



**Proposal:
Animal Welfare Commission**

“Animal welfare is animal care”

Animal Care Australia Incorporated – INC1801209

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Introduction

For some time, Animal Care Australia has remained steadfast on our position that the real animal welfare experts are found among those that interact with animals on a regular basis. This in itself has continually been challenged by animal rights rhetoric and the misleading premise that those who own or work with animals cannot have the animals' best interests in mind at all times and the fact they are 'using' the animals is in itself a conflict of interest. If this were true then the cases of animal cruelty would be blocking the halls of court houses across the nation.

If the estimates are true then, across Australia, there are over 28 million pets across almost 7 million households, 12 million animals involved within research, the many thousands of animals in our zoos and other educational exhibits, the unknown number of native animals in our habitats which include some 250 species of native mammals, 550 species of land and aquatic birds, 680 species of reptiles, 190 species of frogs, and more than 2,000 species of marine and freshwater fish and an estimated 200,000 to 300,000 species, about 100,000 of which have been described. Of course, there are also the millions of animals within the agricultural industry, with an estimated six hundred million killed annually for food.



Oversight of the interactions we have across the many different animals above falls within a number of different ministerial portfolios. Primarily, environment, agriculture, and local government, but it varies from state to state.

Animal Care Australia does not see a conflict of interest – rather the responsibility of ensuring the continued improvement of animal welfare outcomes requires its own authority that sits separately to those Ministers and is the first point of operational review for the animal welfare of these millions of animals.

Progress in scientific knowledge and animal welfare, and advances in technology, tend to influence community values, and far too often these influences are inserted into the political arena without the necessary and appropriate time to assess any unforeseen circumstances all the while being touted as improving animal welfare. This is why it is vital to remove political influence without removing the ability to assess the advances in real time.

An Animal Welfare Commission and Commissioner will provide an avenue for all aspects to be maintained, reviewed and evaluated without the interference of political agendas, the rhetorical ideology of animal rights/protection activists or the favouring to avoid change within the animal keeping community.

The Animal Welfare Commission will create a single over-arching body responsible for and improving animal welfare outcomes throughout the state. Its ability to advise the ministers of the various government bodies and to have full oversight of the enforcement of animal welfare legislation will provide a level of independence no longer reliant on the whims of any one government minister or department while having the capacity to consult with stakeholders and the public alike.

One organisation coordinating and improving animal welfare with oversight will re-prioritise animal welfare to the level that society expects.

An Animal Welfare Commission Advisory Council:

To assist the Animal Welfare Commissioner in functioning, the creation of an Animal Welfare Commission Advisory Council (AWCAC) is proposed.

To support the structure of the AWCAC, Animal Care Australia has taken lead from the finding of the Commonwealth Productivity Commission's inquiry into the regulation of Australian agriculture, which stated:

“Representing the interests of the industry that a government department is tasked with addressing is not of itself a concern, it is consistent with its objective. However, issues can arise when that department is also responsible for implementing a regulation that has broader community interests that may conflict with those of the industry.”

Animal Care Australia notes ‘the interests of the industry is not of itself a concern’ but ensuring the ‘broader community interests’ can be addressed is achieved by including representation from all elements of the animal keeping community, including industry.

Positions on the AWCAC will be filled through an expression of interest process promoted throughout the respective industries and animal keeping communities.

Animal Care Australia has paid particular attention to current ‘Welfare advisory Councils’ and recognises the differences in their structure and recruitment processes. Many of the advisory councils appear restrictive or self-serving for the existing government rather than being truly representative of the animal keeping community.

Ideological infiltrations from organisations with limited or no real-life animal keeping experience appear to have hoodwinked governments into believing their ideologies are reflective of community expectation when in fact they are not.

Education, Compliance and Enforcement:

Prosecution under animal welfare legislation is the final step in preventing animal cruelty, and more often than not comes ‘after the horse bolted.’

Prevention is the best approach to maintaining and improving animal welfare. ‘Prevention is better than the cure’

Education is the best means of prevention. ‘Education creates greater awareness which sets socially accepted benchmarks.’

The inclusion of education is not only absent from most legislation and sufficient funding to implement educational material is rarely included in budget allocations for animal welfare. This is the greatest failure of all governments.

