

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW

**2023 INQUIRY INTO THE OPERATION OF THE APPROVED
CHARITABLE ORGANISATIONS UNDER THE PREVENTION OF
CRUELTY TO ANIMALS ACT 1979**

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At Macquarie Room, Parliament House, Sydney, on Monday 27 May 2024

The Committee met at 9:15.

PRESENT

The Hon. Mark Banasiak (Chair)

Ms Abigail Boyd

The Hon. Greg Donnelly

The Hon. Wes Fang

The Hon. Emma Hurst (Deputy Chair)

The Hon. Aileen MacDonald

The Hon. Cameron Murphy

The Hon. Peter Primrose

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The CHAIR: Welcome to the second hearing of the Committee's inquiry into the operation of approved charitable organisations under the Prevention of Cruelty to Animals Act 1979. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today, and I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Mark Banasiak. I'm the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to evidence they give today. However, it does not apply to what witnesses say outside the hearing, so I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants, so I encourage Committee members and witnesses to be mindful of these procedures.

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Mr GODFREY MOASE, Executive Director, Allied Industries, United Workers Union, before the Committee via videoconference, affirmed and examined

The CHAIR: Mr Moase, I welcome you and thank you for taking the time to give evidence. Do you have a short opening statement before we go to free-flow questions from the Committee?

GODFREY MOASE: Yes, I do. The United Workers Union represents RSPCA inspectors in New South Wales. Working as an RSPCA inspector is dangerous, tough and takes its emotional toll. This is true even when inspectors feel like everything is running well in their own workplace. When they feel like serious allegations of bullying and harassment by senior management are going unaddressed, this can push even the most resilient of inspectors to breaking point. No-one does this job for the money. Our members become inspectors because they care. They become inspectors because they care fundamentally about animal welfare. They do it because they care about life, the lives of animals and the lives of people intersecting with animals. When, however, they feel like they must navigate a toxic workplace culture, it curtails their ability to fulfil their mission.

The United Workers Union notes that serious allegations of bullying and harassment by senior management are not being addressed to our satisfaction and that this managerial culture is the primary cause of widely publicised issues with respect to animal welfare. Good leaders take responsibility and ineffective leaders seek to blame those under them. The allegations our members have raised with us include matters ranging from the use of disparaging and/or abusive language towards employees, to the issuing of unreasonable and unsafe managerial direction.

While we have entered correspondence with the RSPCA NSW CEO Mr Steven Coleman in the last fortnight with respect to an independent investigation into these matters, as per an initial request of our members in early April, we have, to date, no confirmation that an independent investigator has been engaged, no confirmation about the potential terms of reference for such an investigation and no confirmation that the RSPCA NSW will facilitate access to training on responsible and reasonable management practices for senior management to mitigate or control against the risk of bullying and harassment. We have deep concerns that unless immediate action is taken on this front that the additional moneys earmarked to the RSPCA for an additional 12-month period will not increase the quality of overall services as much as intended but only mitigate against an impact of this issue on animal welfare in New South Wales.

The CHAIR: The Committee has agreed to free-flow questions so I'm just looking for members to take that up. Mr Fang?

The Hon. WES FANG: Thank you very much for agreeing to provide evidence today and allowing your member inspectors to have a voice. I must say that it's pleasing to see a union that doesn't waste money. I can see there's no artwork on the walls, so I'm pleased to see that you're diligent with the funds of your members. In that respect, in relation to your members, they've obviously spoken to you about the way in which the management engages with them as an inspectorate. Can you give us a bit of the detail around the bullying and harassment allegations that have been given to you from the RSPCA inspectors?

GODFREY MOASE: Yes, I can outline some of that. At the beginning of January 2024 we were made aware of seven formal complaints regarding the behaviour and conduct of senior management in the inspectorate that was raised with human resources. Again, as I said, from the beginning of this year the allegations ranged from that disparaging and abusive language towards employees to the issue of unreasonable and unsafe management direction. Serious allegations of bullying and harassment by senior management is what we're talking about, namely, the deputy chief inspector.

Our concern—from the United Workers' Union perspective—is that the investigations conducted by HR in relation to this matter concluded, that the allegations were unsubstantiated and no further action was required to address what we believe, and what our members are telling us, is a deep cultural problem. Our members are deeply dissatisfied with the process undertaken by HR to investigate those complaints. Our members feel they lack transparency, thoroughness and procedural fairness. Our members are further concerned that the investigations didn't consider the subjective impact of the alleged conduct on the complainants. It has taken its toll on members' ability to be out in the field and do their job.

The Hon. WES FANG: Has the membership said to you that they believe that part of the reason why these investigations find no senior management to have done any wrong is that, ultimately, there's a cabal, for want of a better word, in relation to the way that senior management, HR and the senior inspectorate operate?

GODFREY MOASE: There have been various comments made to the union that talk about the relationships and a degree of nepotism. It's really important that members feel like they can vent freely and openly to their union representative when they have serious issues. I don't want to mischaracterise that or put any of our

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individual members in the open for being able to freely vent, but the sum total of those comments raised to the union is that there is a culture of nepotism, to put it to a better term, that is not meeting what they see is the chief mission in terms of animal welfare and the RSPCA, and is leading to a degradation of the quality of the work that people can do. A lot of our members and inspectors feel like, in the public domain now, they're the ones getting the blame for what are really leadership-level issues in the functionality of the RSPCA.

The Hon. WES FANG: I guess what I'm alluding to is that it isn't that you're hearing this from only one or two of the inspectors you represent. Is it fair to say that this is coming from the majority of the people that have spoken to your union in relation to the issues at the RSPCA or, in fact, is it the case that this is from the vast majority or even all of the people that have spoken to you about issues at the RSPCA?

GODFREY MOASE: You can never definitively prove a negative, so I don't fully know what every single inspector in the RSPCA in New South Wales thinks on everything.

The Hon. WES FANG: I mean the ones that have spoken to you in relation to the representation you provide them as a union.

GODFREY MOASE: Yes. This is far more than two. Even if it was two, it can be the nature of systemic workplace bullying that only a couple of people are prepared to speak up initially, and it's our duty as a union to take those sorts of complaints seriously. This is a group of people who have experienced a common issue, and their good sense on the job here needs to be listened to and respected in order for good public policy decision-making to come about.

Ms ABIGAIL BOYD: I want to get clarification on the numbers. When you say that there were seven allegations, is that seven people making allegations or fewer than that making seven allegations? Can you tell us what that means?

GODFREY MOASE: Yes. Seven formal complaints. My understanding is that there is a group of more than seven inspectors that have these sorts of issues. I would need to go to the file—and I'm happy to take it on notice—as to whether that group of more than seven inspectors have each made formal complaints. But we are talking about a diverse and wideranging group of inspectors who have an issue here.

Ms ABIGAIL BOYD: If you could let us know. I think the RSPCA themselves, when they came back to questions on notice, said that there were seven allegations. I just want to know how many people that was making those allegations and also how many RSPCA inspectors you represent entirely.

GODFREY MOASE: Yes, I can do that. What I would say is there are more inspectors who feel an affinity with these issues and are in agreement with these issues than have made formal complaints, per se. There is the difference we've got to disentangle there with people who have been directly subject to this behaviour and made a formal complaint and people who are co-workers who would agree with that but haven't necessarily made a formal complaint themselves and are ready and willing to cooperate in any sort of independent investigation into the matter.

The Hon. PETER PRIMROSE: In terms of your comments, at what level of the organisation should change need to occur? Are we talking about the level of the executive? Are we talking about this mysterious board? We've heard that there really isn't another oversight body closely examining and watching and checking what the organisation is doing. Can you point to which level—or, indeed, all levels—there needs to be some monitoring and change? What's your view?

GODFREY MOASE: Yes. I can point to what our members have vocalised to us. Their issues really go to the senior operational, day-to-day management that they're dealing with, particularly in the inspectorate. They feel like a lot of the issues that they've come up against in last few months do result back from an appointment made quite recently at the deputy chief inspector level. If that is the case—and I'm just explaining what our members are vocalising here, rather than statements of fact—

The Hon. WES FANG: It's not just your members.

GODFREY MOASE: Yes. They're our members, and our members have very good reasons for what they're saying as well. I don't want to discount that. They're coming back from the senior management level. There are questions that are raised, which I don't have the answer for, about how that appointment was made, who was involved in that appointment and then where it goes. But what our members are experiencing for them is that breakdown at senior operational management level.

The Hon. AILEEN MacDONALD: In the RSPCA's annual report, they said they have 560 staff. Obviously not all of those are members of the union. How many would be members of the union?

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GODFREY MOASE: We represent the inspectors in New South Wales, which is a far smaller group than the 560 staff that we're talking about. To the extent that we're raising issues, it's with the senior operational leadership of the inspectorate. The coverage rules with the RSPCA do involve multiple other unions for other parts of the operation. I'm only making comment with respect to what our inspector members have raised with us.

The Hon. AILEEN MacDONALD: With regard to resolving workplace disputes, when a member comes to the union, what are the common forums that you would use to resolve those disputes?

GODFREY MOASE: The most common forum that we have, and the best one, is when it's raised and dealt with by the workers themselves onsite, whether that's the individual worker who has raised it and got advice from the union office or whether that's with the assistance of a shopfloor delegate going either to the relevant management or the HR in relation to that. That has broken down in this instance, and that's part of the issues that the inspectors are facing. The second most common forum in relation to that will then be the Fair Work Commission, potentially under the bullying jurisdiction, but it could be for breach of an award or breach of an agreement. Sometimes these things then go to the Federal Court, if we're talking about more serious general protections and breaches, or the Magistrates Court with respect to underpayments and whatnot. The most common one would be the Fair Work Commission. But there's potential here for issues in relation to State occupational health and safety law as well.

The Hon. AILEEN MacDONALD: So a parliamentary inquiry wouldn't be the usual forum. What would you hope is the outcome of your evidence today?

GODFREY MOASE: I don't know. I think there is a value, just broadly and generally, in sharing the experiences of our members and the concerns that they've raised. I think that that makes for better public policymaking generally, because people who are on the front lines of a particular job have insights that should be taken into account. We're doing this for its own benefit. The second thing is we have no expectation that a parliamentary inquiry is going to fix this particular issue one way or another. The CEO of RSPCA NSW has reached out to us about an independent investigator. We're hoping that that will conclude, but that might have happened parallel to or independent of this anyway. The area that I would urge the Committee to focus on is that it is effective relationships of cooperation, where resourced sufficiently, that get the job done.

I would have concerns that if the Committee just focused on the level of funding or the recent increase in funding to the RSPCA, that could be weaponised internally amongst the inspectorate and with the RSPCA about if the funding withdraws then who stays, who goes and everything else. I think the key is to focus on the structural factor here, which is the leadership—the quality of the leadership and what supports, accountabilities and processes need to be in place in order to maximise good-quality leadership—because that will ultimately result in better outcomes for animal welfare.

The Hon. AILEEN MacDONALD: I just have one more question regarding the bullying and grievance policy. Do you feel, in terms of your members, that it is an adequate policy? What needs to be reviewed in that policy in terms of RSPCA?

