

Animal Welfare Amendment Bill 2008

FACT SHEET

The Animal Welfare Amendment Bill 2007 arose from a public review of the Act undertaken by the Department of Primary Industries and Water, together with the Animal Welfare Advisory Committee.

The Bill implements most of the recommendations arising from this review. It addresses a number of aspects of the Act. These range from minor administrative improvements to major changes in the way the Act operates.

The Bill:

- Deems certain people, such as managers of commercial premises and directors of corporations, to have the care or charge of an animal under certain circumstances. Establishing who has the duty of care for the welfare of animals, and therefore an obligation to discharge that duty, is a key regulatory issue. In addition, in proceedings under the Act, the Bill makes a body corporate responsible for the conduct of its officers and employees, and an employer responsible for the conduct of employees.
- Provides for prescription by regulation of legally enforceable animal welfare standards. It is proposed these will include nationally agreed minimum animal welfare standards. It is likely that all State and Territory animal welfare legislation will have to be amended to achieve this. Tasmania is the first jurisdiction to table such amendments.
- Provides for the establishment of Ministerially approved animal welfare guidelines, which are intended to be advisory, “better” or “best” practice documents.
- Defines what is meant by “appropriate and sufficient” food, drink and shelter, which those with the care or charge of constrained animals must provide.
- Increases maximum penalties for cruelty offences, to bring Tasmania into line with other States, and to meet community expectations.
- Establishes the period of limitations with respect to offences of 2 years for most offences, and 5 years for aggravated cruelty offences.
- Broadens the powers of officers in regard to issuing instructions, seizing evidence and requiring information.

- Regulates the conduct of rodeos, requiring them to be run in accordance with a Ministerially approved code of practice, and requiring a veterinarian to be in attendance. The Bill also establishes functions and powers of veterinarians at rodeos, and prohibits the riding of sheep and calves.
- Establishes an infringement notice mechanism to deal with offences of a lesser degree, and reduce the burden on the courts.
- Provides for the forfeiture of animals kept in contravention of a court order. Courts will be able to issue orders to an officer to seize animals which are kept in contravention of an existing Court Order, and these seized animals will be forfeited to the Crown.
- Provides for the registration in Tasmania, of court orders made under animal welfare legislation in other States and Territories. Orders made under interstate legislation may be registered within Tasmania, and if the person concerned moves to Tasmania, will apply as if they were made in this State. This means that a person banned from keeping animals in another jurisdiction will not be able to keep animals in Tasmania.
- Redefines animal research in terms of a scientific activity which adversely affect the welfare of the animal concerned. This outcomes-based definition replaces a prescriptive definition which failed to embrace some animal research activities, but embraced some non-intended ones