

CLAUSE NOTES

Animal Welfare Amendment Bill 2014

- Clause 1 Short title and citation.
- Clause 2 The Act commences on the day on which it receives Royal Assent.
- Clause 3 The Act is repealed in one year's time as it is unnecessary legislation once the amendments have been adopted into the Principal Act.
- Clause 4 Ensures that even though the regulations have been amended by this Act, they can still be amended via regulation in the future.
- Clause 5 The *Animal Welfare Act 1993* is the Principal Act.
- Clause 6 The offence provisions relating to management of animals are amended to increase penalties. This reflects the fact that a number of animals can be affected by mis-management but the offence is singular, so a higher penalty is appropriate if multiple animals are affected.
- Clause 7 The maximum custodial penalty for aggravated cruelty is increased from 18 months to 5 years to reflect community expectations and to bring Tasmania into line with other states. Currently Tasmania's custodial penalty is the lowest in the country.
- Clause 8 The offence provisions relating to use of animals to train other animals are amended to increase penalties. This brings the offence into line with section 8 'cruelty to animals' offences, which is the case in most other jurisdictions.
- Clause 9 A minor change to the maximum offence for bodies corporate is made in the interest of consistency.
- Clause 10 Penalties for using traps illegally are greatly increased to deter individuals and companies from choosing to use them inappropriately. For example, currently it is possible to commit an offence and simply pay the \$650 fine. The proposed new maximum fine will be \$13,000 and/or 12 months imprisonment for a natural person, and \$650,000 for a body corporate.
- Clause 11 Introduces provisions whereby the Minister may require officers under the Act to have completed certain training.

- Clause 12 Requires any verbal instructions given by officers under the Act to be followed up by written instructions. It also increases the penalty for failure to comply with instructions to bring this into line with other jurisdictions.
- Clause 13 Increases the penalty in order to achieve consistency with the offence of failure to comply with an instruction (above).
- Clause 14 Minor changes to the maximum offences are made in the interest of consistency.
- Clause 15 Requires an officer to provide written receipt for any animal or thing seized, and introduces a review process for all decisions of officers under the Act.
- Clause 16 Increases the maximum penalty for natural persons and introduces a penalty for bodies corporate in relation to conducting unlicensed research.
- Clause 17 Increases the maximum penalty for breaches of research licence conditions in line with other jurisdictions.
- Clause 18 Introduces a representative of the racing regulatory body to the Animal Welfare Advisory Committee.
- Clause 19 Increases the maximum penalty for obstruction of an officer to achieve consistency with the offence of failure to comply with an instruction.
- Clause 20 Increases the maximum penalty for offences against an officer to provide a credible deterrent to serious threats to officers.
- Clause 21 Increases the maximum penalty for impersonation of an officer to provide a credible deterrent and to bring into the range of penalties in other jurisdictions.
- Clause 22 Increases the maximum penalty for contravention of a court order to provide consistency with other offences under the Act.
- Clause 23 Introduces ongoing penalties for continuing offences and provides for additional orders to be imposed on offenders. These orders may be to undergo psychological counselling or additional training.
- Clause 24 Introduces provisions regarding the conduct of the Animal Welfare Advisory Committee to reflect modern practices (and legislation) which allows for meetings via teleconference or videoconference and decisions out of session.
- Clauses 24 – 63 Remove ongoing penalties from relevant regulations so that there is no conflict with the new provision regarding ongoing penalties in the Act.