention of Inspectors

The salary package for an RSPCA Inspector is \$76,536 per annum (including \$12,660 for the provision of a vehicle for their duties but which is also available for private use). This is not a particularly attractive level of remuneration, especially when compared to local government compliance officers who are often paid about \$10,000 more per annum. It became clear to the Review, however, that salary was not the main influence for individuals deciding to become Inspectors. Many of the RSPCA Inspectors are university graduates or hold other tertiary qualifications. Our interviews with them revealed that they sought employment as Inspectors to pursue their personal commitment to animal welfare and to prevent cruelty to animals. We were certainly impressed with their single-minded dedication to this cause.

Nevertheless, given the qualifications and experience of these Inspectors, they are attractive potential employees for other organisations, particularly local government, which offer better employment conditions. The lack of incremental salary advancements and limited promotional opportunities at the Inspectorate are also factors in the ability of the organisation to retain Inspectors. The heavy workload and inequitable distribution of work for Inspectors discussed previously in this report are constant pressure points in staff retention.

There have been several departures from the Inspectorate in recent years and the Review understands that these separations have been for a variety of reasons. However, the inflexibility of the employment arrangements of the Inspectorate has been a significant factor in the departure of a number of Inspectors. A restrictive policy of not employing part-time Inspectors or utilising other flexible employment arrangements has seen the departure of a number of committed, experienced and highly valued Inspectors. It appears that the concept of job sharing has not been favourably viewed by Inspectorate management. This is a position that must change.

The costs of recruiting and training Inspectors are significant and all possible measures should be explored to ensure that these valuable resources are not lost to the organisation. At the time of this Review, the Inspectorate was seeking to recruit four new Inspectors to replace those who have recently left the

organisation. The recruitment process has been slow and in the meantime, an excessive workload is being carried by those Inspectors remaining in the field.

The Inspectorate is a relatively small unit with a flat hierarchical structure offering limited opportunity for advancement. The unavailability of incremental salary advancement that recognises length of service or special skills means that Inspectors may remain at the same salary and status level for lengthy periods. Some opportunity for modest salary increments to recognise the increasing value of individual Inspectors to the RSPCA and for elevation to positions of more responsibility would provide strong incentives to remain with the organisation.

The current ad hoc recruitment of Inspectors to fill occasional vacancies is an inefficient, costly and time consuming exercise. This approach also impacts on training obligations, leading to individuals being trained in an inconsistent manner. Many organisations undertake periodic recruitment campaigns whereby they undertake suitability assessments of applicants in a group environment. Those found to be suitable for employment by the organisations are then placed on a priority list which is drawn upon as future vacancies occur. Given that the Inspectorate has a number of current Inspector vacancies to be filled, it would be timely for the RSPCA to consider more efficient recruitment strategies.

(Discussion about the recommended future structure of the Inspectorate can be found later in this chapter.

Recommendation 3: That the RSPCA implement measures to retain valuable staff in the Inspectorate, including establishing incremental salary levels that recognise experience and responsibility and also adopt more contemporary flexible working arrangements such as part-time employment and job sharing.

Recommendation 4: That the RSPCA consider all viable options for the efficient recruitment of Inspectors, including group assessments and the development of a priority list to be drawn upon when future vacancies occur.

Training

Currently there are a number of Inspectors who are in a probationary period or have recently completed a probationary period of six months. Further, there are vacancies in the Inspectorate that will be filled in due course. Therefore, the training program for these Inspectors is critical to their ability to perform their duties safely, effectively and efficiently.

The Review has examined the current training program for Inspectors and has concluded that it fails to meet reasonable standards for several reasons, including; it is largely “on the job” based, is ad hoc in delivery and does not adequately address key competencies such as investigation techniques, brief preparation and operational safety. The current training activities could be best described as organisational induction and an orientation program rather than a robust skills based training program. Several of the Inspectors interviewed by the Review expressed concern at the inadequacies of their training, resulting in them lacking competence and confidence as they go about their duties.

It is clear to the Review team that the imperative to respond to the daily inflow of reports of animal cruelty has resulted in a failure to make training a priority. This is not an acceptable situation for the Inspectors or the RSPCA and it presents significant workplace health and safety risks that must be addressed.

The Review team is aware of a number of training programs that have previously been offered to Inspectors that are not presently undertaken on a regular basis. The Review is also aware of a number of accredited training programs that would be suitable to properly prepare Inspectors for their duties. Some of these training programs could be accessed through partnerships with the Racing Integrity Commissioner and Victoria Police.

The Review team also noted the situation in some other jurisdictions such as NSW, Queensland and New Zealand where designated certificate courses are required and provided to their respective Inspectors as prerequisites for ongoing appointment.

The responsibility for development of an appropriate training program for Inspectors should rest with the professional human resource practitioners within the RSPCA. This is important to ensure that a robust ongoing (including refresher) program is developed that

addresses all of the requisite skills for the performance of the duties of an Inspector as well as all legal obligations (such as workplace health and safety).

Recommendation 5: That the People and Culture Department of the RSPCA, in conjunction with the management of the Inspectorate, undertake a training needs analysis of the role of Inspector. A robust, skills based, accredited training program should then be developed to meet the specific needs of RSPCA Inspectors and successful completion of this program should be an obligatory component of the probationary period leading to authorisation of an Inspector under the POCTAA.

Leadership and Supervision

The nature of the work undertaken by the Inspectorate, the nature of the people that they deal with, the requirement to travel to remote locations where communications are poor and the fact that Inspectors largely work alone are all issues that demand effective leadership, support and supervision. On the evidence available to the Review, these obligations do not currently exist to an acceptable level.

The Manager and the current Senior Inspectors are busily involved in a range of other activities that prevent them from interacting with their staff on a regular basis. The Review has been advised that in some instances contact by Inspectors with their Seniors is infrequent. The Inspectors have also stated that telephone messages left for their Seniors are often not responded to in a timely manner. This is not to suggest that the Senior Inspectors are not busy but there is a need for improved supervisory practices to ensure that contact and interaction between the Manager, Senior Inspectors and Inspectors is at an appropriate level such that Senior Inspectors know where Inspectors are and what they are doing at any given time.

As previously mentioned, the Senior Inspectors generally play no role in the allocation of work to Inspectors and as a general rule, are not meaningfully involved in the management, oversight and review of cases. It is basically left to individual Inspectors to engage with their Seniors when they require advice, support or direction.

The Review has concluded that the Senior Inspectors should be freed up from the many peripheral functions they now perform to allow them to concentrate on their core responsibility as supervisors. There appears to be a culture within the management of the Inspectorate that they should be responsible for all matters affecting that unit. This means drawing in administrative functions that could be undertaken within the broader corporate structure of the RSPCA. Not only does this lead to duplication it further drains the scarce resources available to the Inspectorate.

The Review considers that current corporate administrative functions within the Inspectorate, for example, recruitment, training development and delivery and fleet management should, where possible, be undertaken elsewhere in the RSPCA.

The Review has proposed a new regional structure for the Inspectorate (discussed later in this Report) and in this new structure there will be greater supervisory responsibilities for supervisors (to be known as Team Leaders). Further, a new role is proposed within this structure for Senior Inspectors. This new role of Senior Inspector is to enable competent, confident, experienced Inspectors to provide training, guidance and support to less experienced Inspectors, particularly probationary Inspectors in each regional team. The Senior Inspectors will act as Team Leaders during periods of absence of the regional Team Leader.