GODFREY MOASE: The first barrier I have encountered is that there seems to have been a level of reticence from the operational leadership of the RSPCA to engage properly its staff and their union representatives in fixing the issue. We did get a reply from our early April correspondence to the RSPCA about "These are serious issues that need to be investigated. Meet and discuss with us or we will ultimately end up in the Fair Work Commission." We were basically just told to go to the commission. Policies are great and important but, ultimately, unless there is an appropriate leadership culture it doesn't really matter what a policy says. A policy can be weaponised; it can just be a tool of not letting people speak up properly. And that is a real issue. For me, while bullying, harassment and nepotism are an issue there, the policy needs to be reviewed once the leadership culture is sorted out. If you go to the policy first, it's not going to have any real impact.

The CHAIR: You spoke about correspondence that you had with RSPCA in April where they basically said, "See you in the Fair Work Commission." Have conversations or discussions progressed any further from that in a positive or negative way?

GODFREY MOASE: I would say that there has been some minor positive improvement since then in the sense that the RSPCA has reached out to us and asked our opinion in terms of where to go around an independent investigation. I've provided that and urged them to also talk to other people and find other recommendations themselves. But there's a lot of unanswered questions that I have followed up with them, and I'm still waiting for responses around potential terms of reference, are they independent investigators and the ask that we had in relation to managerial training as well. I would class it as a step forward, but there are a lot of steps that still need to be taken.

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The CHAIR: How long have you been waiting for a response on those extra things you've just rattled off?

GODFREY MOASE: Initially we were waiting for over a month, which is not uncommon in these sorts of circumstances. Now we've been waiting—my last correspondence, I sent some time last week. I can't remember the particular date off the top of my head. I got a reply to that, but it didn't answer the specific questions that I put, and I restated those questions. We've probably been in the next phase since last work week. It's probably incumbent upon me in terms of giving the RSPCA management time, about another week, and then we'll have to review the phase that we're in.

The CHAIR: To pick up on your comments about not wanting this inquiry to focus solely on the money, some of that money, though, was to provide a safer workplace for the people that you represent in terms of inspectors going two out. There are concerns that maybe that money isn't being spent for that purpose. Has that come through from your members?

GODFREY MOASE: I've had correspondence from our members that there are some concerns around some spending in relation to infrastructure upgrades and vehicle capacity upgrades at the RSPCA that have not come with, as far as they are aware, additional training to make the most of that—and, they feel, not necessarily related to the core mission in terms of animal welfare. There are some concerns there, and don't get me wrong: The money's important. If I have given the impression that the additional funding itself is not an issue or is not somehow important, I apologise for that. The additional funding is an issue for members. It is important that it's done right and spent right. What I'm saying is that focusing only on the money without the structural leadership and cultural issues that are at play is not going to get the overall result in terms of a better quality inspectorate—in terms of our members having a workplace environment where they can be all who they can be as inspectors. They need the right captain. They need the right approach in order to be able to do what they know they can do and provide the protection that they know they can provide.

The CHAIR: Just so you take it back to your members, assure them this inquiry is not just looking at money. It's well and truly focused on the culture of the RSPCA as well.

The Hon. EMMA HURST: Thank you so much for coming to give evidence today. My colleague has already asked about those seven formal complaints since January 2024 that you mentioned. But I'm wondering, and I'm happy for you to take it on notice if you don't have it available, how many complaints the union has received around the RSPCA inspectors in the last 12 months?

GODFREY MOASE: I don't have that to hand, so I will need to take it on notice. As far as I'm aware, we didn't receive anything in the period of time—about 12 months—until we got to this January period. I might be wrong on that; I'll need to double-check and provide that. It's just based on my recollection. It's really come up since the beginning of this year.

The Hon. EMMA HURST: Have there been complaints in previous years that you know of, or is this something that's really just come to a head now, as far as the union is concerned?

GODFREY MOASE: No workplace is perfect and every workplace can be better. That's why, in my mind, the role of unions is critical, even in good work places. No footy team is perfect. Every footy team, even if they've won the premiership four times running, can be better. But this is new for us in terms of the RSPCA, the environment that we're in.

The Hon. EMMA HURST: Based on what you have seen, what changes do you think need to be made to improve both the safety and job satisfaction of RSPCA inspectors? What sort of recommendations do you think need to actually come out of this?

GODFREY MOASE: I don't know how you would frame these as recommendations, but I think what our members need is new leadership at an operational level in the RSPCA in New South Wales. That's absolutely vital. That new leadership could involve the same people significantly changing their workplace practices and the way they operate from day to day, but it might also involve new people or new roles coming in. But, ultimately, it's got to get to that leadership level. I don't think it's incredibly complex in that regard. Good leadership makes for an effective agency. That's the issue that we're facing.

The Hon. EMMA HURST: With that in mind, what's the root cause of the problems here? Is it the structure? Is it the culture? Is it certain managers? Or is it a combination of all of those things, really?

GODFREY MOASE: I think it's the way that the managerial team are producing a culture that's then flowing on to the rest of the organisation. A good leader takes responsibility. An ineffective leader blames those that are under them. We have real concerns that the events and well-documented public issues coming out of Wagga Wagga are being pushed down onto the inspectors when, really, with a situation like that, when you're

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dealing with a matter from the beginning that, as far as we are aware, requires interagency cooperation, that requires good leadership; that requires adequately briefing people; having open communication; people being aware of things; good leaders understanding what the role of their own agency is; what the remit of their own agency is; and not seeking to necessarily go beyond that but working as part of a team with other agencies in order to get the end job done, and better protect animal welfare.

The Hon. EMMA HURST: Thank you.

The CHAIR: Mr Fang? Ms Boyd? Government members? No?

The Hon. WES FANG: I have one; but, no. I'll hold until we hear our next lot of witnesses, I think.

The CHAIR: Ms Boyd? Do you have any questions?

Ms ABIGAIL BOYD: No. I'm all right, thank you.

The CHAIR: Is there anything you might like to add before we give you an early mark?

GODFREY MOASE: No. That's everything I've got to add.

The CHAIR: Thank you for your time. I think you may have taken one question on notice so the secretariat will be in touch in terms of time frames and getting that back to us. Thank you for giving us some insight in terms of your members and their experiences with their employer. It is much appreciated, thank you.

(The witness withdrew.)

(Luncheon adjournment)

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Mr TROY WILKIE, Senior Government Relations Manager, RSPCA NSW, affirmed and examined

Mr SCOTT MEYERS, Chief Inspector, RSPCA NSW, affirmed and examined

Mr WILLIAM BEERDEN, General Manager of Regulation and Business Services, RSPCA NSW, on former affirmation

Ms KATHRYN JURD, General Counsel, RSPCA NSW, on former affirmation

Mr STEVE COLEMAN, Chief Executive Officer, RSPCA NSW, on former oath

The CHAIR: Welcome to this afternoon's session of the inquiry into the operation of the approved charitable organisations under POCTAA. I now welcome the RSPCA. Would you like to make an opening statement or do you want to go to questions?

STEVE COLEMAN: I have an opening statement, Chair. Good afternoon, Chair and honourable members of the Committee. Thank you for the opportunity to appear before you again on behalf of RSPCA NSW as CEO. This second hearing was notably scheduled before we were due to respond to questions taken on notice at our previous appearance or the dozens of supplementary questions we received from the Committee. Since that first hearing we have provided the Committee with substantive responses to all questions, totalling nearly 20,000 words.

As the Committee has already been advised, we wrote to the Minister for Agriculture, the Hon. Tara Moriarty, MLC, shortly after the first hearing. She has endorsed our efforts to deliver greater transparency when reporting on the Prevention of Cruelty to Animals Act 1979 compliance and enforcement activities. Subsequently and in addition to our detailed responses, we have submitted our 34B reports for the last two financial years, the New South Wales Government budget submission and confidentially provided all inspectorate standard operating procedures to the Committee. Furthermore, I'm pleased to announce that our 34B reports for the last two financial years are now published on our website and accessible to the public. We will continue to publish them annually, alongside our annual and financial reports.

Today I also wish to table our employee handbook, which comprehensively addresses how workplace matters are handled within our organisation. It goes without saying that RSPCA NSW is deeply committed to transparency. While we do not claim to be perfect, we have robust governance and workplace management practices in place to ensure the highest standards of operation and accountability. Given the United Workers Union's appearance before us today, it is essential to address our interactions with the union and the matters they have raised.

RSPCA NSW employs approximately 560 staff. There have been relatively recent allegations made against RSPCA NSW senior management, which have been investigated and outcomes provided to the staff who made them. We believe that forums more appropriate than an upper House inquiry exist to address workplace complaints. We note that the union and its members have elected not to use those forums. RSPCA NSW is committed to working with our staff to ensure their wellbeing in a difficult arena. As these repeated inquiries prove, there is nothing simple about animal welfare and we back our staff.

In June 2023 RSPCA NSW received \$20.5 million in New South Wales Government funding following the 2021 inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979 and its recommendations for the New South Wales Government to provide ongoing sustainable funding to our organisation. This recommendation was matched as a commitment by NSW Labor before the State election, and we welcome their continued commitment to that pledge.

We have acquitted the funding received in line with that inquiry's recommendations, including the operation of a 24/7 call centre and increasing our utilisation of a two-out operation procedure, among other measures that best protect the safety of our frontline workers and provide enforcement of the State's animal welfare laws in line with community expectation. The funding will be expended by 30 June 2024. Our ability to continue these practices relies on recurrent funding from the New South Wales Government. We look forward to answering any further questions you may have regarding our organisation's enforcement of the Prevention of Cruelty to Animals Act. Mr Chair, I will table that handbook as well.

The CHAIR: Yes, sure. We will just get one of the staff to come up and grab it off you.

STEVE COLEMAN: Thank you.

The CHAIR: Thank you for being proactive and providing that information to us, as well as the SOPs in a confidential nature. We appreciate that.

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The Hon. WES FANG: Welcome, everyone—some for the second time in as many weeks. Mr Coleman, I note your opening statement. Do you believe you have the support of all your staff, particularly the inspectorate staff, to remain as CEO of the organisation?

STEVE COLEMAN: That's a broad question, Mr Fang. I don't think any CEO could say for any organisation that they would be supported 100 per cent by staff. I think that would be a naive comment to make.

The Hon. WES FANG: No, that would be fair. Do you believe that you have the majority of staff supporting you to remain as CEO of the organisation?

STEVE COLEMAN: I have full support by our board and I have support from staff.

The Hon. WES FANG: You've confirmed that you have full support from the board?

STEVE COLEMAN: Yes.

The Hon. WES FANG: Okay. You said in your opening statement that you back your staff. Obviously we were together last Thursday in the brumbies inquiry hearing, where you outlined the actions of your inspectorate staff in relation to the alleged illegal knackery in Wagga Wagga. Mr Coleman, why didn't you advise this Committee that it was actually your chief inspector who was managing the complaint?

STEVE COLEMAN: The complaint about Wagga?

The Hon. WES FANG: The complaint received from Racing NSW.

