



# **STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE**

**Members present:**

Mr CG Whiting MP—Chair  
Mr MJ Hart MP  
Mr JE Madden MP  
Mr JJ McDonald MP  
Mr TJ Smith MP

**Staff present:**

Ms S Galbraith—Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO THE ANIMAL WELFARE AND PROTECTION AMENDMENT BILL 2022**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 23 MAY 2022**

**Brisbane**

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### **The committee met at 10.19 am.**

**CHAIR:** Good morning. I declare open this public briefing for the committee's inquiry into the Animal Welfare and Protection Amendment Bill 2022. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me today are committee members Mr Jim McDonald, deputy chair and member for Lockyer; Mr Michael Hart, member for Burleigh; Mr Jim Madden, member for Ipswich West; and Mr Tom Smith, member for Bundaberg. Mr Robbie Katter, member for Traeger, is an apology.

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**CROWLE, Ms Lisa, Acting Manager Policy (Animal Welfare), Department of Agriculture and Fisheries**

**LETTS, Mr Malcolm, Deputy Director-General and Chief Biosecurity Officer, Biosecurity Queensland, Department of Agriculture and Fisheries**

**CHAIR:** Good morning. Thank you for appearing before the committee today. I invite you to make an opening statement, after which committee members will have some questions for you.

**Mr Letts:** The Animal Care and Protection Act has been the principal legislative framework for animal welfare since its commencement over 20 years ago. In that time, without any comprehensive review of the ACPA, there have been significant advances in animal welfare science which have led to a better understanding of animal biology and behaviour which in turn has assisted in developing improved animal husbandry practices and in general has reduced risks to the welfare of all animals.

The state government committed to a review of the ACPA in December 2020, with the intent that the review was to ensure the legislation keeps pace with contemporary animal welfare standards and practices and community expectations. A discussion paper was released in April 2021, with submissions for responses to the paper closing in May 2021. Although broad community views were sought on the current legislative framework in the ACPA, the paper also sets out high-level proposals which include maintaining or changing current provisions and introducing new provisions. The broad tenor of the submissions received through the consultation process was that the current legislative framework is generally appropriate; however, it requires updating to reflect contemporary standards and to address several other identified issues.

The Martin inquiry, an independent inquiry commissioned by the state government into the management of retired racehorses, delivered its report to the Queensland government in January 2020. In February 2020 the Queensland government published its response supporting each of the recommendations either in full or in part. Although the state government's commitment to implement the recommendations were not part of the ACPA review, the commitments relate to animal welfare and are appropriate to include in the bill and therefore will provide for more effective monitoring of livestock slaughter facilities by the Department of Agriculture and Fisheries and will safeguard the welfare of retired racehorses by the Queensland Racing Integrity Commission.

The Queensland Audit Office commenced an audit in March 2021 to assess the effectiveness of the department's oversight of the RSPCA. The report, *Regulating animal welfare services*, was tabled in November 2021. The bill amends the ACPA to address the central issues that arose from the audit recommendations from the QAO report.

**CHAIR:** You talked about the advances in animal welfare over the past 20 years. This bill covers quite an extensive amount of time and substantial improvements. Could you outline changes to the management of cattle and livestock? What are the biggest changes in that time that we need to account for in managing animal welfare? We have talked a bit about spaying, but could you talk a bit more about advances in technology in that area and why we need to manage that in terms of welfare?

**Mr Letts:** In relation to the beef industry, we have seen quite a bit of reform associated with the transport of livestock in particular—considering the distances travelled, the spelling times and a range of other things. It is interesting that the primary concern in that space is around animal welfare, but we have also learned with time that the welfare of those animals also contributes to the weight of those animals when they reach the slaughter facilities. That is also of commercial benefit to those people who are benefiting from the sale of those animals and their slaughter. Generally speaking, most of those reforms have been in that space. A lot of reforms in the beef industry happened prior to that, if you like, in relation to the care of animals through a whole range of procedures and practices.