The new structure will also markedly change the role of the Manager of the Inspectorate to require a much greater focus on leadership rather than on management. The difference between management and leadership responsibilities is often not well understood. In his 1989 book *On Becoming Leader* Warren Bennet described the differences as follows:

- The manager administers; the leader innovates
- The manager is a copy; the leader is an original
- The manager focuses on systems and structure; the leader focuses on people
- The manager relies on control; the leader inspires trust
- The manager has a short-range view; the leader has a long range perspective
- The manager asks how and when; the leader asks what and why

- The manager has their eye always on the bottom line; the leader has their eye on the horizon
- The manager imitates; the leader originates
- The manager accepts the status quo; the leader challenges it
- The manager is the classic good soldier; the leader is their own person
- The manager does things right; the leader does the right thing.

On the evidence available to the Review, the Manager's role has evolved into one with a management focus rather than one with leadership as a clear priority. The relatively small size of the Inspectorate means that the Manager becomes involved in a range of managerial functions to the point where more strategic leadership issues do not seem to be being adequately addressed and this situation needs to be significantly improved. For the new operating model proposed in this report to function effectively, the Manager will need to take a strong leadership role in implementing the recommended reforms. The RSPCA should take all necessary steps to ensure that this leadership is provided on an ongoing basis.

Recommendation 6: That as far as possible, the RSPCA remove peripheral and corporate administrative functions from the Inspectorate to allow it to focus on operational responsibilities, especially supervision.

Recommendation 7: That supervisory responsibility and accountability be strengthened in the Inspectorate by the creation of new roles of Team Leader and Senior Inspector within a regional service delivery model.

Recommendation 8: That the RSPCA provide the necessary structure, support functions, training and development to ensure that the Inspectorate Manager, Team Leaders and Senior Inspectors provide strong leadership as well as meeting their management obligations.

Proposed Operating Model for Inspectorate

The current structure and operating model of the Inspectorate requires urgent and significant reform. The Review has considered a wide range of options for a new operating model and has concluded that the RSPCA is best served by the following model, represented below in Figures 2 and 3:

- i. **Incoming reports** continue to be received in the first instance at the RSPCA Queensland call centre which provides a 24 hour a day, seven days a week service. However, the RSPCA should take all necessary action to improve the quality of the data recorded by this service.
- ii. A **case management system** with analytical tools be acquired (further discussion follows in this report).
- iii. A **Victoria Police intelligence analyst** (funded by the RSPCA) be located at the Inspectorate to establish an intelligence capability (further discussion follows in this report).
- iv. All **incoming reports are to be triaged** and subjected to consideration by the intelligence analyst before being allocated for investigation.
- v. All **matters not involving animal cruelty are to be referred** to the appropriate authority.
- vi. All **identifiable complainants are to be contacted** to verify the details of their complaint.
- vii. Those matters that can be **finalised by providing advice** should be dealt with accordingly.
- viii. Functions (v), (vi) and (vii) above are to be **undertaken where possible by volunteers** (further discussion follows in this report).
- ix. After entry on the case management system and subsequent analysis, all **reports requiring action by Inspectors are to be tasked by their immediate supervisors** who will maintain ongoing oversight of that task until completed by the relevant Inspector. Only **Team Leaders** will be able to **sign off cases** as completed.
- x. The Inspectorate will operate under a **four region model** (similar to government agencies such as Victoria Police).
- xi. The **Inspectorate Manager** will be accountable for the performance of the Inspectorate and report directly to the Chief Operating Officer of the RSPCA.
- xii. Each region of the State will be managed by a **Team Leader** who reports directly to the Inspectorate Manager and is held accountable for the performance of their team.
- xiii. Each regional **Team Leader** will be directly responsible for a **team of four Inspectors**, including **one Senior Inspector** and will be required to actively supervise their team to ensure that they are safe, supported, well trained and carry an equitable and manageable workload and that best use is made of specialist skills.
- xiv. **Team Leaders** will be responsible for the management of reports received at weekends (on a rotational basis).
- xv. A **Major Investigation Team (MIT)** will be led by a **Team Leader** supported by two Inspectors. The MIT will enable intensive animal breeding to receive priority focussed attention and ensure public accountability for government funding provided to the RSPCA for this purpose. The MIT will conduct intensive, complex, large, long term (including proactive) investigations and prosecutions.
- xvi. The **MIT Team Leader** will also be responsible for the oversight of brief preparation within the Inspectorate and will be the liaison officer for ongoing contact with the specialist POCTAA prosecutor at the Victoria Police Prosecutions Unit [see paragraph` (xix) below].
- xvii. The **Senior Inspector** on each team will be responsible for support, advice and field training of probationary Inspectors and will relieve the team leader when they are absent on leave.
- xviii. **Team leaders** will **supervise the preparation of briefs of evidence** to ensure they are completed in a timely manner.
- xix. **Briefs submitted for prosecution** will be managed by a **specialist POCTAA prosecutor** located **within the Victoria Police Prosecutions Unit** (but funded by the RSPCA). (See further discussion at Term of Reference 4 in this report).