STEVE COLEMAN: I don't think I was specifically asked. I'm not quite sure what—

The Hon. WES FANG: Do we need to specifically ask every single aspect in relation to questions to get an honest and accurate response from you?

STEVE COLEMAN: I answered the questions that were asked.

The Hon. WES FANG: Were you aware that it was the chief inspector who received the information from Racing NSW in relation to the illegal knackery in Wagga?

STEVE COLEMAN: Yes.

The Hon. WES FANG: Were you aware that it is the chief inspector who is responsible for ensuring that external agencies, such as DPI, are advised in relation to illegal knackereries, such as the one in Wagga?

STEVE COLEMAN: We have an MOU with the DPI, and I was aware that our chief inspector had received information from Racing NSW.

The Hon. WES FANG: Could you please speak up or bring the microphone closer, because you're not very clear at the moment. Can you advise this Committee who was responsible for advising DPI in relation to the illegal knackery allegations that were passed to you by Racing NSW?

STEVE COLEMAN: It could be any number of staff, Mr Fang.

The Hon. WES FANG: Which staff in particular would be responsible for doing that, Mr Coleman?

STEVE COLEMAN: It could have been one of the inspectors. It could have been our deputy chief inspector. It could have been a team leader. It could have been our chief inspector. It could have been me.

The Hon. WES FANG: Under that MOU, how would your inspectors have passed that information to DPI?

STEVE COLEMAN: I'd have to take that on notice in terms of the specifics. But what I do know, Mr Fang, is that we are in regular contact with DPI on all matter of things. I'm not sure that it's necessarily an MOU trigger in this case, but it could have been picked up in any number of conversations with the DPI about a number of different issues, outside of Wagga as well.

The Hon. WES FANG: Mr Coleman, can you detail for me how you handle conflicts of interest within the organisation?

STEVE COLEMAN: Well, it's picked up in our Respect@Work handbook, how conflicts of interest should be managed. In effect, the most simplistic way to deal with that is that they are declared.

The Hon. WES FANG: Do you keep a register of declarations?

STEVE COLEMAN: Yes.

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The Hon. WES FANG: And who keeps that?

STEVE COLEMAN: Our executive administrator keeps logs of—sorry, for the board, any conflicts of interest that are disclosed, they are recorded.

The Hon. WES FANG: What about senior management?

STEVE COLEMAN: I would have to take that on notice.

The Hon. WES FANG: Just taking a step back, senior management have a method of declaring conflicts of interest. Obviously, you're part of that senior management group. How do you declare your conflicts of interest?

STEVE COLEMAN: To staff or to the board?

The Hon. WES FANG: Well, just in general. How do you record them? I imagine at some point you have to make a declaration of conflict of interest. No?

STEVE COLEMAN: Particularly at board meetings, yes.

The Hon. WES FANG: What about in relation to contracts?

STEVE COLEMAN: What type of contract?

The Hon. WES FANG: Any contract. Say you've got a perceived or a direct conflict of interest that you are aware would materially be considered a conflict of interest. What would you do in relation to that?

STEVE COLEMAN: I would declare that to our chairman.

The Hon. WES FANG: And what about other senior management?

STEVE COLEMAN: Well, I would expect that they would declare it to their direct report.

The Hon. WES FANG: If the chief inspector has a conflict of interest, would they declare that to you?

STEVE COLEMAN: No, to their direct report.

The Hon. WES FANG: Who is that?

STEVE COLEMAN: Today, it is Mr Beerden.

The Hon. WES FANG: Mr Beerden, have you received any conflict of interest declarations from the chief inspector?

WILLIAM BEERDEN: Over which time frame, Mr Fang?

The Hon. WES FANG: Any time frame.

WILLIAM BEERDEN: None that I'm aware of, no.

The Hon. WES FANG: None? Not one?

WILLIAM BEERDEN: Not personal ones, no. I am aware of some historical matters relating to agistment of horses, and I'm happy to discuss that. But that was prior to me joining the society.

The Hon. WES FANG: Mr Meyers, we didn't see you at the last hearing. Is that correct?

SCOTT MEYERS: Which one? Last week or—

The Hon. WES FANG: The one for POCTAA.

SCOTT MEYERS: No, I was on leave.

The Hon. WES FANG: You were on leave. You were at a horse show, were you not?

SCOTT MEYERS: Correct.

The Hon. WES FANG: You were. Okay. You show horses. Is that right?

SCOTT MEYERS: Correct.

The Hon. WES FANG: Quarter horses, I believe?

SCOTT MEYERS: Absolutely, yes.

The Hon. WES FANG: Magnificent animals, aren't they?

SCOTT MEYERS: They are.

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The Hon. WES FANG: In fact, you're the president of that group aren't you?

SCOTT MEYERS: No, I'm not.

The Hon. WES FANG: Aren't you?

SCOTT MEYERS: No.

The Hon. WES FANG: Were you the president of that group?

SCOTT MEYERS: No, I've never been the president of the—

The Hon. WES FANG: You've never been the president—

SCOTT MEYERS: Are you talking about the Australian Quarter Horse Association?

The Hon. WES FANG: The Halter Breeders Group Australia.

SCOTT MEYERS: Halter breeders, which is a small club. Correct.

The Hon. WES FANG: My apologies. I'm not very good with my horse breeds. Once they're shot and on the ground they all look the same to me. You are the president of the Halter Breeders Group Australia? Is that correct?

SCOTT MEYERS: Correct.

The Hon. WES FANG: Mr Coleman, recently the RSPCA had a number of contracts that they let out. One was for horse floats. Is that correct?

STEVE COLEMAN: I believe so.

The Hon. WES FANG: Did you order some horse floats?

STEVE COLEMAN: Me, personally?

The CHAIR: The RSPCA. I'm assuming the RSPCA.

The Hon. WES FANG: No, Mr Coleman, the RSPCA. I think you know where I'm going with this.

STEVE COLEMAN: Yes. We've acquired—

The Hon. WES FANG: Please don't be—we are now beyond this—

The CHAIR: Order, Mr Fang. I appreciate where you're going with your comments, but I don't think it's helpful.

The Hon. WES FANG: I think it's pretty clear with my questioning where I'm going with this. Did the RSPCA purchase horse floats recently?

STEVE COLEMAN: I believe so.

The Hon. WES FANG: Can I ask which company you got to supply those to you?

STEVE COLEMAN: I'd have to take that on notice. I don't know.

The Hon. WES FANG: Mr Beerden, do you know?

WILLIAM BEERDEN: No, I don't. I'd have to take it on notice.

The Hon. WES FANG: You don't know the company that you ordered the horse floats from.

WILLIAM BEERDEN: No, not off the top of my head.

The Hon. WES FANG: Mr Meyers, do you know?

SCOTT MEYERS: I do.

The Hon. WES FANG: Could you let me know the name of the company, please?

SCOTT MEYERS: Kara Kar.

The Hon. WES FANG: Kara Kar. The Halter Breeders Group Australia—they have a sponsor, don't they?

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SCOTT MEYERS: No, they don't. The committee you're referring to was recently re-formed after being sitting idle in a caretaking mode, of which I was the president since prior to COVID. The show doesn't run as a show.

The Hon. WES FANG: Does a group that you are involved with receive sponsorship from Kara Kar?

SCOTT MEYERS: No. The group you're referring to, I think, 5½ years ago received paid sponsorship from Kara Kar as a trade sponsor to compete at that show.

The Hon. WES FANG: The group that you're involved with now has no financial links and does not receive any funding?

SCOTT MEYERS: Correct. Absolutely.

The Hon. WES FANG: Okay, we'll explore that a little bit later. At the show, were you there by yourself or did you have other members of the RSPCA with you?

SCOTT MEYERS: If you're talking about the halter breeders show, which was 2019—

The Hon. WES FANG: I'm actually referring to the show that you were at where I wondered why you weren't here, which would have been about three or four weeks ago.

The CHAIR: While you were on leave to attend the show.

SCOTT MEYERS: Yes, that was the Paint Horse national show, which was in April. I was on leave. I was there with my wife showing our horse.

The Hon. WES FANG: Were there any other members from the RSPCA at the same show?

SCOTT MEYERS: I don't believe so, no.

The Hon. WES FANG: You don't believe so.

SCOTT MEYERS: No.

The Hon. WES FANG: Was the deputy chief inspector there at all?

SCOTT MEYERS: No.

The Hon. WES FANG: Are you sure?

SCOTT MEYERS: I'm 100 per cent confident that she wasn't there.

The Hon. WES FANG: Could you talk to me a little bit about the SafeWork improvement notices that have been received by your organisation?

SCOTT MEYERS: Yes.

The Hon. WES FANG: How many of them relate to training of your inspectorate?

SCOTT MEYERS: I believe one.

The Hon. WES FANG: What does that relate to?

SCOTT MEYERS: It was defence tactics—batons and handcuffs.

The Hon. WES FANG: When did you receive that from SafeWork?

SCOTT MEYERS: The exact date I don't have, unless it's in our bundle.

TROY WILKIE: We already answered a few questions on this in our supplementary answers so that might also shed some light for you, Mr Fang.

The Hon. WES FANG: Actually, I have I've got some questions for you in a second, Mr Wilkie, but I'll stay with Mr Meyers for the moment, if I could. Mr Meyers, you've got some SafeWork improvement notices, obviously, in relation to training but what have you got in relation to bullying and harassment complaints from SafeWork? Anything at all?

SCOTT MEYERS: In the improvement notices?

TROY WILKIE: We're still on the SafeWork notices? Or have we moved on from that?

The Hon. WES FANG: I'm just seeing if there's anything in relation to the SafeWork notices that is in relation to bullying and workplace harassment.

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TROY WILKIE: In the last 12 months, we received two SafeWork improvement notices. They were both detailed in our supplementary answers. We can go through now if you really like. One was issued for a matter including:

Workers and others may be exposed to risks of injury or illness from workplace violence due to inadequate identification of psychological risks.

The other one was due to:

Workers and others may be exposed to risks of injury or illness from workplace violence due to the business not ensuring the implementation and utilisation of identified control measures.

Those are the two that we got, and they're detailed in the answers we provided.

The Hon. WES FANG: Mr Meyers just indicated there's only one in relation to the inspectorate. There would seem to be two.

TROY WILKIE: He said that there was one in relation to training. That's why I'm clarifying. We've got written answers here that outline the two, which we've given answers on. I can read those answers out again for you if you like.

The Hon. WES FANG: No. The reason that I'm asking the question is that it seems to me that the organisation itself seems to be a little bit unclear as to what the SafeWork notices relate to and the improvements that are required in relation to that. The chief inspector is certainly somebody who is responsible for ensuring that those SafeWork notices are implemented, and yet, when I asked the question, it was indicated to me that there was only one SafeWork notice that related to the training issues and the inspectorate staff. It seems to be that there's two. Would that be a more accurate response, Mr Wilkie?

TROY WILKIE: We provided in writing an answer that outlines two SafeWork notices, which you've been provided.

The Hon. WES FANG: I'm not suggesting it's an issue in relation to the way that it's written. I'm asking what your staff know and understand in relation to those. And it seems to me that the chief inspector doesn't actually understand what those SafeWork notices relate to.