**Ms Crowle:** In 2016 all state governments agreed on the Australian Animal Welfare Standards and Guidelines for Cattle.

**Mr McDONALD:** One of my concerns—I hope you can take it on board or give us some clarity around it—is operationalising some of the legislation and putting offences into practice. Are these changes able to be included on a penalty infringement notice or do they have to be done by complaint and summons?

**Mr Letts:** The use of penalty infringement notices was considered through the consultation process. I might let Lisa answer in a moment with some more detail in relation to what we will be doing, but at this stage there is no intent to introduce penalty infringement notices, but there is scope for us under regulation to amend a regulation, which means we would not need to have to come back to full amendment of the legislation.

As you are aware, we introduced a penalty infringement notice for biosecurity matters a couple of years ago, so that is something that was fully explored through the consultation process. At this stage it was considered not necessary. I will let Lisa add in relation to the potential in the future. Through this consultation process we may actually be able to amend the regulation.

**Ms Crowle:** Yes, there was very strong community support for a PIN scheme for animal welfare when we went to consultation last year. There were some concerns raised around what would be the appropriate offences we could use it for and the administrative aspects of it. We are certainly planning to give it further consideration. If we did progress it, it would involve amendments to the State Penalties Enforcement Regulation.

**Mr McDONALD:** That is certainly something that has been described to me as a big impediment for any changes of effect in terms of animal welfare. If you could take that on board, I think that would be really welcome to answer at a future time.

**Mr Letts:** Thank you.

**Mr MADDEN:** Under this act, who would have authority to issue a PIN?

**Mr Letts:** There is no authority at this stage under the act, so the requirement would be for a change to the regulation for a PIN to be able to be issued. My understanding is that that would be any authorised officer, which would be those authorised by the CEO.

**Ms Crowle:** At the moment the act provides for the appointment of inspectors and authorised officers, so we would look at the most appropriate—

**Mr MADDEN:** Do police officers have the authority?

**Ms Crowle:** Yes, police are inspectors.

**Mr MADDEN:** So that general term is quite broad—‘inspectors’?

**Ms Crowle:** Inspectors can be appointed from the government—so DAF, generally—the RSPCA and the Queensland Police Service.

**Mr MADDEN:** And that can be dealt with through regulation?

**Ms Crowle:** The appointment of the inspectors?

**Mr MADDEN:** The appointment of these officers.

**Ms Crowle:** That is dealt with—

**Mr MADDEN:** By regulation rather than legislation?

**Ms Crowle:** Well, they are who we have appointed to enforce the act. If there was a regulation that provided for PINs then they would be, yes.

**Mr MADDEN:** I would like you to clarify the jurisdiction of the RSPCA versus departmental officers in enforcing this act. There was that incident with regard to those horses at Charlestown. I would like clarification as to what the RSPCA does have jurisdiction for as opposed to departmental officers.

**Mr Letts:** There is a general principle that operates. We have an agreement, as you know, with the RSPCA, who generally look after the companion animal industry and large urban centres, and the department looks after commercial industries and areas outside the large urban centres. That is the broad demarcation.

**Mr MADDEN:** In that regard let's take racehorses, for example. Say there was an allegation about some racehorses at a property at Bundamba in my town of Ipswich. Who would deal with that?

**Mr Letts:** Generally speaking, in that instance my understanding is that it would be the RSPCA. Is that correct, Lisa?

**Ms Crowle:** Yes. With racehorses, the Queensland Racing Integrity Commission also has a role. They have animal welfare officers.

**Mr MADDEN:** Is it pretty much the situation that the RSPCA deals with urban areas and the department deals with rural areas?

**Mr Letts:** That is generally the situation except in some urban areas where, as you would appreciate, there are commercial operations as well, mainly associated with chicken farming.

**Mr MADDEN:** Does this legislation in any way deal with the GAP program, the Greyhound Adoption Program? Does it touch on it at all?