When ensuring compliance with animal welfare legislation is being maintained there is often an unawareness or lack of understanding from the animal owner, and again, education is the means to improving the animal welfare outcomes.

To address this Animal Care Australia is separating the education and compliance aspects from the enforcement and prosecution.



Education will be carried out by Animal Welfare Officers. While animal cruelty will be investigated by Senior Animal Welfare Officers, with the Animal Welfare Commission determining those cases that require prosecution and following through with prosecuting.

There is a precedent for this approach in some States where prosecutions are now either approved by the department and/or are completed by the Department of Public Prosecutions. This also provides for a separate set of eyes reviewing the case that are external to that of the current inspectorate.

Currently in most States it is the charitable organisation that is investigating, fining/charging a person, and prosecuting and/or determining the guilt and punishment of an alleged cruelty offence. This is possible because the case is controlled by the inspector, the veterinarian, the prosecutor, and the primary witnesses who are all employed by the charitable organisation.

For reasons solely focused on economic motives governments have for far too long have allowed this situation to exist by granting enforcement powers under ministerial memorandums of understanding to the charitable organisations. Placing money ahead of animal welfare. This is no longer acceptable.

Utilising approved charitable organisations is a direct conflict of interest. This is especially true when consideration is given to the inclusion of the organisations during legislative reviews provided by government in determining the powers, functionality, and liability of the approved charitable organisations.

Animal Care Australia has strongly affirmed the enforcement and prosecuting of animal welfare legislation must be carried out by government employees. In order to ensure even greater accountability, we now place employment and accountability directly under the Animal Welfare Commission and its Office.

The Commission appoints **Senior Animal Welfare Officers** who are responsible for all cases leading up to prosecuting and also overseeing Animal Welfare Officers. Our Senior Animal Welfare Officers are the replacement for 'inspectors' under current systems.

They are not the prosecutors as they are the witnesses for the prosecution.

Animal Welfare Officers are located within each Local Government Area and within the animal industries listed in Section 5(1) of our proposed Act. They may be full time or part time (including as part of other duties) or shared between adjoining Councils or industry facilities. For example, a Local Council Ranger may be appointed as an Animal Welfare Officer. Their primary role is education, whether that is in response to a local complaint or carrying out compliance inspections, etc.

At the point where an Animal Welfare Officer believes there is a cruelty case that is beyond educational change or the issuing of a 'directive to rectify' then they must call for the involvement of a Senior Animal Welfare Officer.



Funding

The funding of these roles is shared. Senior Animal Welfare Officers will be employed by the Commission while Animal Welfare Officers will be funded by Local Government or the other animal industry organisations.

Funding for the training in both positions would initially be provided by government with the view to Animal Welfare Officer training being built into future expenses of the relevant organisations.

This separation of positions and responsibilities will provide for a greater representation of animal welfare officers right across the state, particularly given most will be located in the majority of local councils – expanding the animal welfare footprint.

The responsibility of state Police Forces would not change and they would continue to be an authority to respond to and enforce animal welfare Acts. This also allows for Animal Welfare Officers or Senior Animal Welfare Officers to be provided with support should circumstances become dangerous or require some level of force.



