

The Hon Ian Hunter MLC
Minister for Sustainability, Environment and Conservation
Chesser House,
91-97 Grenfell Street,
Adelaide, SA 5000

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Proposals re State Government Boards and Committees

South Australian Animal Welfare Advisory Committee

Dear Minister,

The Animal Welfare Advisory Committee (AWAC) is currently established as a statutory authority under Part 2 of the Animal Welfare Act 1985 and administered by you as Minister. Thank you for your invitation to comment on the retention or abolition of AWAC in terms of the recent decision by the Premier to abolish all state government boards and committees.

I have consulted available members of AWAC for review of my response and have been assisted in this process by the relevant departmental staff. However, in accordance with your request, DEWNR staff have not had a role in determining or influencing the views presented. I declare no vested interests in either the retention or removal of AWAC, for although I have been presiding member for 18 years, I am shortly to retire from that position and will therefore be personally unaffected by the decision that is made.

Details of the defined composition and functions of AWAC, its operations and its contributions to South Australia's Strategic Plan are to be found in Annual Reports over many years, so I will not dwell on them in this response. Two key principles (efficiency and independence) of the Uhrig (2003) report underpin the responses below.

Achievements of AWAC in relation to its defined mandate

In accordance with its mandatory functions AWAC has consistently, over time

- advised the Minister on administration or enforcement of the Act (eg., 2007/2008 Prevention of Cruelty to Animals Act 1985 amended to become the Animal Welfare Act 1985; response to Select Committee for Dogs and Cats as Companion Animals)
- considered, and reported to the Minister on legislative proposals affecting animal welfare (eg., 2012 Regulations)
- examined proposed codes of practice relating to animals and reported to the Minister on their likely effect upon animal welfare (eg., livestock transport standards and guidelines, rodeos, security dogs, and a pivotal role in transition from codes to regulations for the Pig and Poultry Industries).
- developed, or assisted in developing, codes of practice for animal welfare and made recommendations to the Minister as to their adoption (eg., development of codes for pet shops, wombat euthanasia and security dogs) and

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- investigated and reported to the Minister on any matters referred by the Minister to the Committee for advice (eg., prong collars, electric shock training devices for dogs, electro-immobilisation, glue traps, body grip traps).

Has AWAC met its purpose efficiently and independently and how has that been done ?

- AWAC has efficiently and consistently fulfilled the functions intended by the Act – some examples are given above but extensive departmental records should provide evidence of sustained performance. It is unlikely that *ad hoc* committees commissioned to address immediate issues would be able to provide this sustained contribution and level of commitment.
- AWAC provides considered independent advice from a wide range of stakeholders with different perspectives. A unique feature is that it is a diverse group representing a broad spectrum of opinions which are often aligned with conflicting organizational policies. Its consistent and stable membership enables trust and therefore openness to generate respectful and well considered discussion on sensitive issues. The enshrined principle of participation is that individuals advance their personal interpretation of issues rather than a policy stance of their parent organisation. This provides a balance of educated opinion and debate representative of community expectations and designed to provide the Minister with timely, objective, rational advice.
- A great strength of AWAC is that it provides a confidential forum for debating or anticipating animal welfare matters, especially controversial issues, before unjustified concern enters the public domain, and before the Minister or his department can be compromised. As a statutory committee AWAC serves as a buffer and safeguard to good governance in animal welfare issues, provides the Minister with past and present perspectives and avoids unnecessary confrontation.
- AWAC members are senior representatives of their various professions or callings and are nominees of respected organisations that are highly familiar to the public. There is a growing public expectation (over and above an assurance that there is an Animal Welfare Act and RSPCA operating locally) that someone responsible within the structure of the SA government is caring for animals.
- AWAC provides an efficient, prompt mechanism for the Minister to independently evaluate day to day issues, including strong and consistent lobbying by interest groups.
- An unwritten contribution of AWAC to South Australia is that it creates and sustains coordination, co-operation and high level networks for participating organisations, all of which have animal welfare as an important part of their portfolio, whether it be production, research, animal health, conservation, administration, enforcement or legislation. This support and cooperation is equally important to DEWNR employees associated with AWAC and enhances the efficiency and quality of outputs for the Department. Many of these issues are also of interest to other government departments, eg., PIRSA and SA Health.

- The annual budgetary impost of AWAC (approximately K\$14-20) is low. Should AWAC be discontinued the costs associated with convening *ad hoc* external independent committees are likely in my opinion to exceed the cost of maintaining the existing functional AWAC in its present form.

Alternatives and options

- The issue of risks is one on which it is reasonable for AWAC to make formal comment in line with the request of the Minister. If it is the SA Government intentions either to open emerging animal welfare ideas and lobbying to the public or to deal with them purely within the department, then AWAC is not required for the future. However, both options have serious risks and are likely to require increased departmental resources to manage them. Open forum will lead to pressure on government by numerous divergent interest groups each pursuing its specific agenda. There is a clear history of Social Media websites being annexed by lobby groups and "tick box" interactions developed, which preclude serious, considered discussion of complex issues. Animal welfare is a highly emotive public issue (there were 20,000 responses to the Victorian Dog and Cat Breeding Legislation). The activities of AWAC currently reduce direct, ongoing departmental exposure and minimize risk.
- Other options for "filling the gap" should it be decided to abolish AWAC, include the establishment of a departmental animal welfare discussion group or *ad hoc* committees. Neither of these initiatives have illustrious records of success. Despite initial enthusiasm, discussion groups usually fade and die early and are unlikely to serve any useful purpose for the Minister. *Ad hoc* committees, in contrast with AWAC, are usually administratively cumbersome and expensive, frequently political, often poorly representative of the important stakeholders and rarely make consensus opinions. Significant Departmental resources are required to design their terms of reference, manage accountability and oversee their operations. Moreover, a major issue with *ad hoc* committees is that their terms of reference and membership are not defined by legislation and agendas often become confounded by persons wishing to join the group or amend its purpose. It is likely therefore, that input to the Minister might be fragmentary, inefficient and expensive.

In summary, it is my opinion that AWAC is a functional, dynamic committee and it would be inefficient and most likely unprofitable, both financially and in terms of human resources, to abolish it.

Dr I Carmichael 11/8/2014

Dr I Carmichael
Presiding Member
South Australian Animal Welfare Advisory Committee