**Ms Crowle:** No.

**Mr HART:** Is this the primary act that covers animal welfare? Are there other acts?

**Mr Letts:** No, this is the primary act that covers animal welfare.

**Mr HART:** If this is the primary act, I am wondering why it has not been reviewed for 20 years. Is there any provision in the act for standing reviews?

**Mr Letts:** It is a good question in relation to the length of time it has taken to review the act. I do not have a clear answer for you in relation to the reasons for that other than to say that it is well underway now. In terms of the regular reviews, I do not think there is anything in the legislation. You would reasonably expect a three- to five-year time frame.

**Mr HART:** Has the government or the department thought about putting a regular review into the act?

**Mr Letts:** There was a review—not a full review—that was undertaken in about 2014. In terms of the future, we would anticipate that the length of time before the next review would be much shorter than 20 years and that we would be looking for something more regular going forward.

**Mr HART:** Things have changed with animal welfare in the last 20 years. You read about it in the newspaper and see it on TV. How have those things happened? Has it been self-regulation?

**Mr Letts:** At the national level there is a process of standards and guidelines, particularly for commercial animals, that has gone through. You may be aware that the poultry standards and guidelines have been considered for several years now at the national level. As those procedures are finalised and worked through, each of the jurisdictions, including Queensland, then has a look at the implications of those for our state. We would modify our regulations according to whatever those standards and guidelines are that are agreed at the national level. Sometimes it can take a couple of years to do that, but that is a standard process that we run through. Poultry is a good example of where they are generally seeking to update, as you say, the community expectations around animal welfare standards.

**Mr HART:** Is the review to have a national standard that is set by one state and then copied by other states?

**Mr Letts:** Generally there is an agreement at the national level around those standards and guidelines. One of the things this bill does is seek to allow us to make amendments to our regulations based on what is happening in other states and recognising what other states' requirements are under legislation.

**Mr HART:** It is really unusual to have a body that is not directly related to the government having powers of entry and things like that such that the RSPCA has. Under which act do they get their powers??

**Mr Letts:** That is under this piece of legislation.

**Mr HART:** Has there been a review of those powers?

**Mr Letts:** The Queensland Audit Office has recently conducted a review. We would be looking to implement the recommendations of that review in full in this legislation or in the regulations that arise out of that.

**Mr HART:** Are they presently contained in the amendments that we are looking at?

**Mr Letts:** There are some changes in these amendments, yes.

**Mr HART:** But not all of them?

**Mr Letts:** Some of them will be in regulation, as I understand it.

**Ms Crowle:** All of the recommendations for legislative amendments have been picked up in the bill. There were also some more administrative recommendations in terms of the way we do business which we are implementing separately.

**Mr HART:** Does the legislation give a head of power to make those regulatory changes?

**Mr Letts:** The head of power exists under the existing act, so it makes some changes in relation to how that head of power is applied. We started working with the RSPCA about 12 months ago in relation to some reforms and how we work together going forward.

**Mr SMITH:** I have a question around prong collars. I was not aware of prong collars and many people I spoke to were not aware of them, either. I take it their reason for use is to refrain the animal from leaping out and attacking or running away. Could you take me through the use of prong collars—what kind of pain levels are inflicted and what kinds of animals prong collars go on?

**Mr Letts:** Historically, prong collars have been mainly used in the dog-training industry by those people who are training dogs for a range of different purposes. Research has shown that using aversive training methods such as choke collars or prong collars to train an animal can cause severe pain and distress to those animals. That is the reason for the proposal to prohibit the use of those collars.

**Mr SMITH:** Are those dogs being used mainly for security reasons, are they police dogs, or is this happening in general suburbia?

**Mr Letts:** Generally speaking, it is mostly the commercial trainers that would be using these prong collars. There is a range of different uses: odour detection dogs, security dogs—a range of different commercial uses of dogs. It seems to be increasing, actually.

**Mr SMITH:** Has there been blowback by stakeholders? Is there anyone seriously coming forward and saying, 'No, no. We need prong collars to continue'?