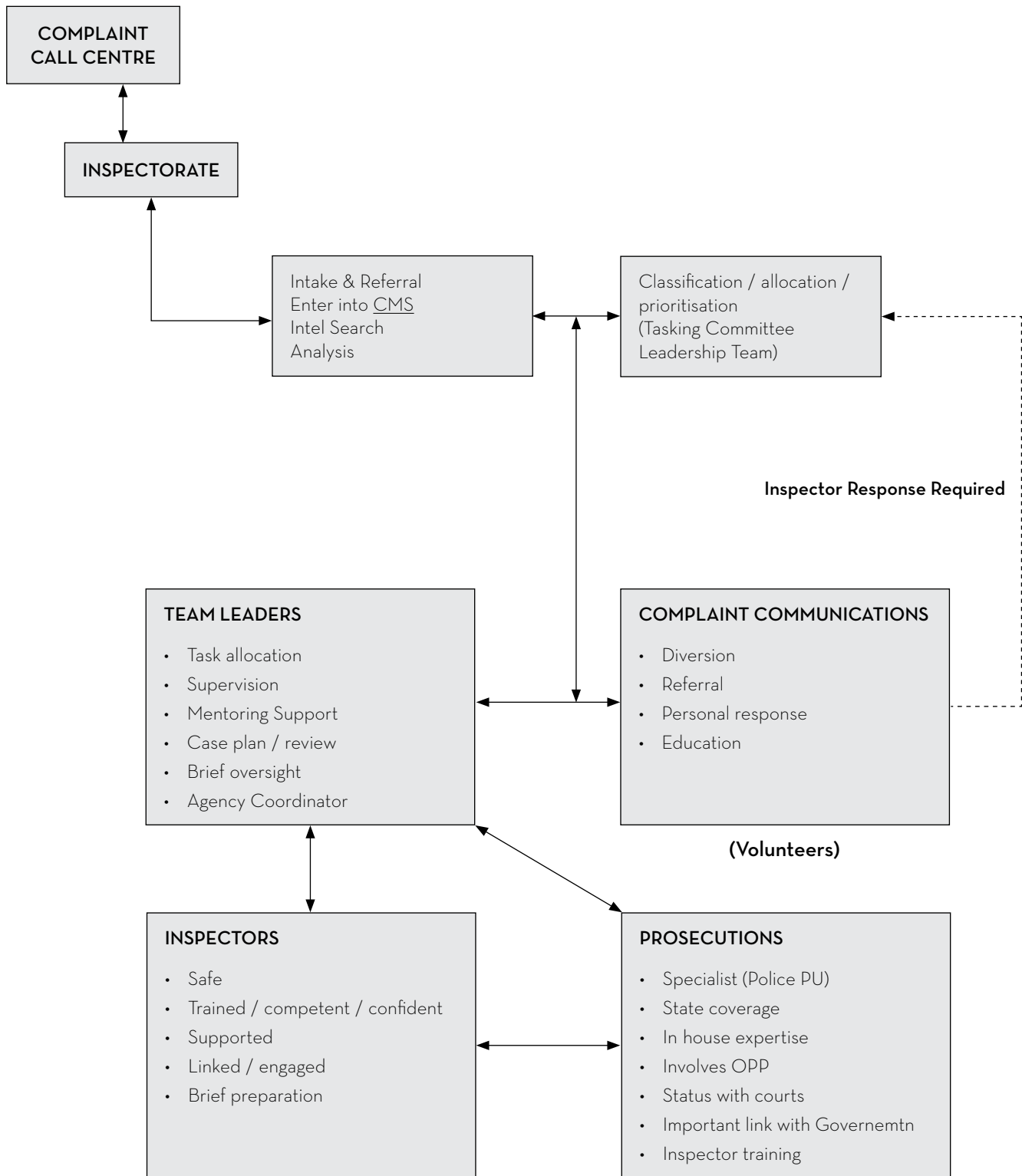


Figure 2: Proposed reports management process

Administrative Support

There are currently three administrative positions supporting the Inspectorate in its operational role. These positions should be retained to minimise the time spent on administrative and support functions currently expended by Senior and other Inspectors. With the introduction of an efficient triaging and diversion process for reports and the introduction of an intelligence capacity, these administration officers will be able to undertake many of the new roles that flow from these initiatives. The primary focus of the administrative team will be the initial (intake and referral) management of reports.

One of the administration staff currently undertakes the role of complaints co-ordinator. This role will change significantly under the proposed structure and it is expected that this co-ordinator will work closely with the intelligence analyst during the initial stages of reports management. This will provide an excellent training opportunity for the co-ordinator.

One particular matter of concern to the Review was that the complaints co-ordinator is also currently required to monitor the radio system utilised by the Inspectors. This task is currently undertaken at the same time as a wide range of administrative functions. There is a real risk that an important call for urgent assistance could easily be missed and this situation is not acceptable. The Review considers that monitoring of the radio system should be a shared responsibility of the administrative staff. The monitoring should occur on a two-hourly rotational basis to ensure that distractions and fatigue do not interfere with this important role.

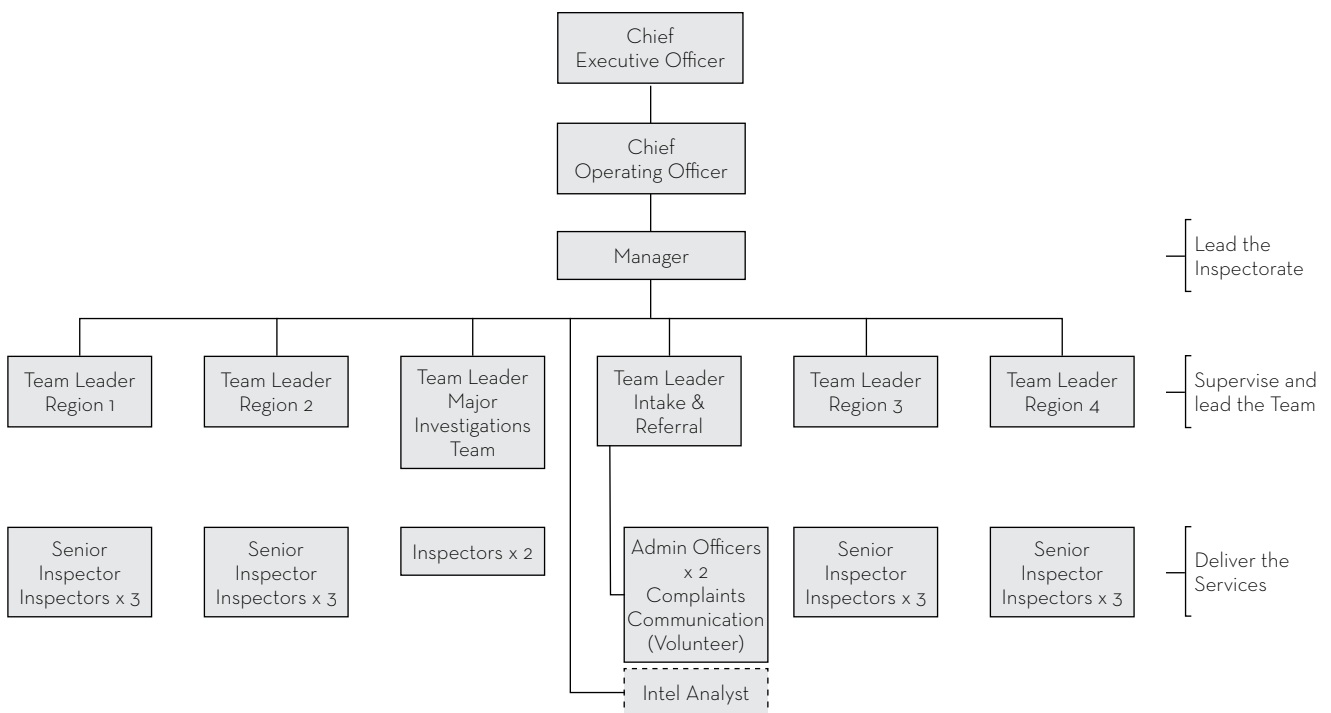


Figure 3: Proposed Inspectorate Organisational Chart

The proposed new operating model is reflected in the following staff numbers:

Current Inspectorate positions:

- 1 Manager
- 4 Senior Inspectors (1 on probation)
- 15 Inspectors (including 3 on probation)
- 4 vacancies
- 3 administrative positions

Total: 27 positions

Proposed Inspectorate positions:

- 1 Manager
- 5 Team Leaders
- 4 Senior Inspectors
- 14 Inspectors (including probationers)
- 1 Intelligence Analyst
- 3 administrative positions

Total: 28 positions

The Review team believes that this proposed model addresses the many shortcomings identified in this report regarding the current operating arrangements for the Inspectorate.

Recommendation 9: That the RSPCA introduce a new structure and operating model in accordance with the 19 components outlined on pages 53 and 54 of this Report.

Recommendation 10: That the RSPCA ensure that radio monitoring is the shared responsibility of Inspectorate administrative staff from 8am to 6pm each week day on a two-hourly rotational basis.

Case Management System

Given the risks associated with single Inspectors attending jobs (as discussed elsewhere in this Report), it is critical that they are provided with as much accurate detail as possible. Indeed, no task should be allocated to an Inspector until it has been properly analysed and triaged, with all possible intelligence on addresses, persons of interest etc. having been considered in that process.

The only way in which this imperative can be achieved is by the introduction of a case management system that provides for data recording and analytical and intelligence processes. While Sheltermate may be suitable for its original intended purpose as an animal shelter data management system it is not capable of being adapted to meet the future case management requirements of the Inspectorate.

During our extensive consultations, the Review team was advised of the existence of a secure case management system developed by Redshift Solutions. This system had been introduced by the Office of the Racing Integrity Commissioner, Greyhound Racing Victoria, Harness Racing Victoria and Racing Victoria. Significantly, the system is already in use by other government agencies including the State Revenue Office and the Local Government Inspectorate of the Department of Premier and Cabinet where secure case management systems are critical.

Based on advice provided to the Review, the cost to RSPCA Victoria of introducing a Redshift Solutions case management system to the Inspectorate is affordable and can be covered by savings that flow from other recommendations contained within this report.