TROY WILKIE: I think the phrasing of your question outlined towards notices relating to training, to which, I believe, he gave an accurate answer.

The Hon. WES FANG: Mr Wilkie, how many government relations people work for the RSPCA?

TROY WILKIE: One, me.

The Hon. WES FANG: Your title is "senior government relations manager"?

TROY WILKIE: Correct.

The Hon. WES FANG: That would indicate there's more than one person.

TROY WILKIE: Not necessarily. It might indicate my age.

The Hon. WES FANG: What does the "senior" relate to?

TROY WILKIE: It could indicate a number of things. It's just saying that I've got a senior role. "Senior manager" is a title used across the organisation for those who are at a certain level. That's where I'm at. I don't have any staff that work for me.

The CHAIR: Can I just ask some questions around the agistment-of-the-horses issue. I'll start with you, Mr Meyers. Feel free, Mr Coleman or anyone else that wants to jump in. In response to supplementary questions, you said that you agisted 32 horses on your sister-in-law's property during the drought, 2016-2020. I'm assuming that when you say your sister-in-law—is that your brother's wife?

SCOTT MEYERS: Correct.

The CHAIR: Thirty-two horses were agisted, at \$10 to \$15 per day per horse.

SCOTT MEYERS: Thirty-two in totality.

The CHAIR: Were these paddock-agisted? Were they fed two or three times a day? I'm assuming it's during the drought, so they—

SCOTT MEYERS: I believe there was feed supplied as well.

The CHAIR: For \$15 per day.

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SCOTT MEYERS: Correct.

The CHAIR: During the drought.

SCOTT MEYERS: Yes.

The CHAIR: That's a pretty generous sister-in-law, given that the prices of agistment during that period would've been fairly exorbitant. I don't even know how she would've covered her costs at even \$10 to \$15 per day. What happened with those horses after RSPCA were finished with them, in terms of prosecution and holding them?

SCOTT MEYERS: I think there was one euthanised by a vet after it suffered colic. There were three or four that were returned back to the owner after the court proceedings had finalised. There were horses that were adopted by my sister-in-law—and then the account credited, paperwork supplied. Every horse was accounted for.

The CHAIR: The answer given says that no horses have ever been purchased, adopted, transferred or sold to your sister-in-law, but you just told me that you had how many? Five? Several were adopted?

SCOTT MEYERS: There were a number that were adopted through that process, but they were mainly from people local to the area that they were able to find homes for. They did it as an agent for us, in effect.

The CHAIR: So the answer in supplementaries was incorrect in saying that none were adopted to your sister-in-law?

SCOTT MEYERS: She didn't adopt them; she processed the adoption to an external party, a third party.

The CHAIR: Was there a payment or fee received for those adoptions?

SCOTT MEYERS: Yes. The next invoice that she would send in, I believe, was credited. I never approved the invoices.

The CHAIR: I'm just trying to get my head around the process in terms of how you managed that conflict of interest and not being part of it.

SCOTT MEYERS: I wasn't part of the process.

The CHAIR: So she sends in an invoice. There were invoices periodically in terms of this is the agistment fee for this month, this is the agistment fee for this month and then the last invoice, when they were getting rid of the animal, that was—I'm trying to understand what that invoice looked like.

STEVE COLEMAN: Would it assist if we took that on notice? Scott wasn't part of any process, as I understand it.

The CHAIR: Yes, I'd appreciate it. That's why I said if anyone else wants to chime in on the process—

STEVE COLEMAN: It's typically done on a monthly basis, but we can find that out.

The Hon. EMMA HURST: I'll jump in. I've got a few questions in regards to the questions on notice from the last hearing. I don't know who is the best person to answer them. I note that the answers to questions on notice stated that the chief inspector, Scott Meyers, is studying to get an MBA. I'm wondering if the RSPCA is paying for all or any part of this qualification.

SCOTT MEYERS: RSPCA hasn't paid for anything.

The Hon. EMMA HURST: So you're paying for it yourself?

SCOTT MEYERS: Correct.

The Hon. EMMA HURST: In regards to the supplementary question regarding \$105,000 given to the RSPCA to establish the Lithgow horse care and rehabilitation centre, we asked when we could expect to see the centre built and operational. The answer given said that the funding was being prioritised accordingly. Could I go back to the original question about when we could expect to see this centre built and operational, and get some information and specifics around that?

WILLIAM BEERDEN: I can answer that. It's part of the Office of Local Government capital grant that we received—\$10.5 million of funding two years ago. It's one of around about 20-odd—I can't be exactly sure of the number anymore—capital programs that we've got in play. We've had contractors out on the site. There is a watercourse running through it. It has been a bit boggy and what have you of late. The works involve some fencing in particular. It is a very difficult site in that probably more than half of it is inaccessible. But there's a small area for agistment of horses. I would probably guess that it's somewhere between 10 and 15 acres of land that we could

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put some horses on. The whole site is much, much larger, but there's maybe that many, or a few more, acres where we could put horses on. We intend to have contractors on there in the near future.

The Hon. EMMA HURST: So there's no time line going forward for when the centre could be built or operational?

WILLIAM BEERDEN: I'd expect it to be done in the next six to 12 months. If I could just reiterate, the works that we would put there with the funding is some perimeter fencing—

The Hon. EMMA HURST: That has been done already?

WILLIAM BEERDEN: No, it hasn't. There has been some clearing of some blackberry bushes around the site. Then we would put in a light structure—some sort of shed—and a water facility for the horses.

The Hon. EMMA HURST: How long has it been since the money was received to where we are now?

WILLIAM BEERDEN: About two years. I think we've got about \$3 million of that original grant still to acquit, but we've got works underway at various sites.

The Hon. EMMA HURST: So the work that you mentioned was the clearing of bushes?

WILLIAM BEERDEN: Blackberry. Yes, it's a noxious weed.

The Hon. EMMA HURST: And that's all that's happened so far, in those two years?

WILLIAM BEERDEN: That's right.

The Hon. EMMA HURST: But you expect that it will all be completed in six to 12 months?

WILLIAM BEERDEN: I would like to see it finished by then, certainly.

The Hon. EMMA HURST: Another question I had on notice was regarding the Kim Hollingsworth prosecutions and what ended up happening to the horses seized from her, whether they were rehomed, euthanised or still in the care of the RSPCA. The RSPCA declined to answer that. Could you explain why?

KATHRYN JURD: I indicated that the prosecutions didn't take place in the current inquiry's time frame and that to access records—some of those prosecutions are now 10 or 12—or possibly more—years old. I don't have those files on site and so to retrieve them from storage was going to—to, in a fulsome way, answer your question—take longer than the two weeks available to us. That was the reasoning for the framing of my answer.

The Hon. EMMA HURST: Looking at the terms of reference, paragraph 1 (a) is "the matters contained in the annual reports", including the financial statements, and then:

- (b) the exercise by the approved charitable organisations of their compliance and enforcement functions under the Prevention of Cruelty to Animals Act 1979; and
- (c) any other related matters.

So we are not limited to a time line we can ask questions about. The Committee's understanding is that this is a more general inquiry into the RSPCA, rather than limited to what's happened in the last 12 months.

KATHRYN JURD: I suppose I took my guide from the heading of the inquiry "2023 Inquiry". I appreciate that it has a broad remit but, by the same token, the two weeks with which we had to—these were 13 prosecutions and hundreds of horses. Some were ordered back to her in the early prosecutions and were re-seized by us, I think, twice. I can say there are no Hollingsworth horses still in the RSPCA's custody any longer. But as to what happened with every individual horse, to acquit that would take an extraordinary amount of time across those 13 prosecutions.

The Hon. EMMA HURST: I understand, obviously, that two weeks might be limited. I understand you have limited resources. But could I ask that you go back, have a look and try to get as much information as you possibly can for the benefit of the Committee, given it's something that has come up in this inquiry quite a lot?

KATHRYN JURD: Sure.

Ms ABIGAIL BOYD: Good afternoon to all of you. Is it a policy of the RSPCA to ask exiting employees to sign non-disclosure agreements?

WILLIAM BEERDEN: Occasionally. There might be occasion where that does occur. There might be a negotiated outcome, for example, on somebody leaving. That's the sort of situation where that might occur.

Ms ABIGAIL BOYD: In those circumstances, does the NDA cover just the circumstances around them leaving or is it broader and stops them being able to talk about any part of their experience?

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WILLIAM BEERDEN: It's typically contained within the subject matter. It might be, for example, the nature of the parting of ways, but it would certainly be limited to that. It's typically not a catch-all for everything.

Ms ABIGAIL BOYD: Are you able to tell us how many NDAs have been signed with exiting employees, whether terminated or resigning or whatever?

WILLIAM BEERDEN: I'll take it on notice so I get you an accurate answer, but it's not many. It would be a handful.

Ms ABIGAIL BOYD: If you could let us know over the particular time period as well, so maybe each financial year. That would be really helpful.

KATHRYN JURD: This financial year?

The CHAIR: Just to help the RSPCA, how far back do you want them to go?

Ms ABIGAIL BOYD: That's a very good point. If we could have just the past four years, that would be excellent.

WILLIAM BEERDEN: Four years; no problem.

Ms ABIGAIL BOYD: We heard from the UWU representative earlier about the seven allegations from January 2024. Do you know whether those seven allegations were from seven separate people or were they from fewer than seven?

WILLIAM BEERDEN: I'm happy to answer that. No, we're not aware. I think I gave some statistics or some data last time we were here, and we've given some written answers as well. We've got one matter on foot with the UWU that the previous witness alluded to today. Whilst he said in his correspondence to us that there have been seven allegations of bullying, we're not sure whether that's from one person or more, and so no further information has been forthcoming from the union on that.

Ms ABIGAIL BOYD: I think I saw something in your supplementary answers as well that referred to that seven.

The CHAIR: Sorry, just picking up on that, you haven't actually received any formal details of these allegations?

WILLIAM BEERDEN: There were a number of allegations against various staff members put by a small group of people. Again, I'd have to refer to my notes. I'll come to it in a moment. Actually, if you give me a moment, I'll tell you. I'll just repeat from the first inquiry. We had 23 grievances in total and 11 of those were informal. Of the 12 remaining grievances, all were bullying allegations, and there were multiple allegations of bullying. There were 36 individual allegations of bullying. Of the 36, four were substantiated and 32 were unsubstantiated.

The CHAIR: So the seven that the UWU is referring to, are they contained within those 36?

WILLIAM BEERDEN: I presume so because we don't have any current matters on foot. We don't have any bullying or other grievance matters on foot.

The CHAIR: But they haven't given you the details of those seven—

WILLIAM BEERDEN: That's correct.

The CHAIR: —to cross-reference—

WILLIAM BEERDEN: That's right.

Ms ABIGAIL BOYD: There is a bit in the answers to questions on notice in relation to this. I think it's question number 19.

WILLIAM BEERDEN: Do you have a page number for me, Ms Boyd?

TROY WILKIE: Page 10.

STEVE COLEMAN: Page 9.