**Mr Letts:** We have had some submissions from the dog-training industry to say that their preference would be for the collars not to be banned.

**Mr SMITH:** Are there any stakeholder groups—I am sure there are many—that are raising concerns, that the legislation is going either too far or not far enough, that you think we should be most aware of as we go through this inquiry?

**Mr Letts:** The changes to the act generally or the changes specifically to the prong collars?

**Mr SMITH:** Sorry, to the act generally.

**CHAIR:** That is a broad question, member for Bundaberg. It is asking for an opinion.

**Mr SMITH:** It is a broad question.

**CHAIR:** Could you be more specific?

**Mr SMITH:** Maybe some with a greater backing or something that you think might become more controversial as we go.

**Mr Letts:** I will make a general statement that there are industries that rely on livestock and animals for livelihood that understand that there has been a cultural shift in my lifetime certainly towards the importance of animal welfare. There are market access and trade issues associated with animal welfare these days that did not exist even 20 years ago. As a general rule, we have seen some big reforms in that space. At the same time there is an animal liberation movement, as I am sure you are all aware, that has become a lot more active and vocal in the last 25 years or so. For a

range of these amendments you will always get a range of views in relation to what is good or bad legislation and policy. There is work through all of those things. We always seek on balance to find something that is workable and meets community expectations.

**Mr MADDEN:** One of the submissions we had was from Shelly Stif Uke. She wants to ban the tethering of dogs. I want to clarify that tethering simply means chaining up. She does not really explain what tethering means.

**Mr Letts:** I would assume so. One of the changes to the aggravated duty of care piece is partly in response to reports that we and RSPCA receive about animals being chained without appropriate shelter, food and water, which unfortunately happens more regularly than you would think, so we are making that a more serious offence under this legislation. The banning of any animals being tethered, as in chained, is not part of this legislative change.

**Mr MADDEN:** Does this legislation in any way restrict the use of choker chains?

**Ms Crowle:** No, we are not specifically prohibiting them. Any use of anything on an animal would come under the provisions of animal cruelty. Anything that is used that causes unreasonable pain or unjustifiable pain could be cruelty. That is where we have got to with the tethering as well as a range of other things that we are not specifically banning.

**Mr MADDEN:** You understand what I mean by the choker chain, just the thin chain?

**Ms Crowle:** Yes.

**Mr MADDEN:** It is certainly not in the same category as these other collars.

**Ms Crowle:** That is right. The only collar being banned at this stage is the prong collar.

**CHAIR:** On page 10 of the explanatory notes, the fourth dot point down talks about amending section 178 to provide that a prosecution may only be started by a person authorised by the chief executive to bring the prosecution. Can you expand on that? Who is authorised? Is that external or internal? Can you talk a bit more about that process of authorisation or describe who is authorised?

**Ms Crowle:** That provision is one of the provisions that implements the Queensland Audit Office recommendations. That will be about making sure that the department has oversight of RSPCA prosecutions. There is also another amendment that will have the RSPCA provide information about their investigations and prosecutions to DAF. There will be an authorisation involved for them to proceed with a prosecution.

**CHAIR:** The authorisation could be the CE for an internal decision to prosecute. Would that come under this because it would be the chief executive officer who would be authorised to commence prosecution, or is that authorisation extended to other officers within the department?

**Mr Letts:** My understanding is that the section 178 amendment is specifically related to the authorising process of the RSPCA that we have in place where the CEO authorises an officer working within the RSPCA to give them powers to act.

**CHAIR:** Can you describe that authorisation process now and how it would be under this particular amendment?

**Mr Letts:** I might get Lisa to speak to that because there are quite a few changes that are happening in that space, including how we authorise officers and what requirements we have of those officers in order to be authorised.

