

Terms of Reference

Animal Welfare Advisory Council

Note: These Terms of Reference were ratified at the Council meeting 12 March 2021.

Terms of Reference

Animal Welfare Advisory Council

Purpose

The Animal Welfare Advisory Council (“the Council”) provides independent scientific expert advice to the NSW Government, based on the best available science and research, on animal welfare matters and proposed regulations relating to the welfare of species of farm or companion animals.

Scope

The Council provides advice only and does not have a decision-making role. The Council will consider matters referred to it by the Minister. Primary responsibility for matters relating to animal research, exhibited animals, greyhounds and hunting sits with their respective statutory committees, however this does not preclude the Council from providing advice on these matters if requested by the Minister.

This advice will be targeted to progress the six goals of the Animal Welfare Action Plan:

1. Modernise the policy and legislative framework
2. Implement companion animal breeding practices reforms
3. Improve the effectiveness of compliance and enforcement efforts
4. Ensure sound research and scientific practices are used to develop policy and legislation
5. Engage with key stakeholders and ensure all views are respected and considered in developing policy and legislation
6. Invest in our systems and processes

Given the purpose of the Council, most of their activities will fall under goal 1 – Modernise the policy and legislative framework, unless otherwise requested by the Minister.

Membership

Members and the Chair are to be appointed by the Minister for a term of up to three years. Members are eligible for re-appointment if otherwise appropriately qualified. The Council will comprise a maximum of seven members in addition to the Chair.

Members are appointed on the basis of their skills and expertise. Experts will be drawn from the following areas:

- Animal welfare science (e.g. a veterinarian, researcher or other expert specialising in animal welfare science)
- Animal behaviour (e.g. a veterinarian or other expert specialising in animal behaviour)
- Veterinary science
- Animal science (e.g. expertise in physiology, nutrition, zoology, agricultural science etc)
- Any other area that the Minister considers relevant to fulfil the role of the Council.

The Department’s most senior animal welfare official or their delegate will attend Council meetings as an observer.

Selection and appointment of Council members

The selection and appointment of members will be undertaken in accordance with the *Public Service Commissioner's Appointment Standards: Boards and Committees in the NSW Public Sector*.

The Department will seek nominations through a 28-day expression of interest advertisement, to be published on the NSW DPI website and in a newspaper circulating throughout NSW and circulated to relevant organisations.

Applicants will need to submit a formal curriculum vitae to be eligible for consideration.

Candidates will be assessed against the below eligibility requirements and suitability to provide expert advice to the Minister across a range of animal welfare matters.

To be eligible for nomination members must:

- have knowledge, experience and a qualification in at least one or more of the specified categories
- have expertise obtained through research or training or experience, that for the animal categories, covers a range of animals/animal welfare issues
- not hold a criminal conviction for animal cruelty offences in Australia or overseas
- be willing to declare any personal pecuniary interest they may have in an animal trade or primary industry enterprise
- be prepared to make the necessary commitment of time, including preparing for and having the ability to attend meetings as required.

Prior to their formal appointment by the Minister, members must provide a signed letter to the Minister acknowledging that they have read, understand and agree to these Terms of Reference and affirming that they are prepared to meet the requirements for conduct.

Nomination and selection of observers

The Minister may invite organisations or individuals with expertise in animal welfare to sit on the Council as an observer. Observers do not have voting rights and they are bound by the Terms of Reference.

Vacancies

A member may resign by giving notice in writing to the Minister. The Minister may remove a Member from the Council at any time, after consulting with the Council. If a position becomes vacant, the Minister will appoint a person to fill the vacancy. The replacement may be made by calling for expressions of interest, requesting nominations or appointing a person who had previously nominated for the position.

Stakeholder Reference Groups

Stakeholder Reference Groups may be established to advise on the practical aspects of issues under consideration, drawing on their experience in a relevant industry, sector or organisation, for example issues relating to the care and breeding of companion animals, primary industries or animal production and husbandry.

The Council or the Minister may request that a Stakeholder Reference Group be established.

The Stakeholder Reference Group will be chaired by a member of the Council and governed by agreed Terms of Reference outlining:

- purpose
- chair (from the Council)
- scope
- membership, or membership criteria
- roles and responsibilities
- confidentiality
- grievances and conflict resolution procedures
- meeting arrangements
- sunset date
- other relevant information

The Council will identify suitable candidates and the Minister will approve the Stakeholder Reference Group's membership and endorsement of its Terms of Reference.

Members of the stakeholder reference groups will be invited to participate on the basis of their knowledge, experience and networks.

Membership of Stakeholder Reference Groups may be terminated at any time by the Minister.

Responsibilities of Council and Stakeholder Reference Group members

The Council provides the Minister with scientific advice on animal welfare issues referred to it by the Minister. The Council is also to be given the opportunity to review standards and guidelines relating to the welfare of species of farm or companion animals prior to them being prescribed as required by section 34A of the Act.

The Council should ordinarily achieve consensus when providing advice to the Minister. Significant disagreement and alternative points of view will be represented in any advice provided to the Minister, if requested.

The Council may also bring forward to the Secretariat any changes to best practice or emerging animal welfare risks that should be considered in NSW.

Members of a Stakeholder Reference Group report to the Council. Members of a Stakeholder Reference Group may consider issues referred to it by the Council or the Minister

Reporting

The Council will report to the Minister.

Meetings

Meetings are called by the Chair of the Council or at the request of the Minister. Ordinarily there will be four scheduled meetings of the Council in a calendar year.

Conduct

The conduct of the Council will be consistent with the requirements of the NSW Government Boards and Committees Guidelines¹.

¹ See Premier's Memorandum M2013-06

Former and existing members and observers of the Council will not, without the express approval of the Minister, expose any document or other information obtained whilst being a Member or Observer.

Financial arrangements

Payment of any fees to members of the Council will be consistent with the Public Service Commission's Classification and Remuneration Framework for NSW Government Boards and Committees².

Any member that is a public sector employee will not receive remuneration.

Members of Stakeholder Reference Groups will not receive remuneration.

Secretariat

The Department will provide secretariat support to the Council and Stakeholder Reference Groups. The secretariat will ensure that there is an effective flow of information between the Council, any Stakeholder Reference Groups, and other animal welfare committees that the Department has responsibility for, including the Animal Research Review Panel and Exhibited Animals Advisory Committee.

The Department will provide the following services to the Council, in consultation with the Chair:

- organise meetings;
- prepare meeting agendas;
- prepare and circulate any background, discussion or options papers for Council meetings;
- assist in preparing correspondence, reports, etc. relevant to the Council's function;
- provide information to the Council, which is provided by Members or which the Department becomes aware of, that will facilitate the Council to fulfil the Terms of Reference, or to meet the objectives of the current Business Plan;
- prepare meeting minutes; and
- maintain files and records of meetings.

Definitions

Act means the *Prevention of Cruelty to Animals Act 1979* (POCTA).

Animal means an animal, as defined under the Act.

Council means the Animal Welfare Advisory Council in New South Wales.

Department means the NSW Government department responsible for administering the *Prevention of Cruelty to Animals Act 1979*.

Expert means an individual or representative of an organisation who is trained or qualified in an area and has relevant experience or who conducts research in the required field.

Minister means the NSW Government Minister/s who is responsible for administering the *Prevention of Cruelty to Animals Act 1979*.

Member means a person appointed to the Council by the Minister.

² See Premier's Memorandum M2012-18

Observer means a person who may by invitation attend meetings of the Council from time to time but who is not a member of the Council.