



Animal Welfare Advisory Board

Terms of Reference

A board to provide expert, impartial advice to the Minister for Agriculture and Fisheries on animal welfare matters to improve the welfare of animals in Queensland

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1. Definitions

ACPA	<i>Animal Care and Protection Act 2001</i>
AWAB	Animal Welfare Advisory Board
DAF	Queensland Department of Agriculture and Fisheries
BQ	Biosecurity Queensland (a service of DAF)
Minister	Minister responsible for administering the ACPA
Member	Person appointed to the AWAB
Animal	As defined under the ACPA
Animal welfare	How an animal is coping with the conditions in which it lives. An animal is in good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear and distress (OIE Terrestrial Animal Health Code)

2. Purpose of Terms of Reference

- 2.1.1 These Terms of Reference describe the governance arrangements to ensure that the Animal Welfare Advisory Board (AWAB) effectively and efficiently fulfils its functions within the scope of the *Animal Care and Protection Act 2001* (ACPA) and includes the arrangements to assist Members to act with an appropriate level of care and diligence to meet their responsibilities.
- 2.1.2 AWAB or Biosecurity Queensland may recommend changes to the Terms of Reference for the Minister's consideration.

3. Function

- 3.1.1 The Minister for Agriculture and Fisheries has responsibility for the administration of the ACPA.
- 3.1.2 Section 211 of the *Animal Care and Protection Act 2001* provides for the establishment of an animal welfare advisory committee or another body to advise the Minister on animal welfare issues.
- 3.1.3 Issues to be considered by the AWAB will be referred by the Minister or his or her delegate.

4. Role of the AWAB

- 4.1.1 AWAB will provide expert and impartial advice to the Minister on animal welfare and animal ethics matters to improve the welfare of animals in Queensland within the scope of the ACPA.
- 4.1.2 The key purpose of the ACPA is to:
 - promote the responsible care and use of animals;
 - provide standards for the care and use of animals that –
 - achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals; and
 - allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals;
 - protect animals from unjustifiable, unnecessary or unreasonable pain;
 - ensure the use of animals for scientific purposes is accountable, open and responsible.

- 4.1.3 In preparing its advice, AWAB will foster independent dialogue between parties, especially those with divergent and publicly contested opinions, to facilitate a shared understanding of issues and ownership of options to enhance animal welfare. AWAB will champion community based solutions and responses to issues in preference to regulation.
- 4.1.4 AWAB will take into consideration any relevant matters such as good practice, national and international trends, practicalities, industry capability, public opinion, scientific knowledge and animal ethics.

5. Membership

5.1 The structure of AWAB

- 5.1.1 The Minister will appoint the Members of the AWAB. All Members except for the Chairperson will have full voting rights. The AWAB will consist of:
- An independent Chairperson with appropriate experience or expertise in animal welfare, or is an eminent person in the community and is independent of any particular sector or organisation otherwise represented on the AWAB;
 - one person from the Australian Veterinary Association (Queensland);
 - one person from the RSPCA or other animal welfare advocacy body;
 - one person who in the opinion of the Minister is suitable to represent the general community and their expectations for the welfare of animals;
 - two persons who in the opinion of the Minister are able to represent the interest of the commercial animal sector (one from intensive industries and one from extensive industries);
 - one person who in the opinion of the Minister is able to represent the interests of organisations involved in animal research and teaching; and
 - The General Manager, Animal Biosecurity and Welfare, or his or her delegate will be an *ex-officio* Member (*a Member of this committee, who is part of it by virtue of holding another office*).
- 5.1.2 The Minister may appoint any other person(s) the Minister considers appropriate.
- 5.1.3 Members are appointed to offer sound advice based on collective experience and knowledge. They do not act in their own right as individuals and do not represent the organisations or sector by which they are employed or participate in.
- 5.1.4 AWAB may consult with independent technical experts to assist in carrying out its purpose. Representatives from other government agencies may also be invited to provide advice to AWAB on policy and technical issues which might impact on those agencies. In addition, with approval of AWAB, other persons, may be requested to attend a meeting, or part of a meeting, as observers or to provide additional expertise to the AWAB. All these persons are bound by these Terms of Reference.