**Ms Crowle:** I will just check where it is in the bill.

**CHAIR:** We are talking about section 178.

**Mr Letts:** I can speak quickly, if you like, to the intent of those changes. It is about strengthening the oversight of inspector appointments by implementing the recommendations of the QAO, as Lisa said. The amendments will apply to all inspectors appointed under the ACPA: both RSPCA and DAF employed inspectors. The bill will define grounds upon which an inspector's appointment may be cancelled or suspended, where the chief executive reasonably believes that the inspector is no longer suitable for an appointment as an inspector under section 114 or the inspector failed to comply with a condition of appointment.

Before the CEO decides to cancel or suspend an appointment, the chief executive must give an inspector a written notice stating the proposed action, the grounds of the proposed action and the circumstances of the basis for the grounds. Amendments to the bill will also require an inspector to give notice to a chief executive of all interests, financial or otherwise, that the inspector has or requires that could conflict with the proper performance of those duties.

**CHAIR:** We are specifically looking at the process around how they are appointed. Is it a recommendation of the organisation that a person be appointed? Obviously, they are now saying that there has to be level of training. What is the process? How does the department have oversight of who is appointed, or does it run that process of appointment?

**Mr Letts:** To get it 100 per cent correct, I think it is better that Lisa speaks to that.

**Ms Crowle:** The department has implemented a learning and development program for inspectors. They complete a series of modules. We are checking as they complete those. When the RSPCA employs somebody, they let us know and they commence the training. Once they have completed the training then we know that they are ready for appointment.

**CHAIR:** So what we have now is a level of training? Someone is provisionally appointed, then they have to do the training as specified by the department and it has to be sighted before they get a letter of authorisation. Does that authorisation come from the department or from the external organisation?

**Mr Letts:** It comes from the department. The director-general of the department authorises officers.

**Mr HART:** When did that start?

**Mr Letts:** The authorisation by the director-general has been in place since the act was originally brought in. In terms of the training we have been doing, it was about 18 months ago, I am going to say, that we started discussing with the RSPCA the requirement for this training and how we could work better together in relation to the approaches that we took.

**Mr HART:** And before that?

**Mr Letts:** What happened before that was that we received an assurance from the RSPCA around the suitability or whatever of those officers.

**CHAIR:** Just to clarify: the process has started around the need for the internal training to be completed before appointment?

**Mr Letts:** Correct.

**CHAIR:** The QAO recommended—and this relates to section 178—that the department participate in decisions to prosecute. Is there anything in the legislation where we go that far? It talks about oversight and giving information, but where in the legislation does it say that the department will be participating in the decision to prosecute?

**Mr Letts:** In relation to the prosecution, I am not sure that we are changing the—

**Ms Crowle:** The change to section 178 will mean that a prosecution may only be started by a person authorised by the chief executive to bring the prosecution. Operationally, there is a committee that the RSPCA has to decide on their prosecutions and DAF is involved in that committee.

**CHAIR:** Is that a joint committee of both organisations—the department and the RSPCA?

**Ms Crowle:** I am not certain of the exact administrative arrangements.

**CHAIR:** I am interested in exploring this. The second last dot point under recommendation 2 of the QAO is that the department increases its oversight and participates with the RSPCA in decisions to prosecute. I am looking at whether that will be in the regulations or is set out in the legislative changes.

**Ms Crowle:** It is administrative.

**Mr Letts:** The bill allows the chief executive to request access to all documents and information from the RSPCA relating to an investigation of an offence.

**CHAIR:** What I am trying to see is whether you are implementing all of the Audit Office recommendations. One example is participation in the decision to prosecute. This may be something that we can put on notice. You have said that it is an administrative process with regard to that committee.

**Ms Crowle:** It is the combination of having the powers to request the information and authorise the prosecutions and then administratively being able to participate in their committee. We can provide more detail on exactly how it is working.

**CHAIR:** Can we have more details on how the participation—that particular dot point—is happening? One of the other things in QAO recommendation 2 is a register of current inspectors. Is that something that is currently done or is it once again to be done through legislation, regulation or administrative changes?

**Mr Letts:** There is already a register of inspectors in place. What changes are the requirements that the RSPCA has to comply with for those inspectors to be registered.