Apart from the extensive benefits that flow directly to the RSPCA from the introduction of a secure case management system with analytical and intelligence management capabilities, the organisation will be in a much stronger position to engage in data sharing arrangements with other authorities who use compatible systems. Given the ongoing reform of intelligence management within the racing industry following the Perna (2015 *Own Motion Inquiry into Live Baiting in Greyhound Racing in Victoria*) and Bittar (Review of the Integrity Structures of the Victorian Racing Industry, by Paul Bittar, April 2016) reports, it is likely that the RSPCA will become more heavily

involved in future integrity and cruelty investigations related to that industry. The fact that the authorities that control this industry are now using Redshift Solutions case management systems with analytical and intelligence capabilities is another major consideration for the RSPCA when seeking a solution to its pressing need for such a system.

Specialist analytical software such as Analyst Notebook (a visual intelligence analysis environment that optimises the value of massive amounts of collected information) and MapInfo (a desktop geographic information system used for mapping and location analysis), is readily available and compatible with the Redshift Solutions case management system.

On 19 July 2016, the Review presented and detailed to the RSPCA Board the strong case for the organisation to acquire a secure case management system for the Inspectorate. The Review also recommended, for the reasons detailed above, that the organisation explore the suitability of the Redshift case management system for this purpose.

The Board authorised the CEO to commence immediate action to explore the identification of a suitable case management system for the Inspectorate.

Analytical Capability

During the course of the Review, Victoria Police was consulted regarding the management of intelligence by the Inspectorate. It was agreed that there was mutual benefit to Victoria Police and the RSPCA to engage in a formal arrangement for the sharing of intelligence relating to criminal matters. It was apparent to the Review from the many consultations undertaken that there was criminal activity associated with animals in a number of situations including racing and importation and exportation of native and exotic species.

The Victoria Police response to the Review's enquiries resulted in the very positive proposal that an experienced Victoria Police analyst be seconded to the Inspectorate on a twelve month pilot basis. This analyst would;

- be based at the Inspectorate office
- provide intelligence support to the RSPCA across Victoria

- assist the RSPCA in establishing an intelligence capability
- play a key role in enhancing the exchange of information and intelligence between the RSPCA, Victoria Police and other relevant agencies
- identify common persons of interest and where necessary assist in establishing case management co-ordination between the RSPCA, Victoria Police and other relevant agencies
- provide advice in relation to the establishment of information and intelligence management processes, systems and standards; and
- provide advice in relation to enhancing intelligence led tasking and co-ordination processes.

The cost of this pilot would be limited to the salary and on costs of the VPS-3 intelligence analyst which are estimated to be about \$78,000.

The RSPCA would be obliged to provide a secure office space, telephone line, desktop computer and a case management/intelligence software platform. Victoria Police will provide a laptop computer, relevant software programs and mobile data in order to access Victoria Police information and intelligence systems.

Following this proposal from Victoria Police, the Review team accompanied the CEO on 18 July 2016 to the State Intelligence Division, Intelligence and Covert Support Command at Victoria Police, where further positive discussions took place regarding this proposal. Agreement was reached that there were significant mutual benefits for Victoria Police and the RSPCA in proceeding with the proposal, subject to RSPCA Board approval.

On 19 July 2016, the Review team presented to the RSPCA Board. The Board accepted the Review's suggestions and authorised the CEO to proceed to further discuss arrangements with Victoria Police.

It is the strong view of the Review team that the decisions by the RSPCA Board to pursue acquisition of a case management/intelligence software platform and also to further discuss the embedding of a Victoria Police intelligence analyst within the Inspectorate are insightful decisions that will transform the operations of the Inspectorate. Many of the inherent risks to Inspectors in the field and the organisational risks to the RSPCA would be mitigated by the implementation of these initiatives.

With the appointment of an analyst, comprehensive needs analysis can be undertaken to ensure that the case management system acquired for the Inspectorate is configured in a manner that best meets the needs of the Inspectorate.

This initiative may also mean that the RSPCA will need to review its existing memoranda of understanding, standard operating procedures and protocols with other organisations to ensure that these arrangements reflect the new operating environment and case management regime to be established in the RSPCA.

Finding 1: That the RSPCA Board has authorised the CEO to:

- a. Commence the necessary processes to acquire a case management/intelligence software platform for the Inspectorate; and**
 - b. Proceed with the necessary arrangements to secure the secondment of a Victoria Police intelligence analyst to the Inspectorate on a twelve month pilot period.**
-

Recommendation 11: That the RSPCA review its existing memoranda of understanding, standard operating procedures and protocols with other organisations to ensure that these arrangements reflect the proposed operating environment of the Inspectorate, including the new approach to case management.

Operational Policies and Procedures

Inspectorate staff raised their concern about the lack of information available to them in the field. There was little access to policies and procedures in the form of a manual or templates to guide them through particular tasks. The availability of such material would ensure consistency of approach to task management and the reduction of time lost in searching for guidance.

The Review understands that Inspectors have recently been issued with electronic tablets for use in their

duties. Access via these tablets to RSPCA/Inspectorate policies, procedures and relevant templates would produce a significant efficiency dividend for the organisation.

Recommendation 12: That the RSPCA take the action necessary to provide relevant policies, procedures and templates to Inspectors on-line.

Accommodation

The Review has inspected the current accommodation for the Inspectorate on level 1 at East Burwood. This accommodation is very crowded and noisy and not conducive to a positive working environment. Equipment, boxes and cupboards occupy significant floor space. The complaints coordinator works in a very cramped space and radio traffic adds to the difficulty in conducting conversations.

It is the view of the Review that this accommodation is completely inadequate for the current needs of the Inspectorate and will be a major barrier to the implementation of the proposed operating model. The intelligence analyst will require a secure office in which to operate and a suitable space should be available for tasking meetings of the leadership team.

Recommendation 13: That the RSPCA undertake a review of the accommodation arrangements for the Inspectorate and take the necessary steps to provide accommodation that meets the operational needs of that group under the proposed operating model.

Equipment

Given the nature of the work undertaken by Inspectors and the often remote locations in which they operate, the issue of availability of equipment was raised with the Review.

As previously discussed in this report, the safety culture within the Inspectorate can be improved through the implementation of the recommendations set out in this report. One of the most important issues to be addressed is the communications technology available

to Inspectors to allow them to be in regular radio, telephone and on-line contact with their supervisors. The Review is aware that Inspectors have access to smart phones and have recently been issued with tablets connected to the internet. We are also aware that the Inspectors' vehicles are equipped with radio communications that enables them to keep in contact with their office. However, all of this technology is dependent on suitable climatic conditions and geographic locations. There are many black spots in radio and telecommunications in Victoria.

The ability to locate Inspectors via global positioning system (GPS) technology is also an important factor in enhancing operational safety.

Access to body cameras (now widely utilised by law enforcement agencies) for all Inspectors would also be valuable in enhancing personal safety and in providing evidence for court purposes.

Should the Board accept the recommendations in this Report, a new operating structure and environment will follow for the Inspectorate. This would be a timely opportunity for the RSPCA to undertake an equipment needs analysis to ensure that Inspectors can undertake their duties more safely and efficiently.

Recommendation 14: That the RSPCA undertake an equipment needs analysis to ensure that the equipment issued to Inspectors enables them to undertake their duties more safely and efficiently.

Volunteers

Although the RSPCA has extensive involvement of volunteers throughout the State and in several different arms of the organisation, no volunteers are directly involved with the Inspectorate. The Review understands that this situation may be largely based on privacy concerns which, in our view, is misplaced and based on misunderstanding.

Volunteers play an important role in many high profile organisations where they are exposed to confidential information and also at a community level they provide the backbone of emergency management capacity in this State. Other examples of volunteers being utilised in sensitive roles where privacy is an imperative are

at the Office of the Public Advocate, Lifeline, Surf Life Saving and the Asylum Seekers Resource Centre. These volunteers are provided with ongoing training and support and make substantial contributions to public safety across Victoria particularly during times of major emergencies such as fires, floods, rescues and heatwaves. Research conducted as part of this Review revealed that in New Zealand, many volunteers are authorised as Inspectors.