Ms ABIGAIL BOYD: Pages 9 to 10. There's a period of time between, but the UWU, according to your answers, emailed regarding these seven allegations. But then you say at the end there that there's no additional detail provided. Then it says all allegations were investigated, but that's talking about 29 allegations.

WILLIAM BEERDEN: Correct.

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Ms ABIGAIL BOYD: So we think that the seven are within the 29?

WILLIAM BEERDEN: I assume so. We just haven't heard from the union or anyone else. I should say, we do have a formal grievance procedure in place, so if there are further grievances, they could follow those channels rather than through the union. I think the union gave, in evidence, that the best place to resolve issues is between the people involved, and that's the culture that we like to foster in the organisation. It's much better than going through third parties.

Ms ABIGAIL BOYD: I've got the code of conduct in front of me that I've taken off the website today, but what's in place to ensure not just that employees or executives are disclosing their potential other work and conflicts of interest—are there any rules in place in relation to associations between people within the RSPCA and the people that they may be inspecting or investigating? What's in place to ensure—

WILLIAM BEERDEN: We have a conflict of interest policy. That's contained within the code of conduct. There's also an essential term and employment contract around disclosures of conflicts of interest. We've got a related parties policy as well if there's any conflict there, and then we've got a grievance procedure that people, if they believe someone has a conflict, can always do it through that, or a whistleblower policy, which we also have. That whistleblower policy provides a third independent party to contact and that's in the code of conduct.

Ms ABIGAIL BOYD: Who's the independent party?

WILLIAM BEERDEN: If you give me a moment, I'll find it.

STEVE COLEMAN: I believe it's BDO.

WILLIAM BEERDEN: BDO, that's correct. That's a third-party company that deals with whistleblower—

Ms ABIGAIL BOYD: And so have any of the complaints that you're aware of related to potential conflicts of interest or allegations of unethical conduct, or potential unethical conduct, because of a person's association with people within the industries that the RSPCA would be commonly investigating?

WILLIAM BEERDEN: Sorry, can you repeat the question?

Ms ABIGAIL BOYD: Have you received any complaints in relation—

WILLIAM BEERDEN: Yes—not necessarily a complaint but some things come to my attention that might fall within that gamut, if you like, and we've discussed that at a senior level.

Ms ABIGAIL BOYD: And then how is that dealt with?

WILLIAM BEERDEN: We put those allegations to the individual concerned and gave them a right of reply because we like to follow procedural fairness.

Ms ABIGAIL BOYD: And then what?

WILLIAM BEERDEN: We formed a view about the matter and continued to have a view. At the end of the day, it depends whether or not they're directly related to RSPCA or they're related to a private individual's—what they do in their private time. If it's in their private time, there's a bit of a line that we need to be careful about how far we go with that. If it might bring RSPCA into disrepute, for example, it's something that certainly we've discussed and we have discussed it with the individual concerned. But, outside of that, we haven't gone any further with the matter.

Ms ABIGAIL BOYD: When something like that is identified, there's then a management process put in place to manage around that.

WILLIAM BEERDEN: Correct.

Ms ABIGAIL BOYD: But unlike the rules in relation to not taking on other work without getting approval et cetera, there's nothing to stop a person from having those associations that could be seen as, potentially, at odds with the purpose of the RSPCA.

WILLIAM BEERDEN: That's right. I don't think that's so uncommon in many industries, certainly within ours. What we've got in place are a series of policies and procedures that deal with those. Where it falls outside of that, like the case I've alluded to without being specific—and I don't want to be specific because of privacy and privilege issues—we've certainly got those mechanisms in place.

The Hon. WES FANG: Mr Beerden, I'd like you to be a bit more specific in relation to this because I suspect that the issue you're talking about is the same issue that this Committee is already aware of, and I'm

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about to address it. In relation to that, I want to know how you managed it before I addressed the issue. Can you be more specific in the way that it was declared to you—how it was recorded, how the senior management and the board were made aware of the issue and what steps the RSPCA took to manage that issue—knowing that I probably already know what you know?

WILLIAM BEERDEN: Mr Fang, I don't know if it's the same issue so I think we need to exercise a level of caution.

The Hon. WES FANG: Sure.

WILLIAM BEERDEN: In terms of process, if somebody comes to us with an allegation and, as I said, it may bring the RSPCA into disrepute or there may be a fundamental conflict of interest and that involves a private matter, external to the RSPCA, then, as is the case, general counsel and I had a meeting with the person concerned.

The Hon. WES FANG: What was the result of that meeting?

WILLIAM BEERDEN: The result was that the individual gave us an answer, we formed an opinion about what should next steps maybe be. But, at the end of the day, they're our opinions. It's for the individual concerned to determine what they do in their private lives.

The Hon. WES FANG: Did you advise the CEO and in turn did the CEO advise the board of this issue?

WILLIAM BEERDEN: I can't remember.

The Hon. WES FANG: You can't remember?

WILLIAM BEERDEN: No, I can't.

STEVE COLEMAN: Can we be clear about what the issue is?

The Hon. WES FANG: I'm going to raise an issue shortly. We're still in the realms of hypotheticals, and that's fine. What I want to do is understand, in relation to this matter, how it was handled before I address some of the concerns I have around another matter. It's probably the same matter but—

TROY WILKIE: Sorry to interrupt, Mr Fang. I'm not sure if we're aware of what this matter is because we haven't said what this matter is. So if you're saying, "I'm asking a specific question on this matter," I don't know. I'm pretty lost on this line of questioning on what we're really talking about, whether it's a hypothetical or a particular matter.

The Hon. WES FANG: Mr Wilkie, it's not a matter of if you're lost or not. I think Mr Beerden and I understand each other. In relation to the matter that he raised about how conflicts of interest are handled, I'm asking Mr Beerden what he did. He has said that he had brought the person in and senior counsel and he had a conversation. I'm now asking: If it was serious enough to bring somebody in and have a conversation about that matter, did you make the CEO aware and did the CEO then, in turn, make the board aware?

STEVE COLEMAN: And he took it on notice.

WILLIAM BEERDEN: I'll take it on notice, if I can. Just to be clear, I'm not talking about a hypothetical; I'm talking about an actual event.

The Hon. WES FANG: I know.

WILLIAM BEERDEN: I've answered your question. I've said that's the process that we undertook.

The Hon. WES FANG: Obviously you didn't feel that there was a reputational issue for the RSPCA in this example that you've given us.

WILLIAM BEERDEN: Yes, I did. That's why we had the meeting. I think I stated that in my answer.

The Hon. WES FANG: So what action came out of that?

WILLIAM BEERDEN: Again, we formed a view about it. It's a private matter concerning a particular individual, and it's up to them to make steps outside of the workplace.

The Hon. WES FANG: It is, though? Is it up to—

WILLIAM BEERDEN: On what basis would I force somebody to do something, Mr Fang?

The Hon. WES FANG: Let me put a scenario to you before I go to specifics. If somebody in your organisation has an external friendship or relationship with somebody and that person is then investigated by the

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RSPCA, is there a way for that to be declared? Is there a way for it to be recorded? Do you advise the CEO and does the CEO then advise the board?

WILLIAM BEERDEN: Well, it's a hypothetical question. I'd rather not answer hypothetical questions.

The Hon. WES FANG: I'm asking you the question. If there was a conflict of interest where one of your inspectors was tasked with a job where they had a relationship with somebody, how would they declare that conflict of interest?

WILLIAM BEERDEN: There are a number of mechanisms, as I've alluded to before. There's a conflict of interest policy. There's a requirement in their employment contract to do that in writing. That's the requirement; that's what it says. So they would make us aware of the conflict.

The CHAIR: Before we go too far down this road, I'm conscious that Mr Primrose has waited a couple of goes for a question.

The Hon. PETER PRIMROSE: I'm delighted to listen in to the general debate.

The Hon. WES FANG: It's fascinating, isn't it?

The Hon. PETER PRIMROSE: Yes. It's like watching a game of chess. Can I ask whoever is appropriate and would like to answer, I have two basic questions. As an approved charitable organisation under POCTAA, with respect to your statutory enforcement activities, are you subject to the GIPA Act?

KATHRYN JURD: Yes, we are.

The Hon. PETER PRIMROSE: Are there any parts of your organisation and your activities that aren't subject to the GIPA Act?

KATHRYN JURD: Only the inspectorate is GIPAA susceptible.

The Hon. PETER PRIMROSE: What other aspects of your statutory enforcement activities under GIPAA may not be subject to the GIPA Act?

KATHRYN JURD: I'm sorry, I misunderstood you. I thought you were asking about non-inspectorate-related RSPCA activity, of which there's a lot.

The Hon. PETER PRIMROSE: No.

KATHRYN JURD: All of the enforcement activity pursuant to the Prevention of Cruelty to Animals Act, the regulations, the various animal welfare codes—all of that—would be GIPAA susceptible.

The Hon. PETER PRIMROSE: How many GIPAA applications have been received—and please feel free to take this on notice—in the last four years?

KATHRYN JURD: I will have to take the last four years on notice. We publish a register that discloses the outcome of the GIPAA applications on our website. There's a GIPAA officer allocated to incoming inquiries and ordinary quasi, but essentially government, protocol is undertaken with respect to those applications. There are, in addition, a number of informal GIPAA applications made generally by persons of interest who seek access to their own personal information which are not processed formally because that's the statutory mechanism and we obviously attempt to give people access to their own personal information where we can, subject to appropriate statutory restrictions like public interest immunity and things of that nature.

The Hon. PETER PRIMROSE: Thank you, and could you take that on notice?

KATHRYN JURD: The four years—I will.

The Hon. PETER PRIMROSE: My other query is in relation to the conduct that relates to the exercise of your functions under POCTAA. Has there been any role for the NSW Ombudsman in reviewing those?

KATHRYN JURD: Not historically. There was one complaint where the Ombudsman, I believe, undertook an investigation albeit, to my mind, potentially without jurisdiction. Nonetheless, we participated. We provided documents as required and responded to the questions that the office of the Ombudsman forwarded us. I've actually never received an outcome. I can only assume the Ombudsman's office followed its own process. At the moment, we are not susceptible to the Ombudsman because there's not the relevant provision that would make that happen, but I understand there's a plan to remedy that. It was an aspect of the 2022 Animal Welfare Bill, and I understand that those efforts towards transparency are underway.

The CHAIR: Before I throw back to Mr Fang, I might ask a couple more questions. Back on the agistment issue, are there any other inspectorate staff agisting horses on behalf of the RSPCA?

CORRECTED

SCOTT MEYERS: Not to my knowledge.

The CHAIR: Can I go to a concern that has been raised. It probably goes to Mr Fang's line of questioning as well. Mr Meyers, do you have any relationship with a person by the name of Suzette Turner.

SCOTT MEYERS: No relationship at all. I know who that person is.

The CHAIR: Would you say she is well known to the RSPCA or well known to the inspectorate? Would that be a good description?

SCOTT MEYERS: Yes.

The CHAIR: Known for a good reason or a bad reason?

SCOTT MEYERS: We've received multiple complaints in relation to dog-breeding activities.

The CHAIR: Would you say in line with puppy farming, for want of a better—

SCOTT MEYERS: Correct.

