

# A. Entity responses

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We gave a copy of this report with a request for comments to the Department of Agriculture and Fisheries and the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities.

We also provided a copy of this report with an invitation to respond to the:

- Premier and Minister for the Olympics
- Director-General, Department of the Premier and Cabinet
- Chief Executive Officer, RSPCA Queensland.

This appendix contains the detailed responses we received.

The heads of these entities are responsible for the accuracy, fairness, and balance of their comments.



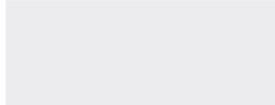
# Comments received from Director-General, Department of Agriculture and Fisheries



Department of  
**Agriculture and Fisheries**

Our ref: CTS 22852/21

16 NOV 2021



Dear Mr Brown *Darren*

Thank you for your email of 28 October 2021 containing the Queensland Audit Office (QAO) Report to Parliament – Regulating Animal Welfare Services (the Report) and the opportunity for the Department of Agriculture and Fisheries to respond to the recommendations contained in the Report.

The department's response to the recommendations made by the QAO in the Report are contained in the attached QAO template response.

If you require any further information, please contact [redacted]

Yours sincerely

  
**Robert Gee**  
**Director-General**  
**Department of Agriculture and Fisheries**

Attachment 1 – Department of Agriculture and Fisheries response to QAO Report to Parliament – Regulating Animal Welfare Services recommendations

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## Responses to recommendations



### Department of Agriculture and Fisheries

#### Regulating animal welfare services

Response to recommendations provided by Mr Robert Gee, Director-General, Department of Agriculture and Fisheries

Recommendation	Agree/ Disagree	Timeframe for implementation (Quarter and financial year)	Additional comments
1. In reviewing the <i>Animal Care and Protection Act 2001</i> (the Act) and associated regulations, we recommend the department amends the legislation to: <ul style="list-style-type: none"> <li>clarify the accountabilities and accreditation of inspectors</li> <li>have oversight of recommendations from inspectors for prosecutions and any related proposals for charge and plea negotiations between the defendants and prosecutors before presenting the case in the court</li> <li>provide it with access to all information that inspectors collect as part of their investigations and prosecutions</li> <li>include requirements for managing conflicts of interest</li> <li>require it to approve a fee schedule of reasonable cost recovery and make it publicly available</li> </ul>	Agree	Q4 2022	The department has taken steps to progress possible amendments to the Act for consideration by Government in relation to appointment of inspectors, oversight of prosecutions, access to information held by the RSPCA and managing conflicts of interest as part of the review of the Act.  A schedule of fees will be developed in consultation with the RSPCA.



Recommendation	Agree/ Disagree	Timeframe for implementation (Quarter and financial year)	Additional comments
<p>2. We recommend the department:</p> <ul style="list-style-type: none"> <li>establishes minimum performance and re-accreditation requirements for inspectors, and oversees inspectors' performance against the requirements</li> <li>maintains a register of current inspectors and implements controls over identity cards</li> <li>establishes minimum standards for the welfare of the majority of animal types RSPCA Queensland regulates</li> <li>increases its oversight and support of RSPCA Queensland investigations by regularly reviewing the investigations and providing feedback for improvement</li> <li>increases its oversight, and participates with RSPCA Queensland in decisions to prosecute</li> <li>actively monitors the outcomes of complaints about RSPCA Queensland investigations and inspectors</li> <li>oversees how RSPCA Queensland is managing conflicts of interest relating to its enforcement function.</li> </ul>	Agree	<p>Q4 2022 (re-accreditation programs, register of appointment and increase in oversight of RSPCA inspectors)</p> <p>Q4 2025 for establishing minimum standards for the welfare of animal types</p>	<p>The department has already taken steps to address the recommendations relating to the appointment of inspectors, oversight of RSPCA investigations, managing conflicts of interest, and monitoring complaints about RSPCA inspectors.</p> <p>The department has commenced working with the RSPCA to improve the response to animal welfare complaints, review investigations and provide feedback for improvement.</p> <p>The department is now participating with the RSPCA in the decision to prosecute.</p> <p>Developing minimum standards for all animals that are regulated under the Act is a significant body of work which will also require consideration by Government for possible amendments to the Animal Care and Protection Regulation 2012.</p>
<p>3. We recommend the department assigns responsibility and accountability for overseeing the engagement with RSPCA Queensland to a person with appropriate authority.</p>	Agree	Q3 2021	<p>This has been completed with the appointment of an acting Director, Animal Welfare Program and acting Manager, Inspectorate to oversee engagement with the RSPCA.</p>

Recommendation	Agree/ Disagree	Timeframe for implementation (Quarter and financial year)	Additional comments
<p>4. We recommend the department partners with RSPCA Queensland to:</p> <ul style="list-style-type: none"> <li>develop effectiveness measures and uses them to assess the enforcement activities against intended outcomes</li> <li>develop and use financial reports to ensure accountability for funds the department provides.</li> </ul>	Agree	Q2 2022	<p>The department has measures in place against which to assess the effectiveness of the response to animal welfare complaints by departmental inspectors. These measures are being introduced to the RSPCA inspectorate and a review of enforcement activities has commenced.</p> <p>The department is well progressed in replacing the current procedures and guidelines for undertaking animal welfare complaint investigations, delivering a new learning and development program and reviewing and assessing effectiveness of response to animal welfare complaints.</p>
<p>5. We recommend that all public sector regulators and oversight bodies self-assess against better practices in Appendix C and, where necessary, implement changes to enhance their regulatory performance.</p>	Agree	Q2 2022	<p>The department is well progressed in delivering a new learning and development program (L&amp;D program) and reviewing and assessing the effectiveness of responses to animal welfare complaints.</p> <p>The new L&amp;D program and Procedures and Guidelines have adopted best practice guidelines for regulatory performance.</p> <p>The department has developed key criteria for assessing the effectiveness of the response by inspectors to animal welfare complaints focusing on regulatory excellence based on integrity, engagement and competence.</p>



# Comments received from Chief Executive Officer, RSPCA Queensland



17 November 2021

Mr Brendan Worrall  
Auditor General, Queensland Audit Office  
PO Box 15396  
City East QLD 4002

Dear Mr Worrall,

Thank you for the opportunity to provide a formal response to your *Regulating Animal Welfare Services* report.

RSPCA Qld has appreciated a positive partnership with the Department of Agriculture and Fisheries (DAF) for the benefit of animal welfare since the inception of the Animal Care and Protection Act 2001 (the Act). During that time we have improved the provision of training and educational resources for Inspectors and developed a framework of best practice policies and procedures for our prosecutions, including adoption of the Director of Public Prosecutions Guidelines and Model Litigant Principles.

The review of the Act will be important as we believe the submissions that both RSPCA Queensland and others have made will help to modernise the Act and bring it in line with community expectations. This will be beneficial in providing the animals the best possible care and protection they need and deserve.

We welcome the audit findings and support the recommendations outlined in the *Regulating Animal Welfare Services* report. Some of these recommendations have already been implemented and are working well. Our Inspectorate looks forward to further engaging with DAF to continue developing a collaborative and productive relationship in accordance with the recommendations, and particularly in relation to ongoing training and development, formalised reporting and establishing consistent governance structures.

This progressive evolution will require a substantial funding increase to sustain performance and achieve desired outcomes for animals consistent with community expectations. We are confident that Government, the community they represent and the animals that rely on them, would benefit from this investment in the future of animal welfare.

Yours sincerely

Darren Maier  
CEO

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