The Review understands that there are some 3,300 volunteers registered with the RSPCA. There are many people who have completed careers in professions such as the law, business, government, law enforcement or emergency management and are seeking meaningful opportunities to utilise these skills and experience in support of the RSPCA. Any genuine concerns about access to sensitive information can be adequately addressed through confidentiality undertakings by the volunteers concerned.

As discussed earlier in this Report, every day the Inspectorate receives several reports, many of which do not justify the attendance of an Inspector. However, because the Inspectorate has for some reason decided not to communicate with complainants after an initial report is taken, this often leads to secondary complaints about lack of feedback as well as multiple reporting to various other organisations. Indeed, several of the submissions to the Review described the RSPCA as a "black hole" that swallows up information but gives none back in return. This is a real cause of reputational damage to the organisation.

Also as previously discussed, there are at times concerns about the quality of data recorded on report templates at the call centre. These have required regular follow up by the complaints coordinator, who at times has found it necessary to listen to the voice recording of the report.

The Review considers that the approximately 50 percent of calls received each day from the call centre that do not, on face value, require the attendance of an Inspector could be dealt with by specially selected and suitably trained volunteers. The volunteers could call the complainants and thank them for contacting the RSPCA. Where appropriate, they could advise the complainant that their matter relates to the *Domestic Animals Act 1994* and has therefore been redirected to the responsible local government authority. Volunteers

could also deal with matters where other appropriate advice or education could finalise the report. This is entirely consistent with the educative and preventative role of the RSPCA.

This approach would reduce the perception that the RSPCA is a “black hole” and the consequent reputational damage. It also frees up Inspectors from dealing with these tasks, or as often happens, accumulating them on their job list to the point where any response is of little effect. There are also likely to be cases where this personal contact with the complainant will reveal further valuable information that requires the attention of an Inspector.

The Review recognises that there will be the need for a cultural shift in the management of the Inspectorate to accept that volunteers can play an important role in supporting their work. The pay-off for this cultural shift should be a significant reduction in the number of reports directed to Inspectors each day leaving them more time to focus on serious animal cruelty cases.

Recommendation 15: That the RSPCA utilise specially selected and suitably trained and supported volunteers to assist with reports that are not the primary responsibility of the Inspectorate. This will involve direct contact with identified complainants to advise them of referrals or the actions taken by the RSPCA or to offer other advice, information or educational material. This may include seeking additional advice from complainants where critical information may be missing from relevant reports.

Public Perception and Role Clarification

Based on the evidence gathered by the Review, it is clear that there is a high level of expectation placed on the RSPCA by the community. As discussed elsewhere in this report, (see Figure 1), there are a complex set of organisational and statutory arrangements currently in place to deal with animal welfare and cruelty. It is understandable therefore that the community expects the RSPCA to respond to and deal with many matters that are not within their area of responsibility. The most prevalent example of this misunderstanding relates to reports that fall under the scope of the *Domestic*

Animals Act 1994 for which local government carries the main responsibility.

The RSPCA has also, by default, become involved in cases (for example puppy factories) that have escalated over time from minor licensing breaches into significant cruelty matters, despite local government being required by law to conduct regular audits and inspections of breeding establishments.

Section 68A of the *Domestic Animals Act 1994* requires that every council must prepare a domestic animal management plan (DAMP) at four year intervals. The Act also requires that every council must review its DAMP annually and if appropriate, amend the plan and then provide the Secretary of the Department (DEDJTR) with a copy of the plan and any amendments to the plan. Evaluation of councils’ implementation of the DAMP is required to be published in the councils’ annual reports. On the evidence seen by the Review, there is a significant degree of inconsistency of application and commitment to their obligations to the Act by local government. Clearly, some councils take these responsibilities seriously, whereas this is not evident elsewhere. This is not a situation that the RSPCA alone can resolve but it should be further pursued by the RSPCA with DEDJTR. Additionally, the RSPCA should engage directly with local government to clarify the Inspectorate’s future role and to ensure that it is clearly understood that for the RSPCA to focus on animal cruelty it can no longer respond to *Domestic Animals Act* reports or other non-cruelty matters.

It is important to place on record that to a large extent, RSPCA Inspectors enjoy a very positive working relationship with council compliance officers and there is ample evidence of mutual support in addressing reports. However, the Review team considers that these relationships should be built on a clear understanding of the respective roles of the Inspectorate and local government and not on ad hoc or personal relationships as is presently the case.

The recommendations in this report are designed to remove unnecessary work from the Inspectorate to allow them to focus on serious animal cruelty cases and to have the capacity to undertake this work in a more proactive manner than has previously been the case. This unnecessary work will need to be diverted to those responsible, i.e. local governments for *Domestic Animals Act 1994* matters. As discussed elsewhere in

this report, other measures are recommended for the diversion of reports that require a response of advice or education. However, this type of report will continue to flow into the RSPCA Inspectorate while the community has the unrealistic and inaccurate perception that the RSPCA is responsible for all matters involving animal welfare and cruelty.

To reduce this demand for an Inspectorate response, the RSPCA will need to engage in a comprehensive community education program that clearly explains the role of the Inspectorate regarding animal cruelty reports.

Recommendation 16: That the RSPCA:

- a. engage with the Department of Economic Development, Jobs, Transport and Resources to identify strategies to reduce the workload related to Domestic Animals Act 1994 matters that is currently, by default, being directed to the RSPCA**
 - b. engage with local government to ensure that there is a clear understanding of the future focus for the Inspectorate on animal cruelty and that Domestic Animals Act 1994 matters directed to the Inspectorate will be referred to the relevant local government (and complainants advised accordingly); and**
 - c. develop and implement a communications strategy to better inform and educate the community that the future role of the Inspectorate is to be confined to prevention of cruelty to animals and that the Inspectorate will no longer respond to Domestic Animals Act 1994 reports.**
-

Term of Reference 4 – Approach to Prosecution and Recommended Improvements

Document RSPCA Victoria's approach to prosecution, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.

Prosecution

The RSPCA is in the unique and privileged position, given its charitable status, of being authorised under the POCTAA to investigate and prosecute offences of animal cruelty. The Review is not aware of any other non-government organisation in Victoria that is entrusted with this legislated authority to enforce the law.

On average, the RSPCA prosecutes about 60 cases annually and achieves a high rate of success with these prosecutions. Indeed, it is uncommon for a case prosecuted by the RSPCA to fail. Having examined several completed briefs of evidence (both routine and complex), the Review has been impressed with the quality of these briefs, no doubt a major factor in achieving a high conviction rate.

However, in 2014-15 the 69 prosecutions completed in that year equate to less than 1 percent of the 10,740 cruelty reports received by the RSPCA.

As discussed elsewhere in this report, the current workload on Inspectors is unsustainable and the Review believes that this is a factor in the relatively low number of prosecutions annually. Our Interviews with the Inspectorate team have revealed substantial backlogs in the preparation and processing of briefs, causing significant delays in bringing matters before the court.

There are a number of issues that contribute to the small number of briefs and the delays in completing them. These include:

- inadequate training and experience in brief preparation provided to Inspectors
- the daily inflow of newly allocated jobs means that there is little opportunity for Inspectors to spend time in the office on completing briefs
- there is a lack of proportionality in the work undertaken to complete briefs, i.e. relatively routine matters often result in substantial briefs, resulting in the loss of valuable time and other resources
- the Senior Inspector responsible for the management and prosecution of all Inspectors' briefs has other operational responsibilities that reduce the capacity to focus solely on the prosecutorial role; and
- the Senior Inspector responsible for prosecutions travels around the State to represent the organisation at mention and plea³ cases. The annual cost of maintaining this role is a significant cost to the organisation.

