

SECOND READING SPEECH

NATURE CONSERVATION AMENDMENT BILL 2013

Mr Speaker, I move that the Bill be read a second time.

The purpose of this Bill is to make a minor amendment to the Nature Conservation Act 2002 to remove mandatory minimum penalty provisions from the Act.

There are four mandatory minimum penalties in the Act. All four penalties are under section 32 and are for offences relating to restricted animals. In two instances the offences also relate to ferrets.

The Bill affects the mandatory minimum penalties for offences relating to: the importation of a restricted animal; the possession of a restricted animal; causing or allowing a restricted animal or a ferret to go at large in the State; not complying with a permit condition relating to a restricted animal or a ferret; and removing or taking away a restricted animal that has been seized.

The current minimum penalty for those offences is a fine of not less than 200 penalty units, or imprisonment for a term of not less than two years. A penalty unit is currently \$130 so the minimum fine is currently \$26 000. The penalty applies for each animal for which an offence has been committed.

Such a severe minimum penalty does not provide the courts with the power to take into account the particular circumstances of a case and to exercise discretion when sentencing. This means that the relevant provisions of the Nature Conservation Act may lead to injustice, a concern that has been expressed by Tasmanian magistrates. There is also little evidence that mandatory minimum penalties are an effective deterrent.

This amendment will allow courts to sentence offenders for less than \$26 000 or two years imprisonment if it is deemed appropriate by the sentencing judge or magistrate. This will ensure that sentencing is discretionary, and vested in the judiciary, who are the body with the skills and expertise to determine fair and just sentences.

This Bill maintains Tasmania's strong biosecurity framework. The Tasmania Government recognises the extreme risk that restricted animals pose.

The Government supports the current maximum penalties that apply to offences relating to restricted animals because of the potential impact that these animals could have on Tasmania's environmental, economic and social wellbeing.

The maximum penalty is a fine of 500 penalty units (that is currently \$65 000), or a five year jail term, or both. This penalty applies for each animal for which an offence has been committed.

The Bill will also ensure that the Nature Conservation Act 2002 is consistent with other similar legislation that relates to biosecurity in Tasmania. For example, there are no mandatory minimum penalties for the illegal importation of plants and plant products under the Plant Quarantine Act 1997; for the illegal importation of an animal or restricted material under the Animal Health Act 1995; or for the illegal importation of a noxious fish under the Living Marine Resources Management Act 1995.

Mr Speaker, in conclusion, this Bill will provide magistrates and judges greater discretion in sentencing. This will ensure that the details of the case can be fully taken into account by the courts to ensure an appropriate sentence is applied.

It is a minor amendment but it will have a significant impact by supporting greater fairness and justice in sentencing.

Mr Speaker, I commend the Bill to the House.