**CHAIR:** Registered with the department? Is that what we are talking about?

**Mr Letts:** Yes, authorised by the chief executive.

**CHAIR:** So there is a register of people who are authorised for that particular purpose?

**Mr HART:** Is that publicly available?

**Mr Letts:** I will have to take that on notice. I am not sure.

**Ms Crowle:** We will take that on notice.

**Mr McDONALD:** I refer to the issue of nets. We have a large agricultural community across Queensland. Can you clarify for the committee the definition of a prohibited net?

**Ms Crowle:** At this stage the bill is providing a power to prescribe a prohibited net. We are not doing that at this stage.

**Mr McDONALD:** Has there been any consideration of what that looks like?

**Ms Crowle:** Not in detail.

**Mr Letts:** Not in any detail, but there is anecdotal evidence in relation to the size of netting and those sorts of things that are more prone to trapping wildlife in particular. As Lisa said, we will be having a look at that and doing some more work around providing guidelines to industry about the better use of netting.

**Mr McDONALD:** Thank you for that. I could not pick that up anywhere so I welcome that. I refer to CCTV in abattoirs and slaughterhouses. From my experience of the places I have been to, CCTV is very well used for both the business's own protection and concerns around allegations of mistreatment. Has this inclusion in the bill come from industry or is it something the department has driven?

**Mr Letts:** A lot of retailers require CCTV to be in place as part of their supply chain requirements and assurance requirements. It is mandatory in the UK now. We have seen the industry move towards this. The specific requirements in relation to this bill are around the Martin inquiry recommendations for the inclusion of CCTV in those establishments that are slaughtering horses.

**Mr McDONALD:** Do you know of any slaughterhouses or abattoirs that do not have CCTV now?

**Mr Letts:** My understanding from the Martin inquiry—Lisa, you might be better answering this—is that that particular establishment did not at the time.

**Ms Crowle:** Again, these amendments are about horse processing establishments. There are only two in Queensland. The major processor does have CCTV now. The smaller processor we are not sure about, but probably not at this stage.

**Mr McDONALD:** I recently had an inquiry about a backyard goat and sheep abattoir. The efforts of departmental officers were good but very challenging in terms of prosecution. That is why I asked the first question about the penalty enforcement notice. Have you seen an increasing trend in backyard slaughterhouses?

**Mr Letts:** There are a lot of small slaughterhouses in Queensland. They tend to be monitored by the inspectors from Safe Food Queensland. We have an agreement with them in relation to the reporting of any offences against this legislation in that space. It is an interesting element within the Queensland context—the number of small slaughterhouses that we have. That relationship is in place and has been in place for some time. I do not know that there is anything else we can say in that space at this time.

**Mr MADDEN:** What are those two slaughterhouses for horses? I know there is one at Caboolture.

**Mr Letts:** There is Meramist and there is a knackery which is in the Scenic Rim area.

**Mr MADDEN:** What is the business name of the one in Caboolture?

**Mr Letts:** Meramist.

**Mr MADDEN:** And the business name for the one at—

**Ms Crowle:** I am not sure it has a business name, but we can take that on notice, if you like.

**Mr Letts:** What we do know is that it slaughters very infrequently and only very small numbers.

**Mr MADDEN:** I thought there was just the one. It is interesting to hear that there is at least one other.



**Mr Letts:** I am not sure how active they have been in recent times.

**Mr MADDEN:** Fair enough, but if you could find out the name that would be great.

**CHAIR:** So is that a question on notice?

**Mr MADDEN:** Yes, a question on notice.

**Mr HART:** I wanted to ask about the banning of particular breeds or types of animals in urban environments. How is that presently legislated or regulated?

**Mr Letts:** That is under a different piece of legislation. That is under, I am going to call it, the cats and dogs act.

**CHAIR:** We know the one.

**Ms Crowle:** Animal Management (Cats and Dogs) Act.

**Mr Letts:** Those breeds that are banned are prescribed in that legislation. The enforcement of that legislation is done by local governments in Queensland. It is sort of relevant.