The CHAIR: We don't have an accurate definition of what puppy farming is.

The Hon. WES FANG: I was setting a long run-up here and you've just gone and—

The CHAIR: Sorry, mate. I'm straight to the point. Have those investigations borne fruit at all?

SCOTT MEYERS: I'm not aware of the outcomes of them, but I could take that on notice.

The CHAIR: As the chief inspector, you're not aware of any—

SCOTT MEYERS: I'm not across every single complaint we receive. Normally, if a matter is referred to a formal caution, penalty infringement notice or prosecution, or if an inspector is seeking advice, we will have those conversations, but I'm not across every job, no.

The CHAIR: Has any request for inspectorate action come to you for approval regarding Ms Turner, and you've knocked it back?

SCOTT MEYERS: For a prosecution, no.

The CHAIR: On what grounds would you knock back a prosecution, more generally speaking? Maybe this is to Ms Jurd. Do you have a set of guidelines that you could provide the Committee in terms of what reaches a point where you think you can successfully prosecute?

KATHRYN JURD: I think we've provided them previously, possibly not to this Committee, but we can re-provide them.

The CHAIR: There have been a few committees.

KATHRYN JURD: An inspector has carriage of a matter with the supervision of their team leader. I think I've previously given the Committee access to an enforcement hierarchy that exists in a pyramid, at the bottom of which is education efforts and potentially provision of food or veterinary product at cost or for free. I know of inspectors who drive people with their animals to veterinary clinics and make the appointment for them. That's in that low end of education, attempting to achieve compliance with the Prevention of Cruelty to Animals Act, regs or code. That's the low end.

Then you've got 24N written directions. That is where the inspector is fairly confident they can establish a breach of POCTAA but they want to give the person the benefit of, effectively, an improvement notice—like, "pull your socks up". A statutory enforceable one—that is, if you don't do it, the court could intervene. Thereafter, there are official cautions pursuant to the Fines Act that the chief inspector is authorised to approve, penalty infringement notices that also go through the process of, essentially, a mini-brief production because if they're court elected we have to be in the position to prosecute that to the criminal standard. Thereafter, court attendance notices can be issued.

If an inspector is unsure which discretionary route to take—they're aware that they could probably substantiate a breach but are not entirely certain what to do—they've got access to their team leaders, who can assist in the exercise of that discretion. They have access to our brief checker, a person by the name of Trevor Osborne, who has been employed by the RSPCA for, I think, 15 years. If Trevor considers the matter requires additional legal advice, then it comes to me. I will either provide that written legal advice—commence proceedings or don't commence proceedings; I think we can establish charges A, B, C—or, if I think there is an alternative discretionary outcome available, in which case I will give that legal advice.

CORRECTED

It returns back down the hierarchy and ultimately is a determination made in respect of a recommendation given by Trevor to the chief inspector or to his delegate if he's on leave, in respect of which a prosecutorial or an enforcement outcome might be chosen. The RSPCA has adopted the DPP guidelines for at least 15 years. There is an independence policy with respect to the enforcement action taken by inspectors, and there is an independence policy with respect to prosecutorial decision-making by the solicitors employed or instructed by my office.

The CHAIR: Is it plausible, then, that an inspector will go through the process of wanting to prosecute someone and Mr Meyers, the chief inspector, will be totally unaware of that move to prosecute? As the chief inspector, does everything flow through you and then through to Ms Jurd or Mr Osborne?

SCOTT MEYERS: Generally, yes. It goes through a process and it will come to me for a final determination based on a brief checker's report.

The CHAIR: To circle back to Ms Turner—

SCOTT MEYERS: I think I know, Chair, the matter you're talking about and I can give you some information on that.

The CHAIR: How about I throw it out there, and you may answer or you may not. To circle back to Ms Turner, she's a renowned breeder of dogs in the Shanes Park area. There have been numerous complaints, as you've outlined. My understanding is that you oversee this breeders compliance unit, but you can't recall whether she's been brought forward for prosecution or attempted to be brought forward for prosecution?

SCOTT MEYERS: I believe that the last lot of inspections that the breeders compliance unit did was they worked with her, through issuing 24N directions, to bring her up to compliance with the breeders code of practice.

The CHAIR: And that's as far as your inspectorate activities have gone with her in terms of a 24N?

SCOTT MEYERS: I have a recollection that there may have been a penalty infringement notice issued, but I would have to take that on notice.

Ms ABIGAIL BOYD: I want to check one of the answers that you gave to the Chair, Mr Meyers. When you said you've got no relationship to Ms Turner, would you recognise each other on the street? Would she recognise you on the street?

SCOTT MEYERS: Would she recognise me? I would have no idea.

Ms ABIGAIL BOYD: Have you got her phone number in your phone?

SCOTT MEYERS: Yes, I would have her phone number and I would have text messaging in relation to when she asked me how to get her dog back from a dog-fighting syndicate in Queensland. I said, "You would need to make inquiries in Queensland." But, in saying that, I have lots of peoples' numbers in my phone.

Ms ABIGAIL BOYD: Sure, as do I and I'm certainly not friends with all of them.

SCOTT MEYERS: Same with me.

Ms ABIGAIL BOYD: How would she have got your number then to begin with?

SCOTT MEYERS: I think there's a mutual connection I know through breeding horses. Some time ago, RSPCA had received some information in relation to an alleged animal cruelty matter. We were operation planning of a search warrant. During that planning process, which was happening during the team—it had nothing to do with me—I had received some information from somebody who lives in another State about that operational planning. At that time, I discussed it with my deputy—who has since left us—and the risk, obviously, from that being leaked somehow. We thought that was too big of a risk for the safety of our staff, so it was referred to another agency, and we didn't continue with it.

The Hon. WES FANG: I'm going to keep going on this topic, because it does fascinate me a little bit. Mr Meyers, you've obviously got a number of horses that you show. Do you breed horses as well?

SCOTT MEYERS: Yes, I have some breeding horses.

The Hon. WES FANG: What other animals do you own?

SCOTT MEYERS: A chihuahua.

The Hon. WES FANG: Do you have any other animals that you own?

SCOTT MEYERS: My wife has about 18 chickens.

CORRECTED

The Hon. WES FANG: The only dog you have, though, is a chihuahua. Is that correct?

SCOTT MEYERS: Correct. It's my daughter's dog.

The Hon. WES FANG: In relation to Ms Turner, then, you've said that you came across her number again through an operation. Is that correct?

SCOTT MEYERS: No, I didn't say I'd come across her number.

The Hon. WES FANG: Okay, how did you get her number? Was it through a mutual contact?

SCOTT MEYERS: I believe she was provided with my number about a dog that she had in Queensland. RSPCA Queensland did a raid or search warrant, or whatever it was called, on a dog-fighting property. It was quite well known through the media and I believe she had a dog that was there.

The Hon. WES FANG: So she has your number and she has been investigated by RSPCA inspectors?

SCOTT MEYERS: New South Wales inspectors, correct.

The Hon. WES FANG: Did they form a view in relation to what they saw at one of her properties? Did they seek to prosecute at all?

SCOTT MEYERS: No.

The Hon. WES FANG: Are you sure about that? Did anyone approach you to prosecute in relation to—

SCOTT MEYERS: I have never seen a brief of evidence in relation to Suzette Turner.

The Hon. WES FANG: Did you indicate that you wouldn't support one? Or did you indicate that she should have animals returned to her?

SCOTT MEYERS: Never.

The Hon. WES FANG: Never to your inspectorate staff?

SCOTT MEYERS: No.

KATHRYN JURD: Just to be clear, I've never received anything. I did a search of reports that I've received from the brief checker. I've never received anything.

The Hon. WES FANG: Okay. I'm sure we'll do a little bit more digging on that point a little bit later. We've heard a lot about issues of culture at the RSPCA. There's obviously the evidence that you would've heard from the union. Towards the end of that evidence, I indicated that part of the cultural problem seemed to accelerate at the appointment of the deputy chief inspector. Did any of your inspectorate staff raise issues with any of you in relation to that?

WILLIAM BEERDEN: I've received a—in relation to the bullying allegations, Mr Fang?

The Hon. WES FANG: Yes.

WILLIAM BEERDEN: There were 29—of those 34 allegations or so, 29 of them were in relation to the deputy chief inspector.

The Hon. WES FANG: I think you said there were four complaints that were upheld. Is that correct?

WILLIAM BEERDEN: Four in total, but three in relation to the deputy chief.

The Hon. WES FANG: Who did the investigations on those?

WILLIAM BEERDEN: An experienced HR officer.

The Hon. WES FANG: Employed by the RSPCA?

WILLIAM BEERDEN: There's a process that we go through. There's a grievance process. Someone, if they've got an allegation of bullying, they'll go to HR. HR will then schedule a meeting with them. They'll have a discussion about the allegations. They'll write minutes to that meeting and then they'll put that into a letter, confirm it, and then they'll put it to the person who's alleged to have conducted the bullying. We then go through a process of interview. There's an experienced HR officer who goes through it. All of those individual allegations are put to the person. They're given a right of response and a recommendation's made on the balance of probabilities as to the likelihood or otherwise of those individual allegations. That's what's occurred in all of those instances. On that basis, then it goes to the HR manager, who will have a look at it, and then sign off on it.

CORRECTED

The Hon. WES FANG: The HR person that does the investigating, have they worked in external HR organisations before?

WILLIAM BEERDEN: They've worked in HR and external organisations, yes. They're suitably qualified.

The Hon. WES FANG: Have they worked for the RSPCA in any other role prior to joining the HR organisation?

WILLIAM BEERDEN: No, not in relation to any of these allegations.

The Hon. WES FANG: They were employed and brought into the RSPCA to do investigative work in relation to bullying and harassment.

WILLIAM BEERDEN: No, not of itself. They're a HR officer but they've got a lot of experience. This particular individual does, I think, have a qualification in industrial relations—certainly, suitable experience. I've seen the work and the quality of the work, having spent many years in that myself. It's good quality. It follows procedural fairness. You asked the question whether they've come to us. Certainly, I've had one of those complainants didn't like the outcome of the determination—didn't like the determination—so that did come to me. I then went back, had a look at it, had a look at all of the notes on it. I read through that person's email to me in detail; formed the view that it was transparent, fair and objective, and the matter would be concluded.

Now, on the back of that, we heard this morning the union talk about requesting us to have an independent investigator. We've subsequently contacted someone, who was suggested to us by the union. We're waiting on a fee proposal for them and we're more than happy for them to come and have a look at our process and whether or not we've followed procedural fairness.

The Hon. WES FANG: I appreciate that. I want to dive into the four complaints that were upheld. I believe you said three of those complaints related to the deputy chief inspector. Is that correct?

WILLIAM BEERDEN: Correct.

The Hon. WES FANG: Did those three relate to the deputy chief inspector while she was acting in the role as deputy chief inspector?

WILLIAM BEERDEN: Yes, that's right.

The Hon. WES FANG: What actions did the organisation take in relation to the three upheld complaints?