Prosecuting

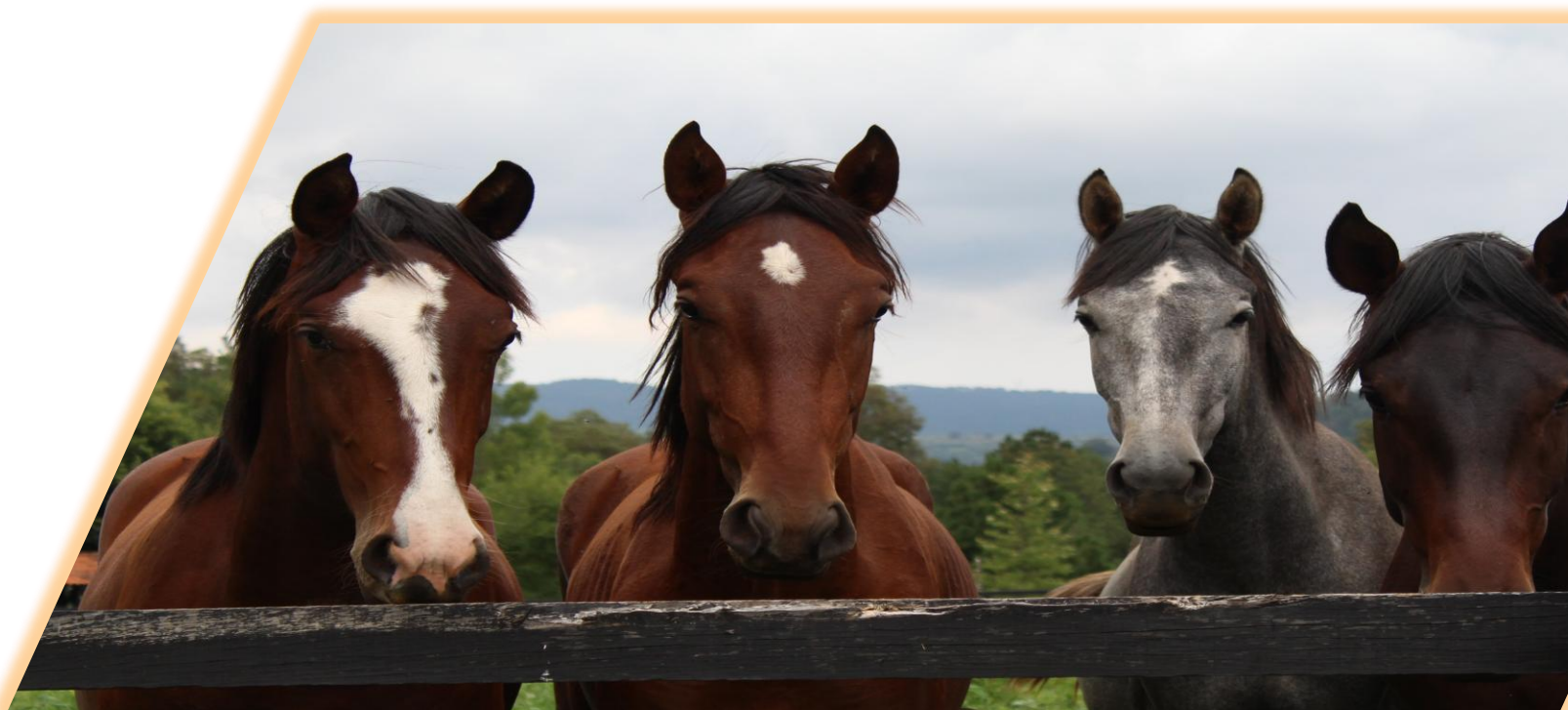
The Animal Welfare Commission is responsible for approving and conducting prosecutions. The Commissioner must ensure Senior Animal Welfare and Animal Welfare Officers have no other involvement in the prosecution outside of being the witness.

This may be by utilising the Department of Public Prosecutions or by engaging other entities to prosecute on the Commission's behalf.

Additional positions

Animal Care Australia recognises this is a large responsibility for a Commissioner, and accordingly there is provision for the appointment of Assistant Commissioners. There is also nothing preventing the continued position of Chief Animal Welfare Officer. The responsibilities of the daily functions of the Commission would be delegated to these positions.

We envisage the Animal Welfare Commission establishing its own separate office where these positions along with the necessary administrative staff would be located.



Supporting and caring for the animals

Supporting and caring for the animals that are the victims or have been seized is a vital component that currently sees many animals suffer unnecessarily. Primarily because there is a closed-mindedness around who should be caring for animals once they are seized.

Animal Care Australia recognises there is an 'ease' within the current arrangements where the approved charitable organisations are taking on the responsibility and costs of providing medical treatment and shelter for the animals that they seize.

Animal Care providers

While there is nothing preventing the above arrangement to continue, Animal Care Australia also notes there are many other organisations, shelters and professionals that are equally capable of providing the necessary care for the animals. This would allow for greater species specific needs to be met, such as, horse rescuers taking on horses, rehoming groups for the animals deemed suitable for rehoming, professional animal training and behaviour organisations taking on dogs, cats, etc, native wildlife carers assisting when needed and of most importance, the need for foster carers to accommodate the animals' needs during the lengthy waiting time for court hearings.