**Mr HART:** I get it.

**Mr Letts:** There is a piece of work we are doing with the Local Government Association of Queensland and with local government at the moment looking at that old arrangement.

**Mr HART:** That answers my next question.

**CHAIR:** We have talked about the importance of inspectors. We talked about changes in regulation, legislation and administrative procedures. How are those changes reflected in the service agreement with the RSPCA's external inspectors? Is that reflected or updated in that external agreement?

**Mr Letts:** The process of updating that agreement is well underway. I might get Lisa to give us an update, but there will be a reflection of those changes in that agreement.

**Ms Crowle:** I probably do not have much to add to that, but it is underway.

**Mr HART:** Is that a contract?

**Ms Crowle:** It is a memorandum of understanding.

**CHAIR:** What is the difference between a memorandum of understanding and a contract? How do you see it?

**Mr Letts:** I am not speaking specifically about this arrangement, but generally speaking an MOU does not have the legislative hold that a contract would have.

**CHAIR:** It is not an exclusive memorandum of understanding?

**Mr Letts:** It is specifically a memorandum of understanding between ourselves and the RSPCA.

**Mr HART:** Does money change hands because of it?

**CHAIR:** There is probably a better way to say that, member for Burleigh. Is it a memorandum of understanding that outlines payments?

**Mr Letts:** No, it is not. There is funding that the Queensland government provides to the RSPCA, but it is for capital works. There is some funding that is provided on an annual basis as well.

**Ms Crowle:** That is part of the MOU.

**Mr Letts:** I am sorry; I will retract my previous statement.

**Ms Crowle:** We do have another MOU on information sharing with the RSPCA and the Queensland Racing Integrity Commission that does not involve any money. The MOU with the RSPCA for enforcement work does involve that.

**CHAIR:** So it sets out the conditions of payments made by the government for the particular services provided. One of my points was that it is not exclusive. There is no restriction on how many memorandums of understanding we can sign to get someone to provide those services; is that right?

**Mr Letts:** I would probably need to take that on notice. Not to my understanding.

**CHAIR:** Is the MOU an exclusive one barring other potential appointees?

**Mr Letts:** My understanding is that it is not, but we will take that on notice to clarify that for you.

**CHAIR:** You said that the MOU is being negotiated at the moment. Do we have a time frame for that? You said that is currently being undertaken. Is it a renegotiation?

**Ms Crowle:** Can I take on notice the time frame, please?

**CHAIR:** Certainly.

**Mr Letts:** It is an updating based on both the QAO recommendations and the changes to the legislation.

**CHAIR:** We talked earlier about the regulation that will allow inspectors to issue a PIN. Does it allow externally appointed inspectors to issue a PIN? It is interesting how that works with section 178, where a prosecution can only be started by a person authorised by the chief executive, even though a PIN is not a prosecution. Essentially, is there a regulation that allows external inspectors to issue a PIN?

**Ms Crowle:** At this point there is no regulation that allows issuing PINs. We will be giving further consideration to that.

**CHAIR:** Giving further consideration to the development of regulations?

**Ms Crowle:** It would have to be through the regulations, yes. The PINs are through the State Penalties Enforcement Regulation rather than directly through the act. We would be giving further consideration to all of those questions about what offences it would apply to and who would be issuing them down the track.

**CHAIR:** Would that potentially be part of an MOU?

**Ms Crowle:** It is hard to say at this point.

**CHAIR:** We might leave that for the moment. You have said you are implementing the QAO recommendations in full. There will be a range of either regulatory changes, internal admin changes or legislative changes. Are you able to get a list of those recommendations and how each one is being addressed? I know that we have some things within the legislation that are being addressed, but for our clarification could we have a detailed list of how each one of those recommendations is being implemented and how and where they are being implemented?

**Mr Letts:** I can give you a little bit of an overview in terms of what we are looking at now, if that helps, and then we can take that on notice.