5.2 Nomination and selection of Members

- 5.2.1 The Minister may invite stakeholder and other relevant organisations included in section 12 of the Terms of Reference to nominate a person to be considered for Membership and/or chairperson of the AWAB. The list of stakeholder organisations will be reviewed every three years.
- 5.2.2 The Minister will select and invite the selected nominees in writing to join the AWAB. Membership will be confirmed by the written acceptance of the offer by the nominee.
- 5.2.3 Not less than six months prior to the expiry of the term of appointment of an AWAB Member, the Minister will call for nominations for the next term of appointment.
- 5.2.4 An outgoing Member may be renominated.

5.2.5 Prior to their first meeting, new Members will be provided with a copy of these Terms of Reference, any forward work program and any reports prepared during the previous 12 months.

5.3 Membership vacancy

5.3.1 A vacancy on AWAB occurs if a Member:

- dies; or
- resigns Membership by instrument in writing addressed to the Minister; or
- is removed by the Minister; or
- fails to attend three consecutive meetings of the AWAB where leave has not been granted by the Chairperson; or
- becomes mentally incapacitated; or
- is convicted in Queensland of an offence under the ACPA or of a similar or equivalent offence in another jurisdiction; or
- is convicted in Queensland of an offence that is punishable by imprisonment for 12 months or more or of a similar offence in another jurisdiction

5.3.2 The Minister may remove a Member from office without notice at any time.

5.3.3 In the event of a vacancy on the AWAB, DAF will nominate a replacement for approval by the Minister consistent with 5.1.1.

5.3.4 AWAB vacancies will be filled in accordance with clause 5.2.

6. Term of appointment

6.1.1 Unless otherwise determined by the Minister, the term of appointment of AWAB Members will be three years.

6.1.2 If at the end of the Member's appointment a person has not been appointed to replace the Member, the Member's term does not end until:

- (i) the Member has been reappointed; or
- (ii) if the Member is not reappointed – another person has been appointed to replace the Member.

6.1.3 An outgoing Member may be renominated with no limit on the number of terms a Member may serve on the AWAB.

7. Responsibilities

7.1 Responsibility of the Chairperson

7.1.1 The responsibilities of the Chairperson are to:

- chair the meetings of the AWAB;
- organise and lead the AWAB's business;
- ensure the AWAB meets the Terms of Reference;
- review and evaluate the performance of AWAB Members;
- mediate and resolve conflicts of interest and grievances within the AWAB;
- provide advice to the Minister on animal welfare issues and the role of the AWAB in developing advice for the Minister;

- comply with requests from the Minister, and
- comply with any relevant legislative, industrial, policy and administrative requirements of the Department of Agriculture and Fisheries.

7.2 Responsibility of Members

7.2.1 The responsibilities of Members are to:

- declare any conflicts of interest;
- attend each meeting and actively participate bringing personal knowledge and experience while not representing any particular interest group;
- reviewing and providing input into reports, appears and plans;
- abide by the Terms of Reference and ensure participation focusses on achieving the best possible advice for the Minister;
- respect the advice and views of others on the AWAB; and
- comply with any request by the Minister.

7.3 Responsibility of DAF

7.3.1 The responsibilities of the Department of Agriculture and Fisheries are to:

- provide secretariat support to the AWAB, including
 - organise meetings;
 - prepare meeting agenda;
 - prepare and circulate any background, discussion or options papers for AWAB meetings;
 - prepare meeting minutes;
 - prepare advice and recommendations to the Minister based on AWAB decisions; and
 - maintain files and records of meetings;
- provide technical and research support to the AWAB; and
- provide an ex-officio Member of the AWAB.

7.4 Confidentiality

7.4.1 When appointed to the AWAB, Members will sign an agreement indicating acceptance of certain terms and conditions, including confidentiality. Members should appreciate that the AWAB will from time to time deal with sensitive matters of a confidential nature. The confidentiality of such information should be respected by all Members.

