

SECOND READING SPEECH – THE HON JEREMY ROCKLIFF MP

Animal Welfare Amendment Bill 2014

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

The welfare of animals is rightly an issue of substantial concern to many in the community.

The Government takes animal welfare extremely seriously.

During 2012 the Animal Welfare Advisory Committee undertook a review of the *Animal Welfare Act 1993*. Based on substantial public consultation the review ultimately provided a number of recommendations. The Review naturally attracted a great deal of public interest.

This Bill forms one part of how this Government is acting to improve and modernise the overall animal welfare system in Tasmania to deliver better outcomes.

The Government considers that a contemporary approach to animal welfare in Tasmania should protect animals from cruelty and also foster good animal husbandry.

It should recognise responsible industry practices and pet ownership and prosecute perpetrators of cruel acts to animals.

It is important that there is a sound legislative basis that underpins our animal welfare system, but which does not place unnecessary regulatory burdens on members of the community or industries who are doing the right thing.

We need tough penalties for those who commit acts of animal cruelty, and it is also important that there are appropriate checks and balances on the people who enforce animal welfare to ensure they are accountable for their actions.

This Bill amends the Animal Welfare Act in three key areas.

1. This Bill strengthens the penalties for animal cruelty.
2. It increases the accountability and professional standards of officers who enforce the Act.
3. It also enables the Animal Welfare Advisory Committee to conduct its important role more efficiently.

The Bill amends penalty provisions to send a strong signal and increase deterrents against acts of animal cruelty. It standardises the penalties within the Act so that similar offences attract similar penalties and ensures that all relevant offences attract higher penalties for bodies corporate.

This also addresses a limitation whereby in some sections of the Act there are currently no penalties for a body corporate, only individuals.

Many of the penalties in the Act have been increased to reflect community

expectations and to bring Tasmania into line with other states.

Aggravated cruelty is sometimes an unfortunate and extreme reality and relates to any act, or omission of one's duty, which results in the death or serious disablement of an animal. The Bill increases the maximum custodial sentence for aggravated cruelty from 18 months to 60 months. Whilst ultimately sentencing is a matter for the courts this sends a strong signal of deterrence and appropriate sentencing options. This was a key recommendation from the Animal Welfare Advisory Committee's Review.

In recognition that animal welfare offences can be ongoing rather than at a point in time the Bill provides for penalties for a continuing offence with up to one-tenth of the maximum penalty for each day the offence continues.

Providing a penalty for continuing offences in the Act means that similar penalties for continuing offences also apply in the regulations. To avoid conflict between the Act and Regulations the Bill amends some regulations to remove specific penalties for continuing offences from those regulations.

It is now widely recognised that someone committing acts of cruelty to animals may for example, be an indicator of other underlying issues. For this reason the Bill provides new alternative sentencing options for the court to make orders with which a defendant found guilty of an offence must comply.

Such provision would enable a court to, for example, order psychological

counselling if appropriate or facilitate participation in restorative justice programs or training programs.

The intent is to provide a future capacity in the Legislation. It is acknowledged that this may be an area that develops further over time in response to specific cases or trends in animal welfare.

A common source of public concern is the way that inspections are undertaken by officers appointed under the Act.

The Act currently provides limited direction and leaves such matters up to the officers.

To address concerns about the accountability of officers and ensure that their actions can be subject to review, the Bill provides that a person who is aggrieved by the decision of an officer under the Act can appeal to a Magistrate for a review of that decision.

This recognises that Government-employed officers exercising powers under the Act are subject to a body of law and avenues by which their decisions and actions may be appealed. Other officers can be appointed, including RSPCA inspectors, who are not Government employees.

The Bill therefore clarifies and establishes that all officers would now be subject to the same processes of accountability.

The Bill requires that officers issue instructions in writing except in limited circumstances so that interpretation and direction is clear. It also introduces a requirement that when an animal is seized the owner is given written advice of the seizure and the reason for the seizure.

To ensure officers are appropriately trained to undertake certain roles, provisions are introduced to provide for the Minister to prescribe minimum training requirements for officers in relation to exercising certain powers under the Act.

The Animal Welfare Advisory Committee, which is constituted under the Act, plays an important role in providing advice on animal welfare matters but is currently limited in how it can transact business.

The operation of the Animal Welfare Advisory Committee is also being updated to bring it into line with modern practices, which reflects that physical meetings are not always the best way to reach decisions and resolutions. The Bill therefore provides for videoconferencing, teleconferencing and decisions out of session.

Since the time the Committee was first formed a representative of the regulator for greyhound, thoroughbred and harness racing has been appointed to serve as an additional member of the committee to ensure appropriate representation for the racing sector.

This Bill is also being amended to include a representative from the racing regulatory body. A new category of membership is being introduced to formalise

the existing practice and ensure continuing representation of the racing sector into the future. . Racing (greyhound, thoroughbred and harness) is a major stakeholder in animal welfare in Tasmania.

Madam Speaker, these amendments represent the first part of how this Government is acting on animal welfare.

The Government is also acting on community concerns about so called “puppy farms”. A key recommendation from the 2012 Review was for the development of new Animal Welfare Standards and Guidelines for dogs.

As the Minister responsible I have instructed that regulations be drafted to implement such new Standards and Guidelines. This process is consistent with adoption of other animal welfare standards which have been included as Regulations under the *Animal Welfare Act 1993*.

The new Standards will ensure the welfare of all dogs in Tasmania. They will operate in two parts, with one set of elements applying to all dogs and a second set applying only to dogs kept in domestic animal enterprises such as commercial breeding establishments.

They will not impose any further requirements on pet owners and farmers with working dogs who already look after their dogs in the right way.

I have also requested that the Animal Welfare Advisory Committee further considers the remaining recommendations from the 2012 Review, as well as approaches taken in other jurisdictions and any new information, and provide me with further advice on ways to improve and modernise the animal welfare system in Tasmania without adding any unnecessary regulatory burden.

Their task includes giving consideration to how good animal welfare outcomes can be delivered in Tasmania by all stakeholders not just through legislation, but through other appropriate approaches such as policy, co-regulatory arrangements, rewarding good practices, or community engagement.

The best welfare outcomes for animals come when people truly understand both their obligations and the acceptable welfare standards, and when they then take personal responsibility for delivering the outcome.

Madam Speaker, in summary this Bill demonstrates a strong response to acts of animal cruelty in line with community expectations. It acknowledges and addresses community concerns about accountability and appropriate professional standards for officers who enforce this Act. Finally, it enables the Animal Welfare Advisory Committee to conduct its important role more efficiently and in a contemporary way.

Madam Speaker, the Government fully supports the introduction of this Bill.

I commend this Bill to the House.