The Review considers that the current arrangements for brief preparation and management by the Inspectorate are not sustainable and present considerable risk for the organisation.

For contested cases, the RSPCA briefs a commercial legal company, which then briefs barristers to represent the RSPCA in appropriate cases. These lawyers also provide legal advice on various matters regarding animal cruelty and occasionally provide advice directly to Inspectors relative to brief preparation. It is acknowledged that some of this ad hoc legal advice has been provided on a pro bono basis. Nevertheless, the annual cost to the RSPCA of outsourcing its prosecution in contested matters is significant. (No criticism has been made to the Review regarding the competence and professionalism of this legal company).

The outsourcing of legal representation on contested matters creates a situation of disadvantage insofar as the RSPCA is concerned. Over a number of years the organisation has, in the process of engaging its

3. A plea case occurs when the accused pleads guilty or is found guilty and the prosecution and the defence present information at a plea hearing for the judge to take into account when deciding on the sentence.

legal representatives, seen the development of legal expertise in POCTAA related matters reside with these representatives. Access to this expertise is then a further cost to the RSPCA except where advice is provided pro bono.

The RSPCA is not indemnified for costs in the event of a failed prosecution and this situation no doubt weighs heavily on deliberations about prosecution. The Review has concluded that the current arrangements for prosecution of Inspectorate cases are inefficient and present a range of serious risks for the RSPCA. Significant reform of these arrangements is required.

In exploring alternative approaches to the prosecutorial responsibility of the RSPCA, the Review team consulted with Victoria Police, the organisation mainly responsible in Victoria for the prosecution of criminal matters in the Magistrate's Courts. [The Police Prosecutions Unit (PPU) of Victoria Police currently has approximately 350 locally based prosecutors who represent the State in every Magistrate's Court in Victoria]. As a direct consequence of this consultation, a proposal was put forward by Victoria Police that involves the placement of a legally qualified prosecutor within the PPU. This prosecutor would be responsible for all POCTAA matters initiated by the Inspectorate that come before the Magistrate's Courts throughout Victoria.

This prosecutor would also take on the role of providing training in brief preparation and related legal issues. They would also be directly involved with the Inspectors in providing advice on current investigations to ensure that all evidentiary points of proof are appropriately addressed. Consequently, the expertise relevant to POCTAA matters would reside with a prosecutor who would be available on an "as needs" basis at no additional cost to the RSPCA. Victoria Police has also offered to provide further relevant formal training to Inspectors through the extensive training programs operating within that organisation. The Review noted the benefits that have flowed to the RSPCA NSW Inspectors through the engagement of a Brief Handling Officer and considers that similar benefits to RSPCA Inspectors are likely should this proposal be accepted and implemented.

With the PPU undertaking the responsibility for the prosecution of POCTAA matters, it is anticipated that in contested matters or appeals to the superior courts, the Office of Public Prosecutions would handle these matters under the principle of "public interest". This approach would significantly reduce the costs of the RSPCA in engaging members of the criminal bar to represent the organisation.

Another potential advantage of creating this prosecutorial expertise within the PPU is that other government agencies may in due course recognise the many advantages that flow from engaging in this initiative. The status of Police prosecutors is such that there is likely to be increased emphasis on POCTAA matters brought before the courts.

The Review arranged a meeting between the CEO of the RSPCA, the Officer in Charge of the PPU and the Director, Legal Services of Victoria Police on 18 July 2016 to further discuss this proposal. Agreement was reached that this was a viable proposal that should be further pursued by both organisations and the Review understands that this matter is currently being progressed.

The current costs to the RSPCA of utilising a Senior Inspector to manage briefs and for the outsourcing of legal advice and representation is substantial. As previously detailed, there are significant risks for the RSPCA in these arrangements.

The proposal to locate a legally qualified prosecutor within the PPU is considerably more cost effective and this proposal will, over time, significantly reduce the current risks for the RSPCA in the investigation and prosecution of POCTAA offences.

On 19 July 2016 the Review team presented the Victoria Police proposal to the RSPCA Board. The Board authorised the CEO to continue to take the necessary steps to secure a specialist prosecutor within the PPU to manage all POCTAA cases on behalf of the RSPCA.

Finding 2: The RSPCA Board has authorised the CEO to take all steps necessary to secure the location of a specialist POCTAA prosecutor within the Police Prosecutions Unit.

Recovery of Court Costs

In most prosecutions, the RSPCA seeks to have an order for costs made by the courts to cover some of the substantial expenses involved in those cases. These costs can include veterinary expenses and the presentation of forensic evidence. The Review is advised that although these costs are ordered to be paid to the RSPCA by the courts, in many instances this does not occur.

Consequently, the RSPCA is not compensated for the often substantial costs involved in bringing successful prosecutions and this situation should be addressed by the prosecutor responsible for POCTAA matters.

Recommendation 17: That the RSPCA ensure that the prosecutor responsible for POCTAA prosecutions actively pursues the payment of court costs awarded to the RSPCA.

Infringement Notices

Many local government officers have the authority to issue infringement notices for offences under the *Domestic Animals Act 1994*. Discussions by the Review team with senior local government officials have indicated that access to infringement notices is an effective tool in dealing with lower level breaches of that Act. Apart from sending a strong message to offenders, infringement notices allow council officers to deal with many more cases as they are not tied up with brief preparation and attendance at courts. One local government shire advised that they had issued 571 infringements last financial year for breaches of the Act totalling \$145,000 in fines that were received and retained by council.

RSPCA Inspectors do not have the authority to issue infringement notices for most breaches of the POCTAA. They only have limited authority for infringement notices under the POCTAA Regulations. However, the RSPCA has not established the necessary processes to allow infringements to be issued by Inspectors. The only courses of action available to them are to issue Notices to Comply or to initiate a prosecution before the courts. Failure to meet the conditions of a Notice to Comply constitutes an offence

against Section 36(2) of the POCTAA that can only be pursued by a prosecution before the Magistrates Court. However, managing the circumstances related to a Notice to Comply often requires multiple visits for Inspectors. This situation is most inefficient and probably means that many cases worthy of some type of sanction are not proceeded with by Inspectors. The availability of an infringement notice to deal with these situations would result in an earlier and more effective resolution of such cases.

The Review is aware that previous consideration has been given by the RSPCA to the acquisition of the authority to issue infringement notices. The Review considers that this matter should be further actively pursued with the State Government as it is an initiative that will have a significant positive impact on the ability of RSPCA Inspectors to undertake their duties relating to the prevention of cruelty to animals.

Recommendation 18: That the RSPCA actively pursue with the State Government the authority to issue infringement notices:

- a. for lower level offences that are not to the requisite level of seriousness to warrant criminal prosecution; and**
 - b. for failing to meet the requirements of Notices to Comply issued under Section 36G of POCTAA.**
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Seized Animals

As previously discussed in this report, the RSPCA Inspectorate and shelter services are inextricably linked. In 2014-15, 953 animals came into the care of the RSPCA as a consequence of action by RSPCA Inspectors. Of these animals 309 were surrendered by the owners, allowing most to be rehomed. However, many animals are kept in animal shelters operated by the RSPCA until court proceedings are finalised. In many cases, the timelines for court proceedings are beyond the control of the RSPCA as appeals may be made to higher courts. The Review is aware of one case where a substantial number of cats have been maintained in an RSPCA shelter for over two years.