**CHAIR:** Yes, I think we are looking for a more extensive one, but certainly some information now would be useful.

**Mr Letts:** We are seeking to: clarify the accountabilities and accreditation of inspectors; provide for oversight by the chief executive of recommendations from inspectors for prosecutions and any related proposals for change and plea negotiations between the defendants and prosecutors before presenting the case in court; provide the chief executive with access to all information that inspectors collect as part of their investigations and prosecutions, so it is full access to information; include requirements for managing conflicts of interest; and require the approval of a publicly available fee schedule of reasonable cost recovery.

**CHAIR:** That is the first point and you have five from the auditor. Perhaps you could get back to us with the details of how you are addressing each of those. We have talked a bit about the MOU, and we will be getting an update on the time frame for that. We may ask some more questions about that when we get the response about what can and cannot be in the MOU. Will it be publicly available?

**Mr Letts:** I imagine that it would be under freedom of information anyway, so I would not see why it would not be publically available.

**Mr HART:** Is the current one public?

**Ms Crowle:** I do not believe it is.

**CHAIR:** We might need to get some more information.

**Mr Letts:** We will clarify that.

**CHAIR:** Yes, can we clarify whether it is planned to be public or not?

**Mr Letts:** Yes.

**Mr MADDEN:** Mr Letts, you mentioned funding provided by the state government to the RSPCA. Did I hear you correctly that funding is principally for capital works, not operating expenses?

**Mr Letts:** Sorry, there are operating expenses as well. There is an annual grant for operating and we have assisted the RSPCA over recent years to build new facilities—Wacol is probably the best example—over time.

**Mr MADDEN:** Just focusing on operating expenditure, what percentage of their expenditure is government provided and what is through fundraising? Do you have any idea?

**Mr Letts:** No, I do not. I cannot answer that. I can tell you that our assistance to the RSPCA is around their inspectorate. They have a very broad business. They have rehoming and a whole range of other functions they perform for the community as well. We can get you a figure in terms of the total RSPCA budget, but our assistance is specifically around the inspectorate.

**Mr MADDEN:** You mentioned capital works for their facility. Their facility at Wacol has been there for quite some time.

**Mr Letts:** Yes.

**Mr MADDEN:** Has there been some recent funding for Wacol?

**Mr Letts:** Not for Wacol, no, but there has been some assistance in other locations.

**Mr MADDEN:** That is all I wanted to know, thank you.

**Mr McDONALD:** This is something you might like to take on notice. I wonder if you could put together a spreadsheet of prosecution data over the last five or 10 years, because I am really quite concerned about there being legislation in place but it being very challenging to take action on.

**Mr Letts:** We will get that for you.

**CHAIR:** That may be a longer one. We can liaise on that one, because I know that getting that information over the last five to 10 years is a fairly extensive exercise.

**Mr Letts:** To clarify, Chair, these are members' questions specifically around RSPCA prosecutions?

**Mr McDONALD:** I was thinking of the departmental—

**Mr Letts:** All prosecutions under the legislation?

**Mr McDONALD:** Yes.

**Mr HART:** How many have been successful.

**CHAIR:** Hence it might be a larger exercise.

**Mr Letts:** Yes.

**CHAIR:** We will liaise with you specifically about that.

**Mr Letts:** Chair, I could just make a general comment in relation to prosecutions and legislation and the way the act works. As you would be aware, we seek to provide directions, education and training to the livestock industry in particular in relation to where there may be potential breaches or animals are not being cared for as a first step in the process. Prosecutions are certainly something where there needs to be very well prescribed and described offences against the act.

**CHAIR:** There being no further questions, we will close this session. We have some questions for you. I will not go through all of those at the moment. We will liaise with you about those questions. That will be clear from the record as well. The questions on notice are due by Friday, 10 June, which gives you a little bit of time for the last one about the profile of prosecutions. That concludes this public briefing. Thank you to everyone who participated today. Thank you to our Hansard reporters and the secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this briefing closed.

**The committee adjourned at 11.07 am.**