



New South Wales

Prevention of Cruelty to Animals Amendment (Independent Office of Animal Welfare) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Prevention of Cruelty to Animals Act 1979* (the *principal Act*) to—

- (a) provide that the Royal Society for the Prevention of Cruelty to Animals, New South Wales and the Animal Welfare League NSW are approved charitable organisations for the purposes of the principal Act, and
- (b) establish and confer functions on the Independent Office of Animal Welfare, the office of Chief Animal Welfare Officer and the Independent Office of Animal Welfare Advisory Committee (the *committee*), and
- (c) enable the regulations to prescribe or adopt guidelines relating to the welfare of an animal or class of animals if certain review and reporting requirements are satisfied, and
- (d) make it an offence for a person to contravene a provision of the guidelines that is prescribed as a mandatory provision.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

Schedule 1[1] designates the Royal Society for the Prevention of Cruelty to Animals, New South Wales and the Animal Welfare League NSW as approved charitable organisations. **Schedule 1[2], [6] and [7]** make consequential amendments.

Schedule 1[4] inserts proposed Part 2C into the principal Act. The proposed part establishes and confers functions on the Independent Office of Animal Welfare, the office of Chief Animal Welfare Officer and the committee. Proposed section 24ZA provides that the main objects of the Independent Office of Animal Welfare are as follows—

- (a) to promote knowledge of animal welfare issues,
- (b) to improve animal welfare outcomes,
- (c) to ensure the State’s animal welfare policies and guidelines are independently reviewed and developed having regard to—
 - (i) contemporary scientific knowledge about animal welfare, and
 - (ii) advances in technology, and
 - (iii) community expectations and values,
- (d) to ensure the independent review of the administration and enforcement of the State’s animal welfare laws.

The functions of the Independent Office of Animal Welfare include assisting the Chief Animal Welfare Officer in the exercise of the Chief Animal Welfare Officer’s functions. Proposed section 24ZH sets out the following functions of the Chief Animal Welfare Officer—

- (a) reviewing and monitoring, including conducting inquiries, commissioning research and preparing reports on—
 - (i) the State’s animal welfare laws, policies and guidelines, and
 - (ii) compliance with, and the enforcement and effectiveness of, the State’s animal welfare laws, and
 - (iii) the treatment of animals in a particular industry or sector, including greyhound racing, horse racing, agriculture and medical and scientific research, and
 - (iv) the possible harmonisation of the State’s animal welfare laws with similar laws of the Commonwealth, other States and the Territories,
- (b) developing the State’s animal welfare policies and guidelines and liaising with bodies responsible for national policies and guidelines,
- (c) developing an animal welfare strategy that provides for a State-wide framework for—
 - (i) identifying and prioritising animal welfare issues, and
 - (ii) coordinating stakeholder action, and
 - (iii) improving consistency across all industries and sectors that use animals,
- (d) collecting and disseminating information about animal welfare issues in the State.

Proposed section 24ZN lists the members the Attorney General must appoint to the committee, which must be dissolved and reconstituted every 3 years. Proposed section 24ZO provides that the function of the committee is to give advice and assistance to the Chief Animal Welfare Officer in relation to the exercise of the Chief Animal Welfare Officer’s functions. The proposed part also contains provisions relating to the employment of the Chief Animal Welfare Officer and the constitution and procedures of the committee.

Schedule 1[5] enables the regulations to prescribe or adopt guidelines relating to the welfare of an animal or class of animals if—

- (a) the committee is first given an opportunity to review and comment on the proposed regulation, and

- (b) a report outlining the committee's comments, including suggested amendments to the proposed regulation that were not made, has been published on the website of Regional NSW.

Currently, the Animal Welfare Advisory Council and representatives of relevant livestock industries must be given an opportunity to review and comment on a proposed regulation prescribing or adopting guidelines relating to the welfare of species of farm or companion animals before the regulation is made. The proposed section also makes it an offence for a person to contravene a provision of guidelines that the regulations provide is a mandatory provision.

Schedule 1[10] enables regulations to be made about the constitution and procedures of the committee. **Schedule 1[8] and [9]** make consequential amendments.

Schedule 1[3] makes a consequential amendment.