While the commitment to the welfare of these animals by RSPCA paid staff and volunteers is admirable, the Review has received veterinary advice that these prolonged periods of confinement are damaging to the animals which often display signs of stress and become further psychologically damaged. A further impact of the prolonged care in shelters is that these animals occupy a considerable amount of space which limits the ability of the RSPCA to house other animals in need of care. This situation was obvious when the Review inspected the shelters at Burwood East and Pearcedale. Activities by the Inspectorate to seize a substantial number of dogs that have been badly mistreated at puppy farms have exacerbated this problem.

The Review team received proposals to reduce the time spent in shelter by seized animals, particularly cats and dogs. Suggestions included the fostering out of seized domestic pets, once mentally and physically fit to do so, to accredited foster carers whilst court outcomes are determined. This could reduce the length of stay of pets in an institutional environment and provide a more normal daily existence for the animal by living in a household while the owner pursues natural justice through the courts. As well as improving animal welfare outcomes, this approach would also free up valuable shelter resources and reduce cost.

In relation to large commercial seizures, it was proposed that commercial animals could be regarded as property and their ownership transferred to the RSPCA. The RSPCA could then assess and document the commercial value of these animals and then rehabilitate or euthanase them, whichever is deemed to be in the best interests of the animal. This would remove the need to hold the animals in custody for extended periods of time and allow the animals to be adopted into new homes. If the RSPCA prosecution was unsuccessful (which historically has been very rare) then damages would be paid to the defendant based on the assessment conducted at the time that the animals were seized.

It was pointed out to the Review that under the provisions of Section 24X of the POCTAA (Court orders as to costs and disposal of animals) there was no power for the RSPCA to foster out seized animals where it became obvious that they would be held in a

shelter for a prolonged period and where it would not be possible for them to express natural behaviours. The Review is not aware of any authority under POCTAA for the RSPCA to transfer ownership of seized animals. It is acknowledged that these are early, preliminary ideas, however given the deleterious effects of long term shelter on animals, the Review team believes that they are worthy of further consideration from both an animal welfare and economic perspective.

Recommendation 19: That the RSPCA engage with the State Government to seek an amendment to the POCTAA to allow for the fostering out and/or transfer of ownership of seized animals held for extended periods pending the resolution of court proceedings.

Licensing / Registration of Horses

It was clear from the evidence available to the Review that the welfare of horses was a growing concern for the RSPCA and other animal welfare agencies. These problems are exacerbated in drought like conditions where some of those responsible for the care of these animals fail to ensure they have adequate water and food.

One of the problems regularly experienced by RSPCA Inspectors is in determining who owns horses that are the subject of a cruelty complaint. It was therefore of particular interest to the Review that in the submission received from DEDJTR, it was suggested that licensing the keeping of horses, similar to the registration system for domestic dogs and cats, was an option worthy of further exploration.

Recommendation 20: That the RSPCA further explore with DEDJTR the viability of licensing the keeping of horses as an aid to better management of animal welfare and cruelty reports.

Chapter 5: Advocacy versus Activism

The Inspectors of the RSPCA Inspectorate are authorised officers under the provisions of Section 35 of POCTAA. This Act empowers authorised officers to undertake certain activities related to its enforcement.

All members of Victoria Police are also authorised officers under this Act along with some local government, DEDJTR, DELWP and Game Management Authority officers. The key distinction between this latter group (which are State or local government entities) and the RSPCA is that the RSPCA “is a non-government, community based charity that works to prevent cruelty to animals by actively promoting their care and protection.” (RSPCA 2015 Annual Report)

RSPCA Victoria is a member of RSPCA Australia (the federation of the state and territory RSPCA’s in Australia). The RSPCA National Board consists of an independent Chair, two independent Directors, and the Chairs/Presidents or their nominees from each member Society.

The 2015 Annual Report records that the vision of RSPCA Victoria is that it “is the trusted advocate for animals and leads social change so that all animals can live according to the ‘Five Freedoms’:

Freedom:

- from hunger and thirst
- from discomfort
- from pain, injury and disease
- to express normal behaviour
- from fear and distress.”

The Annual Report also states that the RSPCA’s objectives “are to promote and enhance the wellbeing of society and the welfare of its animals by:

- educating the Victorian Community regarding the humane treatment and management of animals and increasing public awareness of, and support for, animal welfare.
- enforcing the existing laws to prevent cruelty to animals.

- influencing the amendment or development of legislation and standards necessary for the protection and welfare of animals.
- encouraging and providing a sustainable, needs-based network of animal welfare services across the state for the care, shelter, treatment rehabilitation and protection of animals within the capacity and strategic directions of the organisation.
- providing relief programs to assist people within the community who are experiencing adverse circumstances, to enable them to care for or manage their animals.”

To the independent observer, these objectives convey the impression that the RSPCA is to be involved in advocacy, education, awareness, support, encouragement, providing animal welfare services and relief in the interests of animal welfare. The enforcement of existing laws to prevent cruelty to animals as indicated in the organisation’s objectives is core business for the RSPCA. Significantly, there is no indication in these objectives that the RSPCA will engage in direct activism.

However, the 2015 Annual Report provides a record of actions undertaken that year that could be described as activism rather than advocacy. At page three of this Report, under the heading of *Leading Social Change* is the following point:

- Our “Political Animal” campaign put key animal welfare issues on the political agenda, encouraging many Victorians to contact their MPs to express their concerns on issues such as puppy factories, duck shooting and jumps racing.

The heading *Campaigning for Change* appears at page nine of the Annual Report and here it is clear that the RSPCA has been active in campaigning (sometimes in conjunction with other animal activist organisations) against a number of lawful activities such as jumps racing, duck shooting and live exporting. Under the heading of *Duck Shooting* are a number of emotive and judgemental comments such as, “Sadly the 12 week duck shooting season went ahead in March. We witnessed this brutality first hand.....The horrific footage of the hunters in action.....”

The definitions of advocacy and activism highlight the differences between an organisation engaging in advocacy as opposed to activism:

Advocacy: Public support for or recommendation of a particular cause or policy.

*Activism: The policy or action of using **vigorous campaigning** to bring about political or social change.*

(Oxford dictionary)

In general terms, it is not the role of this Review to pass comment on the decision of the RSPCA to engage in campaigns or activism against lawful activity. However, where this activity directly impacts on the ability of the Inspectorate to carry out its law enforcement responsibilities, the Review is obliged to address this matter.

At the early stages of this Review, during a workshop with Inspectorate staff they raised concerns about the activist role undertaken by the RSPCA in recent years against lawful activity authorised by legislation that the Inspectors were required to enforce. This situation was described by the Inspectors as a conflict of interest that had caused reputational damage to the RSPCA amongst government agencies and other organisations holding various hunting, sporting and primary production responsibilities.

This very same issue was raised with the Review in a number of interviews with and submissions from key stakeholders identified by the RSPCA. In general terms, the position of government officials was that the reputation of the RSPCA as a trusted partner had been compromised by its activism. There was a reluctance to engage in confidential discussions with the RSPCA on the grounds that any sensitive information provided to the RSPCA may be used against the government in activist campaigns. A number of sporting and other organisations involved in legal activities such as hunting and racing also raised concerns about the activism of the RSPCA relating to their particular field of interest.

Research undertaken by the Review reveals that this issue of the conflict between the law enforcement and campaigning activities of RSPCA Victoria was also evident in many reports from other Australian jurisdictions and overseas, particularly in the UK

(for example, the Wooler Review as discussed in the Interstate and International Comparisons section of the Report). Indeed, this issue has been the subject of examination by various inquiries in these jurisdictions and had led to adverse findings and commentary in some instances. Following significant criticism of the manner in which the RSPCA in the UK had been campaigning, Jeremy Cooper, the recently appointed RSPCA Chief Executive said,

We are going to be a lot less political. It doesn't mean that we won't stand up for animals. But we are not a political organisation.