Most of these already have access to existing veterinary services and the veterinary practitioners could be compensated for their time. Equally this care can be met through existing arrangements between Council Pounds and their veterinary practitioners. The fact that our Animal Welfare Officers will be predominantly located with Council regions means they will know the local arrangements, professionals, and organisations to call upon.

All of these animal care providers would be recruited and issued a memorandum of understanding or contract via an expression of interest process with the local Animal Welfare Officers, Council and the Animal Welfare Commission making the final determination on the suitability of each Carer/Service. Trial periods can be

included to ensure appropriate animal care is being provided and service suitability is being met before longer-term agreements are made.

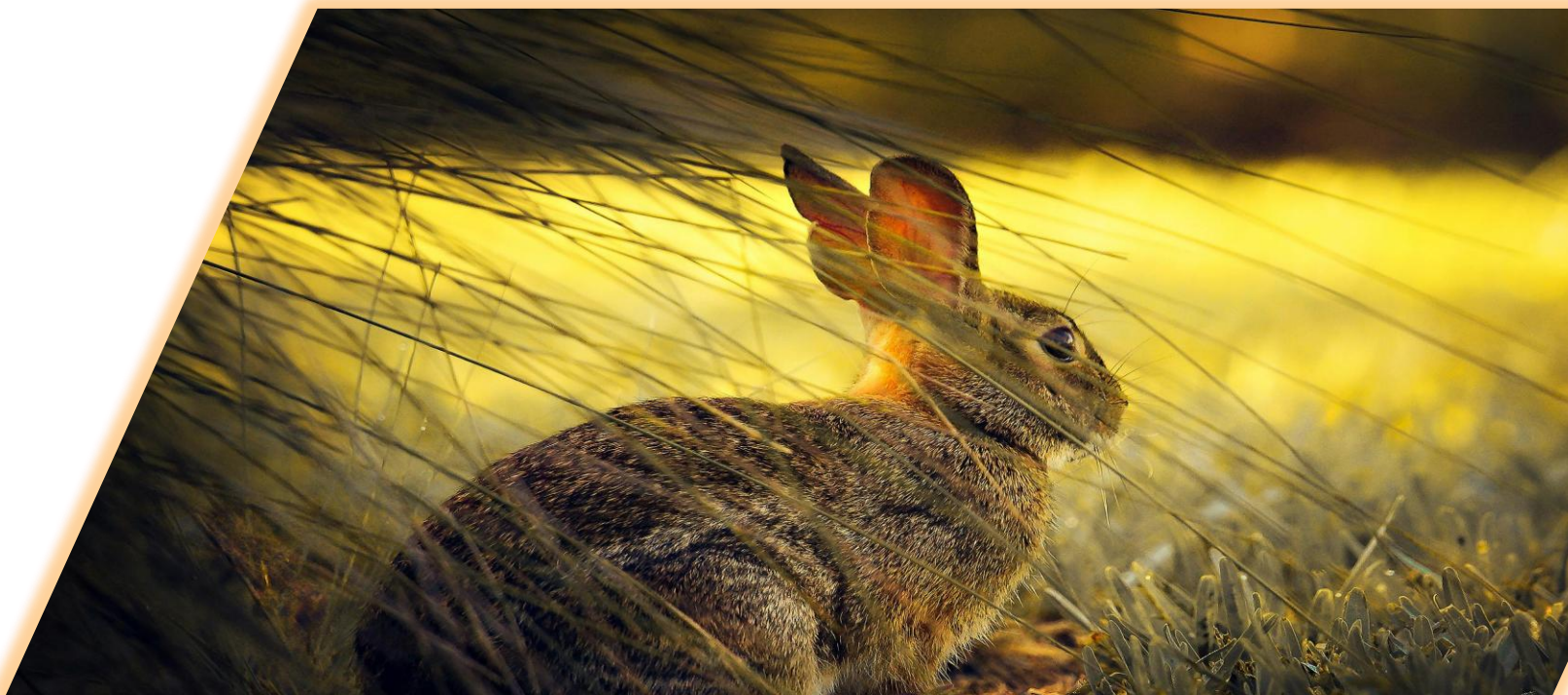
The animal care providers would benefit from this arrangement as it directly meets their purpose of existence and would provide solid grounds for their charitable status or additional fundraising.