WILLIAM BEERDEN: From memory, one of the matters that was upheld related to a particular individual coming off a project. The process around that—for that person coming off that project—probably wasn't done as well as we could have done it and given reasons for it. We could have been clearer about that. That was just a matter of making sure that when people come on and off particular project work that they're given the reasons for it.

The Hon. WES FANG: Okay, Mr Beerden. That's one.

WILLIAM BEERDEN: That was a discussion that was had.

The Hon. WES FANG: What else are we looking at here?

WILLIAM BEERDEN: The other two related to communication.

The Hon. WES FANG: Abusive communication?

WILLIAM BEERDEN: One of those. The remaining two related to two different people who were alleging bullying. One there was situation between an inspector and the DCI and there were some raised voices. That was acknowledged by both parties that there were some raised voices. On that occasion, we spoke with—

The Hon. WES FANG: I'm not asking you to run defence. I'm asking you for the details in relation to what was discovered and what actions the RSPCA took.

WILLIAM BEERDEN: I'm coming to that, Mr Fang.

The Hon. WES FANG: I would ask you to.

WILLIAM BEERDEN: I'm giving it to you, so you've got some context because they're not always simple matters.

CORRECTED

The Hon. WES FANG: Mr Beerden, let me be totally blunt with you. The answers you gave me last time in the previous inquiry where I asked you around SafeWork notices, you gave me every which answer but actually being clear about what SafeWork improvement notices you'd received. That was, I think, disgraceful. You were opaque, you were not clear and you were evasive in relation to those matters. I think you're doing exactly the same now in relation to my request for further details about those three bullying allegations that have been made and that were substantiated, not to mention the other 30-odd that were unsubstantiated. I am asking for clear guidance around what was substantiated and what actions you took.

TROY WILKIE: I think he was just going through those.

WILLIAM BEERDEN: I'm coming to those answers, Mr Fang.

The Hon. WES FANG: I'd ask you to come to that, please.

WILLIAM BEERDEN: I'm coming to them, but I'm giving you context because it's really important. Some people don't necessarily like outcomes and they think that, for whatever reason, they carry more weight than they do, or when someone looks at it objectively they say, "You've got to look at both sides of the story." That's typically what happens in these things.

The Hon. WES FANG: Mr Beerden, you're not sounding like a very impartial person here. You're sounding like somebody who is trying to run defence for the deputy chief inspector. I am asking you for the detail—

Ms ABIGAIL BOYD: Point of order: There have been a number of questions now that have proceeded with commentary that is opinion about what Mr Fang thinks of the answer rather than it actually being a question. It's getting to the point of it being a bit unfair and badgering.

The CHAIR: I would have to agree. Mr Beerden, for the sake of time, can we just get to the outcome of the two remaining ones?

WILLIAM BEERDEN: Certainly. On both occasions those matters were addressed with the deputy chief inspector in terms of how to communicate with staff. For context, they didn't warrant formal disciplinary action. They were the findings.

The Hon. WES FANG: In relation to reporting to the board, what does the board get instructed in relation to these upheld complaints?

WILLIAM BEERDEN: It might come up in general business or something like that.

The Hon. WES FANG: There is no formal HR report that goes to the board to say that there have been three upheld complaints against the deputy chief inspector in relation to the conduct?

WILLIAM BEERDEN: It would depend on the severity, Mr Fang. If they were serious—and we take all bullying matters seriously. But, again, you have to put them into context. We can't go to the board with every minor operational thing and report on it.

The Hon. WES FANG: How many inspectors do you currently have that are off on sick leave, mental health leave or a case of workplace stress leave?

WILLIAM BEERDEN: I think when I was here last time you asked how many resulted in workers comp claims.

The Hon. WES FANG: Now I am asking you: How many do you have off at the moment?

WILLIAM BEERDEN: Specifically on workers compensation, I think there were four, and two have been denied by the insurer. I think the answer is two. Mr Meyers is nodding at me, so I think the answer is two, Mr Fang.

The Hon. WES FANG: You have two inspectorate staff off on stress leave.

WILLIAM BEERDEN: We have two inspectors on workers comp.

The CHAIR: Just picking up on that, how many inspectors would you say you are short or vacant of in terms of positions as well?

WILLIAM BEERDEN: At present I think there are six vacancies in total across the inspectorate.

STEVE COLEMAN: Which is 59 FTEs.

The CHAIR: Who is included in that 59 FTE? Are you included in that, Mr Coleman?

CORRECTED

STEVE COLEMAN: No, our chief inspector and deputy chief inspector.

The CHAIR: The chief and deputy chief inspector are.

STEVE COLEMAN: Yes, team leaders and inspectors.

The CHAIR: Digital surveillance members, given that they do—

WILLIAM BEERDEN: No.

KATHRYN JURD: Digital intelligence officer.

WILLIAM BEERDEN: One is, yes. They have an authority.

The CHAIR: They are included as well?

WILLIAM BEERDEN: Yes.

The Hon. WES FANG: On page 10:

21. How many inspectors have resigned from RSPCA NSW in the past 12 months?

4 Inspectors have retired, and 6 have resigned.

22. How many inspectors have had their employment terminated by RSPCA NSW in the past 12 months?

No Inspectors were terminated.

WILLIAM BEERDEN: That's correct.

The Hon. WES FANG: Was there a termination of an inspector that was perhaps changed in status?

WILLIAM BEERDEN: What do you mean "changed in status", Mr Fang?

The Hon. WES FANG: Did you terminate somebody in the previous 12 months that then had their status changed from terminated?

WILLIAM BEERDEN: No. We've been through a process—and I think Ms Boyd asked the question at the beginning today about NDAs. I believe we've had one process with one inspector some months ago, where that inspector requested if they could resign rather than continue on through a performance management issue. Because we're a good employer and we want to help them out, we decided we would do that. It was a negotiated outcome.

The Hon. WES FANG: Okay. I'll have some further questions at the end, but I think I know where I'm going to go.

The Hon. EMMA HURST: As you know, there's been a lot of discussion about inspectors going out in pairs. That was a previous recommendation from this Committee in this annual inquiry. You clarified in your answers to questions on notice that despite the previous funding from the New South Wales Government last year, you're still not sending two inspectors to every job. Can we get some more information around why this still isn't happening, given the safety concerns?

SCOTT MEYERS: I can answer that. We don't have double the inspectors to be able to send two people to every job, so what we did was we had an increase across our regions. Based on a risk assessment, where we review jobs if there are violence warnings, previous history, or areas where there are no communications, we will endeavour to send two people. We've also had a number of people that commenced employment with us who, during their probation period, determined the job wasn't for them. There's been a bit of turnover in that regard, and we're still actively recruiting. Recruitment is hard, especially for that sort of uptake in people, and looking for previous enforcement, law enforcement or regulatory roles—people that have some experience in investigating. We want to ensure that we get the right people. Our inspectors are suitably qualified and trained and they're good inspectors.

The Hon. EMMA HURST: Sorry, can I just jump in? I want to go back to this idea of how many are going in pairs. Can I get an estimation from you around the percentage of jobs that are still being done solo compared to in pairs?

SCOTT MEYERS: It can vary daily.

The Hon. EMMA HURST: Say, in a year? In the last six months, what percentage do you think is solo? I'm happy for you to take it on notice. I don't need exact figures; I'm just trying to get an understanding of an estimation.

CORRECTED

SCOTT MEYERS: I could probably take it on notice to provide it. But initially with the training phase, every new inspector went out with other suitably qualified and trained inspectors. As they've received further training and received their authorities, they might go to routine jobs or jobs where there's no risk identified on their own. But we can take it on notice.

The Hon. EMMA HURST: Brand-new inspectors with no training could potentially be sent out solo, if it was considered a low-risk job?

SCOTT MEYERS: It would depend on their experience.

The Hon. EMMA HURST: When you say that, you mean if they're a former police officer versus somebody that's left university?

SCOTT MEYERS: Correct.

The CHAIR: In the last part of your answer you said, "when they get their authority". Are you saying that new inspectors were going out paired up with a more experienced inspector without the actual authority?

SCOTT MEYERS: For new inspectors?

The CHAIR: Yes.

SCOTT MEYERS: Yes, there's a process of time, Chair, where they'll go through training. We provide a number of documents to New South Wales DPI and apply for their authority.

The CHAIR: In that lag time they're essentially acting without authority?

SCOTT MEYERS: No, they're assisting inspectors that have authority.

The CHAIR: Right.

The Hon. EMMA HURST: Would the person of interest be aware that one of the inspectors is not an authorised inspector, or would they tend to think that this is two inspectors rather than one that's only in training? Is it clear that one of those individuals is still in training?

SCOTT MEYERS: I'm not sure whether they would say, "This is an inspector that's in training." Certainly through their epaulettes—similar to police, our probationary inspectors wear a blank epaulette as opposed to different ranking and grading of inspectors.

The Hon. EMMA HURST: There's some visual clue of that?

SCOTT MEYERS: Correct.

KATHRYN JURD: The SOPs do require all inspectors to notify their name, rank and what power they are exercising upon the exercise of that power. Of course, those trainee inspectors would not be holding themselves out to be inspectors when they're not. They would properly identify themselves but not hold out that they have authority.

The Hon. EMMA HURST: Just to clarify, that would be something that they verbally say to a POI?

KATHRYN JURD: Verbally, yes. And I certainly have seen footage where I have witnessed them do that.

The Hon. EMMA HURST: Are there rules—

KATHRYN JURD: Sorry, and might I just add I have also seen footage where there are not two inspectors out; there are three inspectors, two police officers, three vet nurses and a veterinarian. Whilst, yes, we are heading towards risk-assessed double-up or two-up inspectors, we also have a number of matters where we're not sending two inspectors; we're sending seven RSPCA staff plus New South Wales police.

The Hon. EMMA HURST: When somebody is sent out to a job solo or in pairs—or, in some of these bigger operations, with other agencies—are there any specific rules that are set out within the RSPCA in regard to "this is when this would be acceptable; this is when it's not", or is it kind of a judgement call?

SCOTT MEYERS: In terms of a risk assessment—I mean, there are a couple of documents currently in progress and with consultation with the inspectors to improve our risk assessments.

The Hon. EMMA HURST: Specifically for when someone is sent out solo versus in a pair?

SCOTT MEYERS: Yes, it's about identifying risk prior to them going. There are a number of things they could go to on their own. It could be trade inspections, routine—they could be delivering paperwork. There could be a number of different reasons as to why they'd go on their own.

CORRECTED

The Hon. EMMA HURST: But those processes of the rules are in draft form at the moment, you say.

SCOTT MEYERS: They're in consultation with the team, yes.

The Hon. EMMA HURST: So at the moment there's nothing, but you're working towards something.

SCOTT MEYERS: No, I think there's something. I mean, the inspectors work closely with their team leaders and with other senior inspectors. As I said before, they're experienced, so they talk about jobs and associated risk. If there's a risk, they will go in a pair as a pretty routine thing.

The Hon. EMMA HURST: I believe one of the concerns from the SafeWork notices that RSPCA NSW received was around the lack of documentation regarding sending inspectors out in pairs. Is that the reason why this new documentation is being developed?

