

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

## Disallowable instrument DI2020 - 147

made under the

**Animal Welfare Act 1992, section 109**

## EXPLANATORY STATEMENT

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Section 109 of the *Animal Welfare Act 1992* (the AW Act) requires the Minister to establish an Animal Welfare Advisory Committee. The committee is to be constituted in accordance with a disallowable instrument that establishes it.

Section 109 (3) of the AW Act sets out the functions of the Animal Welfare Advisory Committee (AWAC) as:

1. to advise the Minister on matters relating to animal welfare legislation
2. to advise the authority about matters in relation to animal welfare, including animal welfare legislation
3. to participate in the development of approved codes of practice and mandatory codes of practice;
4. to provide advice to other Territory authorities, and to community bodies, about programs for the improvement of community awareness about animal welfare;
5. to advise the Minister about any other matter relating to animal welfare; and
6. to report annually to the Minister on the activities of the committee.

### **Commencement and Establishment**

This section specifies that the instrument commences the day after the notified and that it establishes the AWAC.

### **Appointment of Committee Members**

This section specifies that the Minister must appoint members of the AWAC. Appointments are not to be longer than three years and two consecutive terms. The Minister may appoint a non-public service entity for more than 2 consecutive terms if satisfied that the person should be reappointed and has received written submission requesting the reappointment of the member by the entity.

This section also requires a person nominated by a non-public service entity to sign a deed of confidentiality before participating in a meeting of AWAC.

**Advisory committee members**

This section requires that the AWAC be made up of members from certain organisations or with certain experience.

This requirement will ensure that the AWAC has the appropriate skills and experience to fulfil its duties.

**Deputy chair**

This section requires the AWAC to elect a member to be the deputy chair of the committee.

**Chair and deputy**

This section specifies that the chair presides at all meetings at which the chair is present. When the chair is absent, the deputy chair presides. If the chair and deputy chair are absent, a member chosen by the members present presides.

**Quorum for advisory committee meetings**

This section requires at least half the AWAC's members to be present for business to be carried on.

**Voting at meetings**

This section specifies that at a meeting of the AWAC, each member has a vote on each question to be decided. A question is decided by a majority of votes of the members present.

If votes are equal the chair has a casting vote. If the chair is not present at the meeting, the deputy chair has a casting vote. If both the chair and deputy chair are absent at the meeting, the presiding member has the casting vote.

**Advisory committee – general procedure**

This section specifies that the chair must call a meeting at least each month (other than December and January), and when asked by the Minister, or as often as needed for the AWAC to efficiently carry out its functions. The chair must give the other members of the committee at least 5 working days written notice of a meeting.

**Advisory committee may form subcommittees**

This section allows the AWAC to form subcommittees to deal with particular matters. The formation of a subcommittee must be decided by the AWAC. The recommendation of a subcommittee may only be taken to be a recommendation of the AWAC if a recommendation has been endorsed by the AWAC.

**Advisory committee to keep minutes**

This section requires the AWAC to keep minutes of its meetings.

**Secretariat services to the committee**

This section allows the AWAC to request secretariat services from the administrative unit responsible for the *Animal Welfare Act 1992*.

**Protection of advisory committee members**

This section specifies that a member of the AWAC is not personally liable for conduct engaged in honestly and not recklessly in the exercise of a function of the AWAC, or in the reasonable belief that the conduct was in the exercise of a function of the AWAC. Any civil liability that would, apart from this section, attach to a person attaches instead to the Territory.

**Ending appointment of advisory committee members**

This section requires the Minister end the appointment of a member of AWAC if the Minister becomes aware that the member has failed to sign a deed mentioned in section 4, has been declared bankrupt, has been convicted of an offence punishable by 12 months imprisonment in Australia, or is satisfied that the member is no longer qualified to be appointed to the member's position.

This section also provides that the Minister may end the appointment of a member of AWAC if the member is absent for 3 consecutive meetings (other than approved leave), contravenes a Territory law, for misbehaviour or for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions.

**Revocation of NI2015-219**

This section states that the instrument revoked notifiable instrument NI2015-219 Animal Welfare (Advisory Committee) Establishment 2015.

**Transitional—members of advisory committee**

This section states that appointments to the advisory committee made under *Animal Welfare (Advisory Committee Member) Appointment 2019 (No 1)* DI2019-216 and the *Animal Welfare (Advisory Committee Member) Appointment 2019 (No 2)* DI2019 are taken to be made under section 4 of this instrument.