Regulation and Accountability of animal care providers

For a long time now governments and animal welfare organisations have recognised that rescues, shelters and alike require greater regulation and accountability. This system not only provides relevance to this but it also provides direct access to the organisations and services for oversight by the Animal Welfare Commission, and the government agency currently responsible.

The Animal Welfare Commission - one organisation with oversight, coordinating and improving animal welfare that will re-prioritise animal welfare to the level that society expects.

The following pages are a proposed generic Act to implement an Animal Welfare Commission:



Aim

To improve animal welfare outcomes throughout the state.

Vision

The vision for our proposed Bill is as follows.

1. To ensure education relating to animal welfare is being met with the intent of improving skills and capacity for all persons caring for animals.
2. To ensure fair treatment for all parties including independent overview should a dispute regarding enforcement occur.
3. To provide clarity and transparency in relation to the enforcement of all animal welfare legislation.
4. To provide education, compliance and enforcement of all animal welfare legislation equitably within all local government areas within the state.
5. To implement a robust process for the creation, monitoring and continuous improvement of standard operating procedures to ensure best practice standards are achieved.
6. To provide a centralised point of inclusion and consultation of animal welfare during governmental policy development, such as disaster planning, planning policy reforms, and environment reforms.

Animal Care Australia proposal for an Animal Welfare Commission

We propose a Bill to create an Animal Welfare Commission to manage all animal welfare matters throughout the state of

A brief summary of our proposed Bill is as follows.

1. The Bill and the Animal Welfare Commission it proposes to create are loosely modelled on the existing NSW Natural Resources Commission Act 2003.
2. A Commissioner to head the Commission is appointed by the Governor, on the recommendation of the government of the day.
3. The Commission has two main responsibilities.
 - a. To advise government on all animal welfare management matters.
 - b. To oversee the management, compliance, enforcement and prosecution of all animal welfare legislation in the state, including all sections of all Acts dealing with animal welfare management matters.
4. An Animal Welfare Commission Advisory Council is formed with representatives from animal industries. The Council advises the Commission on all animal welfare management matters.
5. The Commission appoints Senior Animal Welfare Officers who are responsible for all cases leading to a charge and overseeing Animal Welfare Officers.
6. Animal Welfare Officers are located within each Local Government Area and within industries listed in Section 5(1). They may be full time or part time (including as part of other duties) or shared between adjoining Councils or industry facilities.

We welcome your comments.

DRAFT Animal Care Australia Animal Welfare Commission Bill 2025

Part 1 Preliminary

1 Name of Act

This Act is the *Animal Welfare Commission Act 2024*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Object of Act

The object of this Act is to establish a body with broad advisory, oversight and management functions for the purpose of informed ongoing improvement of ***animal welfare management*** throughout the State.

4 Definitions

(1) In this Act—

animal welfare management—see section 5.

Animal Welfare Officer means an officer employed by a Local Government Area Council as described in Part 5.

Assistant Commissioner means an Assistant Commissioner for the Animal Welfare Commission.

Commission means the Animal Welfare Commission established under Part 2.

Commissioner means the Commissioner for the Animal Welfare Commission.

Council means the Animal Welfare Commission Advisory Council established under Part 3.

domestic animals means animals that are kept in captivity as pets or for hobby purposes.

exercise a function includes perform a duty.

function includes a power, authority or duty.

government agency means any public or local authority, and includes—

(a) a Public Service agency, State owned corporation and council of a local government area,
and

(b) the head of a government agency.

industry representative bodies means the list of organisations representing an industry in section 5(1). The list is maintained by the Minister and prescribed in the regulations.

Minister may mean the Premier, Attorney General or a specifically appointed minister with an animal welfare portfolio.

Senior Animal Welfare Officer means an officer appointed by the Commission with the duties and responsibilities described in Part 5.

