

B. The engagement framework

The framework of the Department of Agriculture and Fisheries' engagement with RSPCA Queensland is made up of the legislation (*Animal Care and Protection Act 2001* (the Act) and the Animal Care and Protection Regulation 2012), the department's activity agreement with RSPCA Queensland, and the Animal Care and Protection Act operational procedures and guidelines.

Legislation

The legislative component of the framework is the cornerstone of the engagement between the Department of Agriculture and Fisheries (the department) and RSPCA Queensland.

The department is responsible for administering the Act and the director-general is accountable for the effective delivery of animal welfare enforcement.

The Act has provisions for the director-general to appoint RSPCA Queensland employees as inspectors if satisfied the person has the necessary expertise or experience to be an inspector and has satisfactorily finished training (s. 115). The director-general can limit an inspector's functions or powers and require the inspector to provide information or a report about the performance of their functions or the exercise of their powers (s. 116).

Once appointed by the director-general, an RSPCA Queensland inspector can investigate and enforce animal welfare legislation. This includes using powers relating to entry, warrants, animal seizure and forfeiture, issuing animal welfare directions, and animal destruction.

The Animal Care and Protection Regulation 2012 is the subordinate legislation to the Act. It guides how the Act is to be applied, includes codes on managing the welfare of animals, and identifies people approved for appointment as an inspector.

Activity agreement

The department has had an activity agreement (the agreement) with RSPCA Queensland since 2001. The department's current three-year agreement is due to expire in June 2022.

The agreement details areas of responsibility, obligations, and reporting requirements. It includes clauses relating to conflicts of interest, management of complaints about inspectors, media policy, and prosecution requirements.

Operational procedures and guidelines

The department and RSPCA Queensland have jointly developed and use the Animal Care and Protection Act operational procedures and guidelines (the guidelines), which outline the procedures for inspectors to follow when enforcing the Act. The guidelines include steps for inspectors to follow when receiving and responding to animal welfare complaints, investigating complaints, and preparing investigations to proceed to prosecution.