7.4.2 All correspondence, deliberations, decisions and advice of the AWAB are confidential.

7.4.3 It is the responsibility of each Member to ensure that they protect this confidentiality at all times.

7.4.4 If in doubt, Members must seek the advice of the Chairperson.

7.4.5 Former Members of the AWAB will not, without the express approval of the Minister, expose any document or other information obtained whilst a Member.

7.4.6 Public access to information under normal Right to Information procedures is available and will not be limited by this provision.

7.5 Conflict of interest

7.5.1 If a Member becomes aware of a potential conflict of interest, he or she must immediately advise the Chairperson and, if appropriate, leave the meeting whilst the matter is discussed and not participate in any decision-making related to the issue.



8. Business operations

8.1 General meetings

- 8.1.1 AWAB shall generally meet three times each calendar year, however this is dependent on the work program and complexity of issues to be considered. Additional meetings may be scheduled if required.
- 8.1.2 A quorum consists of at least half the Members and the Chairperson.
- 8.1.3 In the absence of the Chairperson at any AWAB meeting, the Members present will appoint one of their numbers to preside at that meeting.
- 8.1.4 Members may not nominate proxies to attend meetings in their absence.
- 8.1.5 Meetings will be conducted in accordance with accepted procedures and in accordance with rulings of the Chairperson.

8.2 Special meetings

- 8.2.1 The Minister may direct the AWAB to conduct special meetings if circumstances or the nature of the business is urgent or extraordinary.

8.3 Meeting agenda

- 8.3.1 An agenda, together with relevant background papers, will be forwarded to Members at least two weeks prior to a meeting. Matters will be considered and decided in accordance with the agenda.
- 8.3.2 Background and issue papers will be prepared by the secretariat to assist the AWAB Members in defining and framing the nature and scope of issues and to establish clear time-frames for the completion of tasks including the delivery of reports.

8.4 Meeting minutes

- 8.4.1 Minutes of the meeting will be forwarded to Members within two weeks of a meeting. Members absent from meetings will be sent copies of papers and minutes. The minutes will identify responsibilities and time lines for action items.
- 8.4.2 Minutes for each meeting will be confirmed at the following meeting.

9. AWAB advice and recommendations

- 9.1.1 Items of business considered by the AWAB will normally be determined by consensus.
- 9.1.2 Significant dissention or disagreement and alternative points of view will be represented in any advice provided to the Minister.
- 9.1.3 If agreement is not possible or an issue needs to be determined by voting, the AWAB's decision will be that which receives the majority of votes of the Members present and voting. The Chairperson does not have the right to vote. No other person at a meeting, other than a Member, has the right to vote.

- 9.1.4 Correspondence conveying the AWAB's advice to the Minister will be completed as soon as practicable after the meeting at which the advice was resolved. This correspondence may be finalised out of session.

10. Reporting

- 10.1.1 AWAB will provide an annual report to the Minister by 30 June for each calendar year which includes:
- an overview by the Chairperson
 - list of issues considered
 - outcomes achieved
 - other information relevant to the Minister's consideration of issues addressed by the AWAB.

11. Financial arrangements

- 11.1.1 Members of the AWAB will not receive remuneration for attendance at AWAB meetings but all necessary and reasonable expenses, including travel to attend AWAB meetings, incurred by Members will be reimbursed in accordance with the Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies.

12. Key stakeholders and other relevant organisations

- AgForce
- Animal Liberation Queensland
- Animal Welfare League Queensland
- Animals Australia
- Australian Livestock Exporters Council
- Australian Livestock and Property Agents' Association
- Australian Lot Feeders' Association
- Australian Meat Industry Council
- Australian Pork Ltd
- Australian Veterinary Association
- Dogs Queensland
- James Cook University
- Livecorp
- Pet Industry Association of Australia
- Queensland Aquaculture Industries Federation
- Queensland Farmers' Federation
 - Queensland Chicken Growers Association
 - Queensland Chicken Meat Industry
 - Queensland Dairyfarmers Organization
 - Queensland United Egg Producers
 - Pork Queensland Incorporated
- RSPCA Queensland Inc
- The University of Queensland
- Queensland University of Technology
- University of Southern Queensland
- Griffith University
- Zoo and Aquarium Association