Note—

The NSW *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act. (similar Acts may apply in each State/territory)

(2) Notes included in this Act do not form part of this Act.

5 Animal welfare management—application of Act

- (1) For the purposes of this Act, **animal welfare management** extends to the following industries relating to the management of Animal Welfare in the state—
 - (a) commercial agricultural livestock,
 - (b) domestic animals,
 - (c) exhibited animals,
 - (d) animal research,
 - (e) horse and greyhound racing,
 - (f) rodeo,
 - (g) wild animals - both native and introduced,
 - (h) hunting and fishing,
 - (i) any other industry concerning Animal Welfare prescribed by the regulations.
- (2) For the purposes of this Act, **animal welfare management** extends to oversight (including to review and comment on codes of practice, guidelines and standards), education, compliance, enforcement and prosecution of the following sections of the following Acts relating to the management of Animal Welfare in the state
 - (a) *Insert relevant Acts that align with Section 5 (1) for your state or territory*

Part 2 Establishment of Animal Welfare Commission

6 Establishment of Commission

- (1) There is established by this Act an Animal Welfare Commission. The Commission is a body corporate.
- (2) The functions of the Commission are exercisable by the Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by the Commissioner, or with the authority of the Commissioner, is taken to have been done by the Commission.

7 Commissioner

- (1) The Governor may appoint a Commissioner for the Animal Welfare Commission.
- (2) The Commissioner has the functions conferred or imposed on the Commissioner by or under this or any other Act.
- (3) The Commissioner must have recognised academic qualifications in veterinary science or animal welfare science.
- (4) The Commissioner must declare that they are not a member of any animal rights organisations, and are not aligned with any philosophy aiming to end the use of animals in captivity.

- (5) The Commissioner must have demonstratable experience working in multiple industries listed in section 5(1).

8 Assistant Commissioners

- (1) The Commissioner may, with the concurrence of the Minister, appoint Assistant Commissioners for the Animal Welfare Commission.
- (2) An Assistant Commissioner has the functions conferred or imposed on the Assistant Commissioner by or under this or any other Act.
- (3) An Assistant Commissioner is to assist the Commissioner, as the Commissioner requires.

9 Staff

Persons may be employed in the Public Service under the (*insert state government employment Act*) to enable the Commission to exercise its functions.

Note—

Section 59 of the NSW *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Commission makes use of) may be referred to as officers or employees, or members of staff, of the Commission. Section 47A of the *Constitution Act 1902* precludes the Commission from employing staff.

10 Ministerial control and functions

- (1) The Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission, but in other respects is subject to the control and direction of the Minister.
- (2) The Minister may delegate any of the Minister's functions under this Act (other than this power of delegation) to another Minister.

Part 3 Animal Welfare Commission Advisory Council

11 Establishment of the Council

- (1) There is established by this Act an Animal Welfare Commission Advisory Council (the Council).
- (2) The function of the Council is to advise the Commissioner, on matters referred by the Commissioner and on **animal welfare management** matters the Council considers in its own right.
- (3) The Commissioner (or in the absence of the Commissioner, an Assistant Commissioner) chairs Council meetings but is not a member of the Council.

12 Appointment of Council members

- (1) Members are appointed under the (*insert state government employment Act*)
- (2) Members are appointed for a term of 6 years by the Minister on the recommendation of the Commissioner in consultation with **industry representative bodies**.
- (3) There is to be ONE Council member appointed to represent each industry in section 5(1).
- (4) Council members must not be in the employ or represent any charitable organisation approved under (*insert state relevant animal welfare Act/s*)

13 Council guiding principles

In exercising its functions, the Council is to have regard for—

- (1) integrity, trust, service and accountability as detailed in section 7 of the (*insert state government employment Act*) and
- (2) the social and economic implications of its recommendations and advice, and
- (3) a focus on education prior to enforcement in its approach to **animal welfare management** issues.

14 Council observers

- (1) The majority of Council members must agree before any observers are present at Council meetings, such agreement can be withdrawn by the majority of Council members at any time.
- (2) Council observers will generally be experts in their field approved by the Council to provide professional advice.

