



Inquiry into Annual and Financial Reports 2023–2024

Answer to question taken on notice

Asked by: Mr Shane Rattenbury MLA

Addressed to: Ms Victoria Engel SC

In relation to: Prosecution of animal cruelty

Hearing: 13 February 2025

Uncorrected Proof Transcript pp 6-7

Transcript provided: 17 February 2025

Answer Due: 24 February 2025

Ms Victoria Engel SC took on notice the following question(s):

MR RATTENBURY: I want to ask about referrals of prosecutions for matters of animal cruelty. In the City Services annual report, there is a reference to the fact that 13 matters were referred by the RSPCA to both City Services and the Director of Public Prosecutions. I am interested to understand whether any of those matters have proceeded to prosecution and, just generally, how you approach those kind of matters, given the sometimes complexity of the background of the people involved in those matters?

Ms Engel: Yes, of course. I will just have a look at the precise numbers in a moment, but they proceed—my office, in addition to running every single criminal prosecution in the ACT, both in the Magistrates Court and the Supreme Court, which is different to other jurisdictions where police prosecution services exist, and the DPP is just focused on the serious, indictable matters. So in addition to all criminal prosecutions, we also conduct all regulatory prosecutions, and we give advice to Health Safety. We appear and prosecute all traffic matters, and part of that is RSPCA matters as well.

They will usually come into our office for an advice initially and one of my prosecutors will assess the brief on those two issues of whether there are reasonable prospects and also on public interest. And then, if the advice is to proceed, then we will run that prosecution. So that is the background to how the matters come to be. And then, in relation to a number of matters, there were two Animal Welfare Act matters that proceeded in the last financial year, and one of them was proved.

MR RATTENBURY: Okay, thank you. The sort of two elements of the test I think you are interested in, particularly the public interest where there are issues of mental health and people's economic situations that are linked to these cases, are they the sort of factors that are considered as part of that public interest test?

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Ms Engel: Certainly. There is a quite exhaustive list set out in the prosecution policy and it is always, in all matters, a balancing act in relation to those matters. But they are the kinds of things that can be taken into account.

MR RATTENBURY: Is there an issue that you perhaps do not have the capacity to prosecute them all? Or will they all be judged on that test? And so there are not matters perhaps slipping through that would otherwise merit further effort.

Ms Engel: Currently, the only assessment is, is it in the public interest, and are there reasonable prospects? Part of the public interest test does involve a consideration of the financial implications of running a matter, so that is inevitably part of the consideration. Currently, I am confident that all the matters are being assessed, not taking into account whether or not my office has the resources to run them, but eventually, given the volume of the work that we are asked to undertake and given the funding situation in my office, I expect that eventually that will be a factor that unfortunately is taken into account.

MR RATTENBURY: In assessing the prospects of those matters, are there any issues with the law that are providing barriers, or do you think the sort of construction of the offences and the way that the legislation is framed is adequate?

Ms Engel: If I can answer with my current knowledge, which is that nothing has been brought to my attention in relation to issues, but I will take it on notice and seek some advice from the unit that conducts those prosecutions.

MR RATTENBURY: Thank you. Thanks, Chair.

Ms Victoria Engel SC: The answer to the Member's question is as follows:

I have not become aware of any significant issues with the law that are providing barriers to prosecution in animal cruelty matters.

For completeness, I understand that Domestic Animal Services are working on legislative reform in relation to the *Animal Welfare Act 1992* and the *Animal Welfare Codes of Practice* to remove some of the barriers with the enforcement of the Act.

Approved for circulation to the Standing Committee on Legal Affairs

Signature:



Date: 27/02/2025

By the Director of Public Prosecutions, Ms Victoria Engel SC