

SECOND READING SPEECH

ANIMAL WELFARE AMENDMENT BILL 2011

Mr Speaker,

This Bill amends the Animal Welfare Act for the purpose of ensuring that the Animal Welfare Advisory Committee continues to function effectively and that legislation reflects current practice in the appointment of its members.

The Advisory Committee was established under the Animal Welfare Act on its commencement in 1993. Its role is to provide advice to the Minister and to ensure that laws keep pace with community attitudes to animal welfare.

The membership of the Committee is set out in the Act and provides for a balanced representation of animal welfare groups, government agencies and those in the community who use animals in farm production, recreation or research.

Government is represented on the Committee by the agencies responsible for the Animal Welfare Act, the Nature Conservation Act and

the Police Services Act. In the case of two of these Acts, namely the Animal Welfare Act and the Nature Conservation Act, it is the Secretary of the responsible Department who is the Committee member.

Under the current departmental structure this means that the Secretary for the Department of Primary Industries, Parks, Water and Environment must serve as a member of the Committee in two capacities.

By contrast, the Act provides for the Secretary of the Department responsible for the Police Services Act to nominate a representative on the Committee.

However, since the inaugural meeting in April 1994, the Secretaries of the Departments responsible for the Animal Welfare Act and Nature Conservation Act have been represented on the Committee by nominated departmental staff.

These officers were nominated for their knowledge of the relevant legislation, which has proved to be of value to the Committee in fulfilling its purpose and role. Indeed, during this time the Committee has functioned effectively, providing informed and balanced advice to the Minister and overseeing the review of the Act in 2008.

Recent advice from the Solicitor-General has indicated that the appointments of these nominees were invalid as there is no provision in the Act for the Secretary to delegate this membership. This amendment will introduce such a provision and bring the legislation in line with current practice.

Given that the Committee has been operating with two members who were not validly appointed, the question arises as to whether the proceedings and decisions of the Committee are valid. I would like to assure you that, under the Act, the validity of the proceedings and decisions are in no way affected by the defective appointment of Committee members.

The Act provides for most member organisations to appoint a deputy to their nominated representative, enabling their interests to be represented when their nominated member is not available. The amendment Bill extends this provision to government agencies represented on the Committee, enabling them to appoint deputies also.

By providing for the nomination of appropriate officers to represent government agencies this amendment will ensure the Committee can continue to provide informed and balanced advice.

Mr Speaker, members of this House have been reported in the media calling for amendments to other aspects of the Animal Welfare Act. I have also been approached by the RSPCA requesting a review of aspects of the Act.

As I have said the Act was amended in 2008. Those amendments included a range of changes, the most notable of which was an increase in penalties.

The Act presently contains some substantial penalties with fines of up to \$26,000 for an individual or \$130,000 for a corporation and up to 18 months imprisonment. A court can also disqualify a person from having the custody of animals. While this Parliament can set the level of penalties in the Act, it is up to the court system to determine the level of sentence given in any particular case before them.

Animal welfare is an important issue and it is essential that the legislation enforcing it is reviewed on a regular basis to ensure that it continues to meet contemporary standards.

Officers within my Department have already identified a number of areas in the Act where amendment may be appropriate. With this and the current media discussion in mind I have requested the Animal Welfare

Advisory Committee and the Department to review the Act and after appropriate public consultation to come back to me with recommendations on amendments.

In the mean time Mr Speaker, I ask the House to address the Bill as presented, in the knowledge that a wider review and discussion on other aspects of the Act will take place which will most likely lead to further amendments being brought to this House at a later date.

Mr Speaker, I commend the Bill to the House.