Part 4 Functions of Animal Welfare Commission

15 General functions

The Commission, with the assistance of the Council, has the following general functions—

- (1) To provide the Government with independent advice on **animal welfare management**.
- (2) The Commission may approve the establishment of sub-committees to the Council in order to provide broader consultation.
- (3) To appoint and withdraw appointment of all Senior Animal Welfare Officers who are responsible for education, compliance and enforcement of animal welfare legislation in section 5(2), excluding (State) Police Officers.
- (4) To direct, oversee and manage the activities, duties and performance of all Senior Animal Welfare Officers.
- (5) To determine the qualifications and standard operating procedures for Senior Animal Welfare Officers and Animal Welfare Officers, as prescribed.
- (6) To oversee the compliance and enforcement of all animal welfare legislation in the state in section 5(2).
- (7) To prosecute all offences under animal welfare legislation in the state in section 5(2).
- (8) To specify and oversee independent complaint resolution processes with regard to Senior Animal Welfare Officers and Animal Welfare Officers, as prescribed.
- (9) Such other functions as are conferred or imposed on it by or under this or any other Act.

16 Other functions

The Commission, with the assistance of the Council, has the following other functions—

- (1) To recommend State-wide standard operating procedures, standards and targets for **animal welfare management** issues,

- (2) To advise on strategic priorities in **animal welfare management** in this State as required by the Minister,
- (3) To undertake audits and reviews of other **animal welfare management** issues as required by the Minister,
- (4) To undertake inquiries on **animal welfare management** issues as required by the Minister,
- (5) To advise the Minister on priorities for research concerning **animal welfare management** issues,
- (6) To arrange for information to be gathered and disseminated to the public on **animal welfare management** issues.

17 Commission guiding principles

In exercising its functions, the Commission is to have regard for—

- (1) integrity, trust, service and accountability as detailed in (*insert state government employment Act*)
- (2) the social and economic implications of its recommendations and advice, and
- (3) a focus on education rather than enforcement in its approach to **animal welfare management** issues.

18 Reports

- (1) The Commission is to provide the Minister with reports on the exercise of all its functions under sections 15 and 16.
- (2) The Commission must undertake annual audits of all officers authorised with compliance and enforcement duties for legislation under section 5(2), and prepare a report to the Minister.
- (2) The Commission is to provide the Minister with annual reports on its work and activities, including on the outcomes of any audits or inquiries it has undertaken during the reporting period, and
- (3) Each report of the Commission is to be made public within a reasonable time after it is provided to the Minister.

19 Assistance to Commission

- (1) With the exception of the appointment of officers under 15 (2) of this Act, the Commission may enter arrangements with any government agency or other body or person for the provision of assistance to the Commission in connection with the exercise of its functions.
- (2) The Commission may enrol police prosecutors and the office of department of public prosecutions to prosecute on behalf of the Commission.
- (3) The Commission may obtain advice from any advisory committee appointed by the Commission.
- (4) The Commission may, for the purposes of exercising its functions, direct a government agency to provide the Commission with any relevant information held by the agency, and the agency must comply with the direction.
- (5) If a dispute arises about any such direction in (4), the dispute may be referred to the Premier for resolution.

20 Delegation of Commission's functions

The Commission may delegate any of its functions, other than this power of delegation, to—

- (1) an Assistant Commissioner, or
- (2) a committee of persons (at least one member of which is the Commissioner or an Assistant Commissioner).

Part 5 Senior Animal Welfare Officers and Animal Welfare Officers,

21 Senior Animal Welfare Officer and Animal Welfare Officer guiding principles

In exercising their functions, Senior Animal Welfare Officers and Animal Welfare Officers are to have regard for—

- (1) integrity, trust, service and accountability as detailed in (*insert state government employment Act*), and
- (2) ensuring a focus on education relating to **animal welfare management** with the intent to improving skills and capacity of those caring for animals, and
- (3) providing clarity and transparency in relation to compliance and enforcement of all animal welfare legislation in the state in section 5(2), and
- (4) ensuring fair treatment for all parties including communication of independent oversight and review processes, as prescribed, and

22 General functions - Senior Animal Welfare Officer

Senior Animal Welfare Officers have the following general functions—

- (1) To be responsible for a team of Animal Welfare Officers in one or more Local Government Areas, or industries listed in Section 5(1), or as prescribed.
- (2) To perform their duties as directed by the Commission under Section 15(3).
- (3) To lay charges for offences under animal welfare legislation in the state in section 5(2), as prescribed.
- (4) To consult with Local Government Area Councils or industries listed in Section 5(1), or as prescribed, with regard to the appointment of Animal Welfare Officers.
- (5) To ensure all Animal Welfare Officers are qualified, as prescribed.

