

Animal Welfare (Advisory Committee) Establishment 2020 (No 1)

Disallowable instrument DI2020 - 147

made under the

Animal Welfare Act 1992, section 109 (Establishment and Functions)

1 Name of instrument

This instrument is the Animal Welfare (Advisory Committee) Establishment 2020 (No 1).

2 Commencement

This instrument commences the day after it is notified.

3 Establishment of Committee

The Animal Welfare Advisory Committee (the *advisory committee*) is established.

4 Appointment of Committee Members

(1) The Minister must appoint the advisory committee members.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, Pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, S207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

(2) The term of an appointment under this section must not be longer than 3 years.

(3) The Minister may not reappoint a member nominated by a non-public service entity for more than 2 consecutive terms unless the Minister –

- a. has received a written submission requesting the reappointment of the member from the entity; and
- b. is satisfied that the person should be reappointed.

(4) A person nominated by a non-public service entity must not participate in a meeting of the advisory committee unless the person has signed a deed of confidentiality and conflict of interest in relation to the person's membership of the advisory committee.

5 Advisory committee members

The advisory committee must be made up of the following members:

- (1) a chair who is not affiliated with an animal welfare or animal user group;
- (2) a person who is an authorised officer under the Animal Welfare Act 1992;
- (3) a person nominated by the RSPCA ACT;
- (4) a person nominated by the Australian Veterinary Association;
- (5) a person nominated by the ACT Rural Lessees Association;
- (6) a person, with experience in teaching or research in the field of animal sciences, nominated by—
 - a. the Commonwealth Scientific and Industrial Research Organisation (the CSIRO); or
 - b. an ACT tertiary institution;
- (7) a person nominated by a community-based organisation involved in animal welfare, other than the RSPCA ACT;
- (8) a person nominated by a community-based organisation involved in native wildlife matters;
- (9) a person nominated by an organisation involved in the commercial use of companion animals;
- (10) a person nominated by an organisation involved in the recreational or sporting use of animals;
- (11) a person nominated by the administrative unit with responsibility for the *Nature Conservation Act 2014*.

6 Deputy Chair

The members of the advisory committee must elect a member to be the deputy chair of the committee.

7 Chair and deputy chair

- (1) The chair presides at all meetings at which the chair is present.
- (2) If the chair is absent, the deputy chair presides.
- (3) If the chair and the deputy chair are absent, the member chosen by the members present presides.

8 Quorum for advisory committee meetings

Business may be carried on at an advisory committee meeting only if at least half of the advisory committee's members are present.

9 Voting at meetings

- (1) At a meeting of the advisory committee, each member has a vote on each question to be decided.
- (2) A question is decided by a majority of the votes of the members present and voting, but if the votes are equal –
 - a. the chair has a casting vote; and
 - b. if the chair is not present at the meeting – the deputy chair has a casting vote; and

- c. if neither the chair nor the deputy chair are present – the member presiding has a casting vote.

10 Advisory committee – general procedure

- (1) Meetings of the advisory committee may be held when and where the committee decides.
- (2) However, the chair must call a meeting -
 - a. at least each month (other than January and December) and additionally as often as needed for the committee to efficiently carry out its functions; and
 - b. if asked by the Minister.
- (3) The chair must give the other members of the committee at least 5 working days written notice of a meeting.
- (4) The advisory committee may otherwise conduct its proceedings (including its meetings) as it considers appropriate.

11 Advisory committee may form subcommittees

- (1) The advisory committee may form subcommittees to deal with particular matters.
- (2) The formation, and membership of, a subcommittee must be decided by the advisory committee.
- (3) A recommendation of a subcommittee may only be taken to be a recommendation of the advisory committee if a recommendation is endorsed by the advisory committee.

12 Advisory committee to keep minutes

The advisory committee must keep minutes of its meetings.

13 Secretariat services to the committee

The Committee may request secretariat services from the administrative unit with responsibility for the *Animal Welfare Act 1992*.

14 Protection of advisory committee members

- (1) An advisory committee member is not personally liable for conduct engaged in honestly and not recklessly –
 - a. in the exercise of a function of the committee; or
 - b. in the reasonable belief that the conduct was in the exercise of a function of the committee.
- (2) Any civil liability that would, apart from this section, attach to a person attaches instead to the Territory.
- (3) In this section:
Advisory committee member includes anyone acting under the director or authority of the advisory committee.
Conduct means an act or an omission to do an act.

15 Ending appointment of advisory committee members

- (1) The Minister must end the appointment of an advisory committee member if –
- a. the Minister becomes aware that the member –
 - i. has failed to sign a deed mentioned in section (4); or
 - ii. has been declared bankrupt; or
 - iii. has been convicted, in Australia, of an offence punishable by imprisonment for at least 12 months; or
 - iv. has been convicted, outside of Australia, of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 12 months; or
 - b. is satisfied that the member is no longer qualified to be appointed to the member's position.
- (2) The Minister may end the appointment of an advisory committee member –
- a. if the member is absent from 3 consecutive meetings of the advisory committee other than on approved leave; or
 - b. if the member contravenes a territory law; or
 - c. for misbehaviour; or
 - d. for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions.

Note 4: A person's appointment also ends if the person resigns (see Legislation Act, s210).

- (3) In this section:
Qualified, for a member nominated by a non-public service entity, includes retain the confidence of the entity that the nominated person for appointment to the advisory committee.

16 Revocation of NI2015-219

This instrument revokes notifiable instrument NI2015-219 Animal Welfare (Advisory Committee) Establishment 2015.

17 Transitional—members of advisory committee

The *Animal Welfare (Advisory Committee Member) Appointment 2019 (No 1)* DI2019-216 and the *Animal Welfare (Advisory Committee Member) Appointment 2019 (No 2)* DI2019-286 are taken to be made under section 4 of this instrument.

Chris Steel
Minister for City Services

16 June 2020