SCOTT MEYERS: There was specifically to a second officer policy—so a two-officer policy—and when that's required to take place. There was also, I think, a condition on the SafeWork notice about addressing violence in the workplace, which is the community, for us.

The Hon. EMMA HURST: Sorry, are the SafeWork notices part of the reason why this new documentation is being put together in regard to when somebody will be sent out alone or when—

SCOTT MEYERS: To have a formalised process.

The Hon. EMMA HURST: So that's come out of that process?

SCOTT MEYERS: Correct.

The Hon. EMMA HURST: Another key recommendation from the previous inquiry was ensuring that there is sufficient funding to staff the animal cruelty response team 24/7, so people can receive phone calls. Is that now happening?

STEVE COLEMAN: Yes.

The Hon. EMMA HURST: How does that work? Does that mean that there are inspectors rostered on 24/7?

SCOTT MEYERS: The contact centre will contact whoever the duty officer is or the inspector that is on call. After a certain period of time at night, the calls will come directly through to me—or they will refer them to me if they're urgent in nature.

The Hon. EMMA HURST: What if it's a rural call—like somewhere rural? What's the process if a call comes in at 2.00 a.m. in a very remote area of New South Wales?

SCOTT MEYERS: There's a process with our contact centre as to how they refer it: whether it is referred to police or they can call me if it's of an urgent nature, just depending on what it is.

The Hon. EMMA HURST: So it's just the call centre that's 24/7 now, but a lot of emergencies will still probably be referred to the police unless you individually could potentially go out there or find someone that can.

SCOTT MEYERS: Unless the call is referred through to me, and then I can call an inspector onto duty.

KATHRYN JURD: There are on-call officers rostered seven days—

The Hon. EMMA HURST: Oh, there are on-call officers?

KATHRYN JURD: Yes.

The Hon. EMMA HURST: How many on-call officers would there be out of office hours?

SCOTT MEYERS: I think, probably—off the top of my head—maybe three.

The Hon. EMMA HURST: Are they metro, or are they—

SCOTT MEYERS: Two metro and a regional. Actually, sorry, it would be four: two metro, two regional.

The Hon. EMMA HURST: How do you choose the two regional ones?

SCOTT MEYERS: It's on a roster that rotates every nine weeks.

The Hon. EMMA HURST: I'm assuming they would only cover a very minute area of those regional areas, and so you're still relying on the police, I suppose, for most of those rural areas.

CORRECTED

STEVE COLEMAN: I can be corrected if I'm not right here, but my understanding is that the on-duty inspector, if they're geographically nowhere near that location and the police decide to attend, is still available for advice by the police.

SCOTT MEYERS: Correct.

The Hon. EMMA HURST: How often do the police choose not to attend?

KATHRYN JURD: I don't know that we could know that. If we refer the matter, I understand that PoliceLink have a position that they don't necessarily tell us what enforcement action—

The Hon. EMMA HURST: So you don't necessarily know what happens to—

KATHRYN JURD: On the basis that they have the same independence policies that we do, how they exercise their discretion to take matters under POCTAA is similarly a matter for them. I will say that, for example, I took possession of a carcass that was being necropsied to at Yagoona at 7 o'clock one morning when police turned up, so sometimes we are making the ends meet as best we can to make sure that investigations aren't compromised by access to forensic pathology or whatever the situation might be.

The Hon. EMMA HURST: Does the RSPCA keep a register of injuries incurred by inspectors on the job?

WILLIAM BEERDEN: Yes.

The Hon. EMMA HURST: Have any inspectors been attacked or assaulted while going out on a job in the past two years?

KATHRYN JURD: Yes.

WILLIAM BEERDEN: Yes.

The Hon. EMMA HURST: I understand if you want to take this on notice, but are you able to give us the figures of the number of assaults that have occurred in the last two years?

WILLIAM BEERDEN: I can take it on notice, unless Mr Meyers knows off the top of his head.

SCOTT MEYERS: I can take it on notice.

KATHRYN JURD: There've been a number where New South Wales police commenced proceedings for assault in conjunction with our POCTAA matters, so there have been some. The three that I'm aware of all happened with more than two inspectors and more than two police officers present at the premises when the assault happened.

The CHAIR: Can you also include in that any, for want of a better word, near misses—

KATHRYN JURD: Like near misses?

The CHAIR: —or serious incidents when the inspector didn't get assaulted but felt threatened in some way—

KATHRYN JURD: Or was worried.

The CHAIR: —in doing their duties.

KATHRYN JURD: Yes.

WILLIAM BEERDEN: We can certainly report on anything that's been reported to us.

KATHRYN JURD: The near misses are meant to be reported to us.

WILLIAM BEERDEN: Yes, there is a process.

KATHRYN JURD: I suppose it depends on the individual and what they consider a near miss.

The CHAIR: Yes, sure.

The Hon. EMMA HURST: Have you noticed any increase over the last several years in incidents?

KATHRYN JURD: Yes.

The Hon. EMMA HURST: You have?

CORRECTED

KATHRYN JURD: And the matters that I've appeared in have resulted in jail sentences—inspectors being bitten by defendants and inspectors having multiple large-breed dogs, for want of a better word, sicked on them.

The Hon. EMMA HURST: Do you have any hypotheses as to why there's been an increase in assaults on RSPCA inspectors? I understand that it's a—

KATHRYN JURD: I do. It's a gut born of 17 years prosecutions experience, I suppose, and seven years at the RS. I think when I first started, we were prosecuting a decent number of what I would call single skinny dog cases and we don't prosecute single skinny dog cases any more. Essentially they would be dealt with by way of a penalty infringement notice or some other mechanism. We are investigating more serious allegations of animal cruelty. I think there are concomitant socio-economic factors that are impacting on populations that are inclined to commit criminal offences generally. Of course, and I think you know, I'm doing a PhD in respect of the link between animal cruelty and domestic violence right now. My gut is we're seeing a lot of it and I will wait to see what the statistics show and what the court outcomes might say about that.

Certainly I'm seeing a lot of fairly high-level domestic violence associated with animal cruelty prosecutions, such that we have parallel investigations and prosecutions whereby New South Wales police might be prosecuting assaults and breaches of apprehended domestic violence orders whilst we are also prosecuting those offences of commission rather than omission. Historically the RSPCA has prosecuted a lot of failure to vet treat and failure to provide proper and sufficient food, drink and shelter. I think we are seeing a bit more overt acts of cruelty whereby injuries are purposefully inflicted on animals. I think all of that taken as a whole might be leading to what we're seeing. I think the courts are seeing it similarly because, as I say, they're sentencing penalties of imprisonment rather than those mid-tier, fairly lengthy bonds.

The Hon. EMMA HURST: If I could just squeeze in one more question. Ms Jurd, you might be the best one for this. In regards to the prosecutions that arise, obviously, there's going to be more metro inspectors than rural inspectors, generally. Do you see a significant difference between the number of prosecutions that are coming from metro inspectors and also search warrant applications from the metro inspectors, compared to some of the regional areas?

KATHRYN JURD: No. We see what I experienced at the DPP, which was that, in certain regional centres, you get certain types of crime and that the animal cruelty takes the same kind of trajectory that I have seen elsewhere. So areas with lower socio-economic indicia, areas with higher rates of other types of criminal offending have similarly relatively high rates of animal cruelty offending. There are regional courts where myself and the lawyers we use—my two solicitors and the lawyers we instruct—are regularly, and you can pin those on a map. It's a different type of animal cruelty, but it takes the same course that I expect you see in other types of crime. Does that answer your question?

The Hon. EMMA HURST: A little bit. I think I've got a follow-up on notice for you, which I'm just scribbling down.

KATHRYN JURD: I'm trying not to malign particular areas. I could sit here and give you the map, but I am trying not to do that.

The Hon. AILEEN MacDONALD: I want to go to one of your questions on notice—I think it was on page 29—with regards to staff engagement and satisfaction. You do a survey each year, and you've got 560 staff, roughly. What percentage of staff would complete the survey?

WILLIAM BEERDEN: I'd have to take that on notice, but it's a very well-used platform that we have. It's called Workplace and it's used daily by hundreds of people. It's a very strong communication tool.

The Hon. AILEEN MacDONALD: Are you also able to provide a copy of the survey that you give to the employees. When the results come back in—and I note that you said that the aggregate ratings are satisfactory to very satisfactory, but next year you would obviously want it to be higher than that. How do you review those results? With your structure, culture, leadership, staff engagement, training, how do you implement some of those? I haven't seen the survey. How do you review it so that you're getting better engagement with your staff?

WILLIAM BEERDEN: We have an internal engagement team. They take information like this and anecdotal information and day-to-day communications, and then they have a schedule of work, if you like. They plan out, typically, over a six- to 12-month period, and they'll have everything in it, from engagement activities like R U OK? Day, NAIDOC Week, all that sort of stuff. These are the sorts of things that they would put into it, as well. If there was a particular issue that we wanted to address, that would go into that work program in the coming six to 12 months, and they'd put some resources to those programs.

The Hon. AILEEN MacDONALD: How long have you been doing the surveys?

CORRECTED

WILLIAM BEERDEN: These last ones have been done for about three years, because the platform is relatively new. That being said, Meta, who owns the platform, has announced that they're going to terminate that service, so we'll be replacing it. Prior to that, there were some employee engagement surveys that were done at a national level that were organised by RSPCA Australia, I understand, because it was a simple way to do it and collate the information.

The Hon. WES FANG: Chair, can I foreshadow that I believe we're going to need a further hearing?

The CHAIR: How about we hold—

The Hon. WES FANG: I'm just indicating so that people are aware. I believe that we're going to need a further hearing. I believe that there were a number of questions that I asked to which I was given deliberate misleading answers.

The Hon. EMMA HURST: Again, I think this is a deliberative meeting—

The Hon. WES FANG: I believe we'll need to bring the board in for a hearing.

The CHAIR: Order! Mr Fang, thank you for that. That is probably a discussion that we should have as a Committee without the RSPCA here—no offence.

The Hon. WES FANG: I'm happy if they know.

The CHAIR: That is time, so thank you very much for coming. Thank you for the handbook that you provided and the answers that you gave. You did take some questions on notice. The Committee secretariat will be in touch in terms of the time frame to get them back. Unfortunately, that will be a little bit shorter in terms of our reporting date, which we are negotiating.

KATHRYN JURD: Can I inquire about the Hollingsworth question that I took on notice? Are you wanting all 13 prosecutions? That will govern how long it's going to take me.

The Hon. EMMA HURST: You said that some of the older files are in storage. What do you have access to and how far back is the storage?

KATHRYN JURD: I have easy access to 2018.

The Hon. EMMA HURST: Can we just do 2018 to now?

KATHRYN JURD: Yes, 2018 to 2024.

The Hon. EMMA HURST: Can we just have a look at that then, please? You don't have to go to storage.

The CHAIR: For future reference, you are always welcome to seek extensions on questions on notice if you need more time. We're pretty generous if someone comes to us and says, "I need more time to get a submission in," or, "I need more time for answers back." We generally agree to it. In future, feel free to do that.

STEVE COLEMAN: Thank you, Chair.

(The witnesses withdrew.)

The Committee adjourned at 15:06.