



## LEGISLATIVE COUNCIL

### SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

## **Inquiry into animal cruelty laws in New South Wales**

### **TERMS OF REFERENCE**

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 the committee begin its inquiry in the third week of October 2019 and report by 24 September 2020.<sup>1</sup>

### Committee membership

<b>Hon Mark Pearson MLC</b>	Animal Justice Party	<i>Chair</i>
<b>Hon Mick Veitch MLC</b>	Australian Labor Party	<i>Deputy Chair</i>
<b>Hon Lou Amato MLC</b>	Liberal Party	
<b>Hon Mark Banasiak MLC</b>	Shooters Fishers Farmers Party	
<b>Ms Abigail Boyd MLC</b>	The Greens	
<b>Hon Sam Farraway MLC</b>	The Nationals	
<b>Hon Matthew Mason-Cox MLC</b>	Liberal Party	
<b>Hon Walt Secord MLC</b>	Australian Labor Party	

<sup>1</sup> The original reporting date was 2 April 2020 (*Minutes*, Legislative Council, 8 August 2019, pp 338-340). On 26 February 2020, the Legislative Council resolved to extend the reporting date to 4 June 2020 (*Minutes*, Legislative Council, 26 February 2020, p 802). On 24 March 2020, the Legislative Council resolved to extend the reporting date to 24 September 2020 (*Minutes*, Legislative Council, 24 March 2020, p 878).