23 Appointment - Animal Welfare Officer

- (1) Local Government Area Councils or industries listed in Section 5(1), are to appoint and withdraw appointment of all Animal Welfare Officers in consultation with the Senior Animal Welfare Officer.
- (2) Animal Welfare Officers are employees of the Local Government Area Council or industries listed in Section 5(1), and may be appointed full time, part time, as part of another role, shared with adjoining councils or industry facilities, or as prescribed.

24 General functions - Animal Welfare Officer

Animal Welfare Officers have the following general functions—

- (1) To work with Senior Animal Welfare Officers, as prescribed.

- (2) To investigate but not lay charges for offences under animal welfare legislation in the state in section 5(2), as prescribed.

25 Identity of Senior Animal Welfare Officers and Animal Welfare Officers

With regard to being identified as a Senior Animal Welfare Officer or Animal Welfare Officer —

- (1) Identity cards must be shown to all persons prior to any communication regarding the performance of functions under this Act.
- (2) Identifying uniforms are not permitted.

Part 6 Miscellaneous

26 Act binds the Crown

This Act binds the Crown, not only in right of (*insert state or territory*) but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

27 Cabinet information and proceedings

- (1) This Act does not enable the Commission—
 - (a) to require any person to give any statement of information or answer any question which relates to confidential proceedings of Cabinet, or
 - (b) to require any person to disclose Cabinet information, or
 - (c) to inspect Cabinet information.
- (2) For the purposes of this section, a certificate of the Secretary or General Counsel of the Cabinet Office that—
 - (a) any information or question relates to confidential proceedings of Cabinet, or
 - (b) information is Cabinet information, is conclusive of that fact.

- (3) In this section—

Cabinet includes a committee of Cabinet or a subcommittee of such a committee.

Cabinet information means information that is Cabinet information under the (*insert Government Information (Public Access) Act*)

28 Proceedings for offences

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before the Local Court.

29 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, the regulations may make provision for or with respect to the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.

(3) A regulation may create an offence punishable by a penalty not exceeding 100 penalty units.

30 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Draft Act

Animal Welfare Commission – Independent Complaint Resolution under Section 15(7)

The Commission should establish an Internal Dispute Resolution process with framework that ensures that consumer and small business complaints are addressed promptly and fairly.

The goal is to find a resolution through dialogue, negotiation, and mediation, rather than escalating the matter to court or arbitration.

The definition of a complaint is an expression on dissatisfaction made to, or about, an organisation relating to its products, processes, services, or staff where a response or resolution is explicitly or implicitly expected.

Note: Employment related complaints raised by staff (paid or otherwise) are not considered “complaints” under this process.

There must be a documented standard operating procedure covering roles and responsibilities, as well as record keeping and principles for decision making including as follows:

- Complaints lodged under Internal Dispute Resolution framework should be reviewed and managed by an independent person/team at arm’s length from the individual, team or process that the complaint relates to. For example, a complaint by a consumer about the behaviour of an Animal Welfare Officer should not be managed by the Officer themselves or anyone in their reporting lines.
- The complaint process must be free of charge to the complainant.
- A written response to the complainant must be issued to the complainant within 30 days of receipt.
- A record of all complaints, the investigation, all supporting documentation and the written outcome issued must be kept on file.
- In the event that a complainant is not satisfied with the outcome of a complaint under the Internal Resolution process, there must be an alternative external dispute resolution option in place (such as NSW Ombudsman of NSW Civil and Administrative Tribunal).
- The Commission must make both the Internal Dispute Resolution and External Dispute Resolution options publicly available.
- Complainants are expected to participate in the IDR and provide information to their best ability if requested by the complaint manager.