

**21 SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES**

Mr Pearson moved, according to sessional order: That private members business item no. 111 outside the order of precedence be considered in a short form format.

Question put and passed.

Mr Pearson, by leave, amended private members' business item no. 111 outside the order of precedence by omitting paragraph 2(c) and inserting instead: the following:

"2. three crossbench members, being Mr Banasiak, Ms Boyd and Mr Pearson."

Mr Pearson moved, as by leave amended:

1. That a select committee be established to inquire into and report on the effectiveness of arrangements for the administration and enforcement of the laws of New South Wales for the protection of animals from cruelty, and in particular:
  - (a) the effectiveness of the charitable organisations currently approved under section 34B of the Prevention of Cruelty to Animals Act 1979 ("the Act") in achieving the objects of the Act, namely:
    - (i) to prevent cruelty to animals,
    - (ii) to promote the welfare of animals by requiring a person in charge of an animal:
      - (a) to provide care for the animal,
      - (b) to treat the animal in a humane manner,
      - (c) to ensure the welfare of the animal,
  - (b) the ability of the charitable organisations currently approved under section 34B of the Act ("the approved charitable organisations") to achieve the objects of the Act, including:
    - (i) the level of funding provided by government,
    - (ii) perpetrator and community education about ensuring animal welfare,
    - (iii) any conflicts of interest or potential conflicts of interest between the investigation and enforcement of the Act, and one or more of the following:
      - (a) commercial activities of the approved charitable organisations including corporate sponsorship,
      - (b) industrial proxy membership payments or donations,
      - (c) private interests of board members, consultants, and senior staff,
  - (c) the adequacy of the standard of care and kill rates for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations,
  - (d) whether it is effective and appropriate for non-government charitable organisations to be granted investigative and enforcement powers for criminal prosecutions under the Act, with regard to their:
    - (i) capacity to exercise those investigative and enforcement powers,
    - (ii) ability to exercise those investigative and enforcement powers in relation to commercial premises and intensive farm operations involving high numbers of animals,
    - (iii) ability to conduct cases to test the application of legislative provisions in the Act,
    - (iv) accountability to government and the community,
    - (v) exemption from the provisions of the Government Information (Public Access) Act 2009,
    - (vi) exemption from administrative review under the Administrative Decisions Review Act 1997,
  - (e) whether any limitations and deficiencies of the administration and enforcement of the Prevention of Cruelty to Animals Act 1979 are common to other national or international jurisdictions which use similar models,

- (f) whether the Government should establish a specialist unit to investigate animal cruelty complaints and enforce animal protection laws, either as part of the NSW Police Force or as a separate statutory enforcement agency, and
  - (g) any other related matter.
2. That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
- (a) three government members,
  - (b) two opposition members, and
  - (c) three crossbench members, being Mr Banasiak, Ms Boyd and Mr Pearson.
3. That the Chair of the committee be Mr Pearson.
4. That, unless the committee decides otherwise:
- (a) submissions to inquiries are to be published, subject to the committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
  - (c) the sequence of questions to be asked at hearings alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
  - (d) transcripts of evidence taken at public hearings are to be published,
  - (e) the Chair may make arrangements for the committee to visit and inspect sites relevant to the work of the committee, provided that the owner and/or occupier of the site, as the case requires, has given any necessary permission,
  - (f) supplementary questions are to be lodged with the committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
  - (g) answers to questions on notice and supplementary questions are to be published, subject to the committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.
5. That the committee begin its inquiry in the third week of October 2019 and report by 2 April 2020.

Debate ensued.

Question put.

The House divided.

## Ayes 23

Mr Banasiak	Mr Graham	Mr Pearson
Mr Borsak	Mrs Houssos	Mr Primrose
Ms Boyd	Ms Hurst	Mr Searle
Mr Buttigieg *	Ms Jackson	Mr Secord
Mr D'Adam *	Mr Mookhey	Ms Sharpe
Mr Donnelly	Ms Moriarty	Mr Shoebridge
Ms Faehrmann	Mr Moselmane	Mr Veitch
Mr Field	Revd Mr Nile	

\* Tellers

## Noes 18

Mr Amato	Mr Harwin	Mr Mason-Cox
Mr Blair	Mr Khan	Mrs Mitchell
Ms Cusack	Mr Latham	Mr Roberts
Mr Fang *	Mrs Maclaren-Jones *	Mrs Taylor
Mr Farlow	Mr Mallard	Mr Tudehope
Mr Franklin	Mr Martin	Mrs Ward

\* Tellers

Question resolved in the affirmative.