

Chapter 1

Introduction

1.1 The Voice for Animals (Independent Office of Animal Welfare) Bill 2015 was introduced into the Senate on 23 June 2015. On 25 June 2015, the Senate Selection of Bills Committee referred the bill to the Senate Rural and Regional Affairs and Transport Legislation Committee (the committee) for inquiry and report by 15 September 2015.¹

1.2 On 18 August 2015 the Senate granted an extension of time for reporting until 15 October 2015.

1.3 The reasons given for the Selection of Bill's referral included:

- animal welfare is an important issue and one which is of concern to a large number of Australians – across political divides;
- animal welfare receives regular media coverage and the issues raised are of concern to a number of large animal welfare networks; and
- over recent years, the federal Animal Welfare Strategy (and its independent advisory committee) and the Inspector General of Animal Welfare and Live Animal Exports have been disbanded.²

Conduct of the inquiry

1.4 The committee's recently conducted inquiry into the Criminal Code Amendment (Animal Protection) Bill 2015 received in excess of 800 submissions.³ Given the timeframe for this inquiry, and the number of inquiries the committee is currently undertaking, the committee agreed not to advertise widely or accept public submissions. The committee instead wrote inviting submissions from a group of organisations. Uninvited submissions to the committee's inquiry were not considered. Ten submissions were received, as shown at Appendix 1.

1.5 The committee held a public hearing in Canberra in Monday, 14 September 2015. A list of witnesses who appeared at the public hearing may be found at Appendix 2.

Acknowledgements

1.6 The committee appreciates the time and effort of all those who provided both written and oral submissions to this inquiry. Their work has assisted the committee considerably in its inquiry.

1 Senate Selection of Bills Committee, *Report No. 8 of 2015*, dated 25 June 2015.

2 Senate Selection of Bills Committee, *Report No. 8 of 2015*, Appendix 5, dated 25 June 2015.

3 The committee's report on the Criminal Code Amendment (Animal Protection) Bill was tabled on 12 June 2015.

A note on references

1.7 References in this report are to individual submissions as received by the committee. References to the Hansard transcript throughout the report refer to the proof transcript. Page numbers may vary between the proof and official transcript. The Hansard transcript of the committee's hearing is available on the Parliament's website at www.aph.gov.au.

Background to the bill⁴

1.8 The Voice for Animals (Independent Office of Animal Welfare) Bill 2015 (the bill) provides for the establishment of a Commonwealth statutory authority which would assume responsibility for advising on the protection of animal welfare in Commonwealth regulated activities.

1.9 The bill proposes to establish the Office of Animal Welfare (OAW)⁵ as an independent statutory authority, headed by a Chief Executive Officer (CEO). The bill provides details in relation to the appointment, proposed functions and terms and conditions of the CEO. It also provides for staff and consultants and proposes the establishment of the Office of Animal Welfare Advisory Committee (OAWAC) to advise the CEO and provides for reporting requirements.

1.10 It is proposed that the OAW would assist the CEO in his or her functions which would include:

- the review and monitoring of live export standards and the Exporter Supply Chain Assurance Scheme;
- reporting on animal welfare issues that impact the Commonwealth;
- reporting on the work of animal welfare committees; and
- reviewing animal welfare laws and policy that impact the Commonwealth.

1.11 To support the OAW in the performance of its duties, it is proposed that the CEO would also be assisted by the OAWAC, the membership of which would include representatives from:

- animal welfare organisations;
- consumer groups;
- scientists and ethicists specialising in animal welfare issues;
- the Department of Agriculture; and
- commercial producers (or purchasers) of animals or animal products.

4 The following section of the report is based on information contained in the *Explanatory Memorandum*, Voice for Animals (Independent Office of Animal Welfare) Bill 2015, p. 1.

5 It is noted that throughout the inquiry the terms 'Independent Office of Animal Welfare' (IOAW) and 'Office of Animal Welfare' (OAW) have been used interchangeably, particularly by submitters.

1.12 Under the proposed legislation, the CEO would be required to provide reports to the Minister for Agriculture. These reports – which may include recommendations for reforms to animal welfare legislation and standards and advice on issues such as the harmonisation of Commonwealth/state animal welfare laws – would be required to be tabled in the Parliament.

1.13 The bill also proposes that the Minister for Agriculture would be required to respond to any recommendations made in these reports and table these responses in the Parliament.