My style of advocacy is encouragement and dialogue. The (previous) leadership was too adversarial. If you want to shout and use rhetoric that's fine but it isn't helpful to anybody. It is not going to make friends and influence people. People won't like you for it. (The Telegraph, 13 May 2016)

The consequences of this conflict of interest arising from RSPCA Victoria's direct involvement in activism against lawful activities has, on the evidence considered by the Review, been harmful to the organisation, both in reputational and operational terms.

According to one stakeholder with a long history of involvement with the RSPCA, this is not a new issue. The organisation has been challenged by the consequences of this "conflict of interest" issue for many years. However, the Review team is optimistic that the relationship with its key stakeholders can be repaired by the organisation making a philosophical shift in its advocacy role to move away from public activist campaigning against lawful activities.

While the Review understands that RSPCA Australia sets the policy framework within which RSPCA Victoria operates, the reality is that this organisation operates under the laws of the State of Victoria. Where these laws conflict with RSPCA Australia policies, RSPCA Victoria is placed in an untenable position with regard to working with the government that has legislated its authority and empowered it to investigate and

prosecute offences of cruelty to animals. The Review considers that this difficulty can be largely overcome by RSPCA Victoria withdrawing from activism against lawful activity in this State and leaving this activism to those organisations, such as Animals Australia, who are well resourced and have demonstrated their effectiveness in activism against animal cruelty.

This does not mean that the RSPCA should also withdraw from advocacy against animal cruelty. This is clearly core business for the organisation, but this advocacy should be undertaken with government and other stakeholders in a manner which rebuilds confidence in the RSPCA as a trusted partner in the combined effort to improve animal welfare.

Elsewhere in the Report, the Review offers a range of recommendations which, if implemented, will comprehensively reform the manner in which the Inspectorate undertakes its important role in the community. One of the key platforms to this reform program is the formalisation of relationships with Victoria Police with regard to intelligence management and the utilisation of the extensive Police Prosecutions Unit to undertake the prosecution of cases involving animal cruelty throughout the State. These reforms will establish an important formal link with a key stakeholder and should offer evidence to other key government stakeholders that RSPCA Victoria is capable of, and committed to, a major program of internal reform. This should also provide strong evidence that the main law enforcement body in this State regards RSPCA Victoria as a trusted partner in the sharing of sensitive intelligence critical to operational success.

The Review is convinced that a great deal more can be achieved by the RSPCA in promoting the interests of animal welfare by working in a cooperative partnership with government and its agencies rather than by engaging in opportunistic activism against lawful activities.

Recommendation 21: That RSPCA Victoria, while continuing its legitimate advocacy role, discontinue its public activist campaigning against the existing laws of this State.

Chapter 6: The Way Forward

The acceptance and implementation of the recommendations in this Report will completely transform the manner in which the Inspectorate undertakes its responsibilities. While some of the reforms can be acted upon immediately, others may take up to three years to implement. In these circumstances, it is very important that this transformational activity is undertaken with the guidance of a detailed implementation plan. Such a plan should also provide an effective accountability mechanism for the Board to support its governance responsibilities. The Board could more effectively discharge these responsibilities by tasking a Board committee to oversight regular reports on progress against the implementation plan.

The Board should ensure that one senior executive in the organisation is the accountable officer for the delivery of these recommendations and that officer should also be responsible for the preparation of the implementation plan for consideration of approval by the Board.

Given the level of community, organisational and stakeholder interest in this Review, it would be advisable for progress on implementation of these recommendations to be published in RSPCA annual reports for at least the next three years.

Recommendation 22: To ensure that effective governance and accountability arrangements are in place regarding the implementation of the recommendations in this report, the RSPCA:

- a. ensure that one senior executive in the organisation is the accountable officer for the delivery of these recommendations**
 - b. make that officer responsible for the preparation of the implementation plan for consideration of approval by the Board**
 - c. task a Board committee to oversight regular reports on progress against the implementation plan**
 - d. publish progress on implementation of these recommendations in RSPCA annual reports for the next three years.**
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Errata

Independent Review of the RSPCA Victoria Inspectorate *Transformation of the RSPCA Victoria Inspectorate*

- Figure 3: Proposed Inspectorate Organisational Chart (page 47) was incomplete

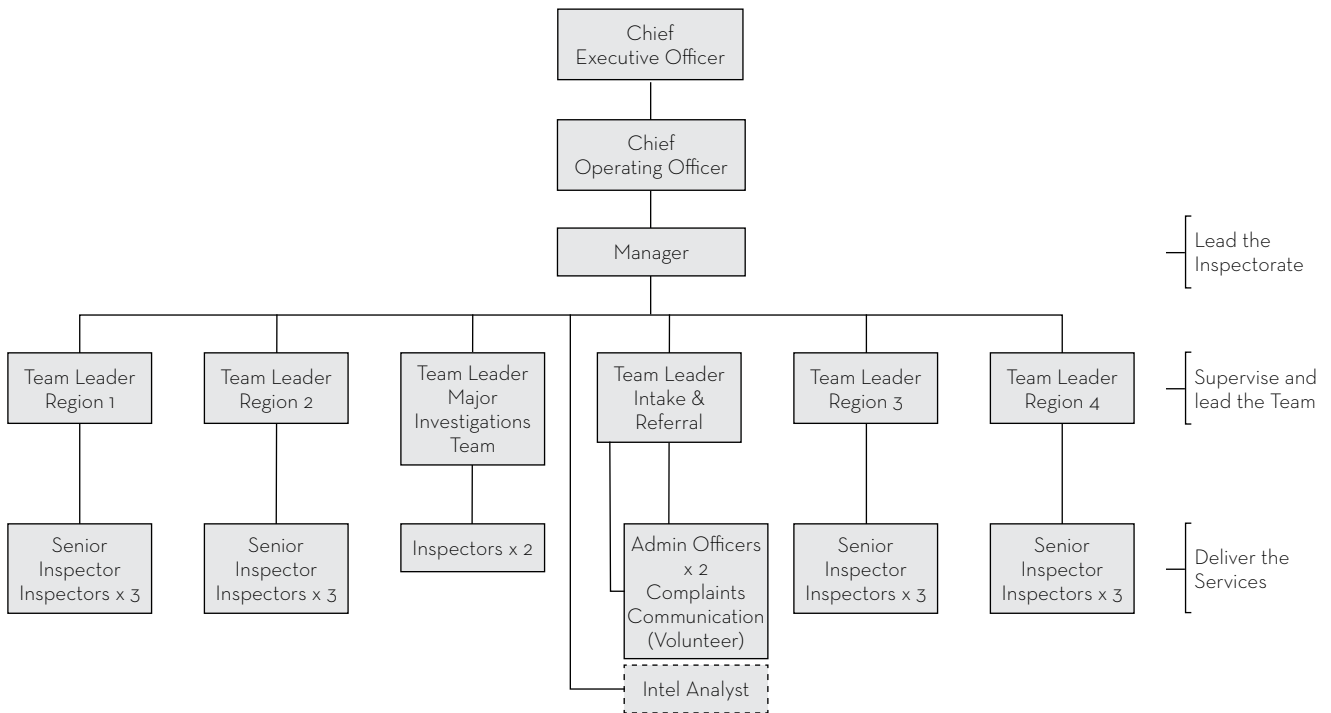


Figure 3: Proposed Inspectorate Organisational Chart

- Recommendation 9 (page 48) included incorrect references to page numbers.

Recommendation 9: That the RSPCA introduce a new structure and operating model in accordance with the 19 components outlined on pages 45 to 47 of this Report.