Comment of the Senate Scrutiny of Bills Committee

1.14 The Senate Standing Committee for the Scrutiny of Bills has a standing brief to consider all bills as to whether they trespass unduly on personal rights and liberties, and related matters.

1.15 The Scrutiny of Bills Committee indicated that it had no comment to make on this bill.⁶

Provisions of the bill⁷

Part 1 – Preliminary

1.16 Part 1 of the bill contains its preliminary clauses (1–4), including detail in relation to the title and commencement of the bill. Clause 3 also provides definitions for key terms contained in the Act.

Part 2 – Office of Animal Welfare

1.17 Part 2 of the bill includes Clauses 5–8 which primarily relate to the OAW. These clauses provide for the establishment of the OAW, and that the OAW consists of the CEO and staff. These clauses also outline the OAW's functions and provide that the OAW has the privileges and immunities of the Crown in right of the Commonwealth.

Part 3 – Chief Executive Officer, staff and consultants

1.18 The main provisions of the bill, as detailed in the Explanatory Memorandum, are contained in Parts 3 and 4 of the bill and are outlined below.

1.19 **Clause 9 – Functions of the CEO** provides that the CEO's functions would include:

- the Livestock Standards functions;
- the Reporting functions; and
- the Department Review functions.

6 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest, No. 7 of 2015*, 12 August 2015, p. 50.

7 The following section of the report is based on information contained in the *Explanatory Memorandum*, Voice for Animals (Independent Office of Animal Welfare) Bill 2015, pp 1–3 and Voice for Animals (Independent Office of Animal Welfare) Bill 2015, pp 1–15.

1.20 The livestock standards functions would require the CEO to review and monitor the Australian Standards for the Export of Livestock and the Exporter Supply Chain Assurance System. In addition, the CEO would be required to undertake inquiries and prepare reports about these matters.

1.21 Under the proposed new legislation, the CEO's Reporting functions would require the CEO to:

- make the OAW a Centre of Excellence for the collection and dissemination of information about animal welfare issues that impact the Commonwealth;
- develop an Australian Animal Welfare Strategy (which would provide a national framework to identify priorities, coordinate stakeholder action and improve consistency across all animal use sectors);
- undertake inquiries, commission research and prepare reports in relation to issues such as animal welfare, animal export, the importation of animals and animal products and the possible harmonisation of Commonwealth, state and territory animal welfare laws; and
- undertake inquiries and prepare reports in relation to the activities and effectiveness of the Live Export Advisory Group and the Office of Animal Welfare Advisory Committee.

1.22 Under the proposed Department Review functions, the CEO would also be required to:

- consider the activities of the Department that relate to monitoring compliance with (and enforcement of) the Commonwealth's animal welfare laws;
- consider the effectiveness of the Department's implementation of the Commonwealth's animal welfare policy; and
- undertake inquiries and prepare reports in relation to the function.

1.23 **Clause 10 – Minister may give directions to the CEO** provides that the Minister may direct the CEO about the performance of his or her functions and that the CEO must comply with these instructions.

1.24 **Clauses 11 – 13** provide rules about the appointment of the CEO, the term of their appointment and arrangements for Acting CEOs.

1.25 **Clauses 14 – 20** provide rules about the CEO's remuneration and allowances, leave entitlements, outside employment, disclosure of interests, other terms and conditions, resignation and termination of appointment.

1.26 **Clauses 21 – 23** provide for the appointment of staff, persons to assist the CEO and consultants.

Part 4 – Office of Animal Welfare Advisory Committee

1.27 **Clauses 24 – 28** provide for the establishment of the OAWAC to advise the CEO in relation to his or her functions. It is proposed that the membership of OAWAC would include the CEO and:

- three members representing non-governmental animal welfare organisations;
- one member representing consumer groups;
- one member representing scientists specialising in animal welfare issues;
- one member representing ethicists specialising in animal welfare issues;
- one member representing the Department;
- one member representing commercial producers, or commercial purchasers, of animals or animal products; and
- not more than two other persons, as the CEO considers appropriate.

1.28 These clauses also outline how the OAWAC's procedures would be managed and rules about the disclosure of interests of the Committee members.

Part 5 – Miscellaneous

1.29 **Clauses 29 – 31** provide detail in relation to:

- the production of an annual report and its tabling in the Parliament;
- the production of reports for the purpose of section 9; and
- delegation of functions and powers by the CEO.

