

ANIMAL WELFARE AMENDMENT BILL 2007

Second Reading

Mr LLEWELLYN (Lyons - Minister for Primary Industries, Water and Energy - 2R) -
Mr Speaker –

That the bill be now read the second time.

The Animal Welfare Amendment Bill amends the Animal Welfare Act. This act has been the subject of one such amendment bill since its commencement in 1993. It remains, a modern, forward thinking piece of legislation, and was one of the first in the country to adopt the 'duty of care' principle. In addition, it offers a mechanism for preventing acts of cruelty, rather than merely punishing them. However, community expectations and attitudes towards animal welfare issues are continually rising, and it is important that legislation which is based on community standards, such as the Animal Welfare Act, is periodically subject to community review.

To this end, the Department of Primary Industries and Water, together with the Animal Welfare Advisory Committee (AWAC), undertook a review of the Animal Welfare Act and regulations, with full public consultation. This review represented an opportunity for all stakeholders to assess the legislation to ensure it continues to be relevant and effective, and meet the expectations of contemporary society. This amendment bill implements the recommendations of the review in regard to the Animal Welfare Act.

The bill removes doubts as to who has the duty of care for the welfare of animals through deeming provisions. These provisions identify those people with the care or charge of animals, and who are therefore legally accountable for the welfare of animals in their care and charge. This includes owners of animals, people with control, possession or custody, of animals, operators of commercial premises, and chief executives and directors of corporations. These people have not been held accountable previously. In addition, employers and corporations will be made responsible for the actions of their employees and agents in respect of proceedings under the act.

The bill establishes the concept of minimum standards of animal welfare, which will be prescribed in regulations, so that they become legally enforceable. These minimum standards will include nationally agreed animal welfare standards, which are currently under development, and Tasmania will be the first jurisdiction to legislate to accommodate this important national animal welfare initiative.

The community, understandably, wants to see offenders prosecuted, and appropriate penalties imposed. The bill enhances the evidence gathering abilities of officers by broadening their powers to include powers to require information, and the period of limitations in respect of legal proceedings is increased from six months to two years for most offences, and five years for aggravated cruelty. In addition, maximum

penalties are increased to bring Tasmania into line with other States, and to meet community expectations. These measures enhance the prospects of those offending under the Act being brought to justice and receiving an appropriate penalty.

There has been considerable community interest in the welfare of animals in rodeos. Rodeos will not be banned, but will be closely regulated. They will be required to be run in accordance with an approved Code of Practice, and veterinary attendance will be compulsory. In addition, the bill establishes powers and functions of official veterinarians at rodeos, to further safeguard the welfare of the animals involved.

There has also been considerable community interest in the issue of enforcement of court orders restricting the keeping of animals. The bill provides for courts to issue orders for the forfeiture to the Crown of animals which are kept in contravention of an existing court order. Forfeited animals may be disposed of by the Secretary. I draw members attention to the fact that this is a forfeiture provision, without right of appeal or compensation. Courts rarely make orders restricting or banning the keeping of animals, and such measures are usually reserved for repeat or serious offenders.

On a related matter, people sometimes move from one jurisdiction to another to avoid having to comply with court orders. The Bill introduces a mutual recognition provision, whereby orders made under corresponding interstate legislation will be registered in Tasmania, and will apply as if they were made in this State. This means that court imposed restrictions or bans on the keeping of animals placed on a person in another State or Territory will apply in Tasmania. The Victorian Government has included a comparable provision in their animal welfare legislation.

Finally, the existing definition of animal research under the Act is prescriptive, and fails to embrace some activities which should come under the licensing regime and animal ethics consideration. Conversely some activities which are obviously normal animal management activities currently fall within the current definition of animal research, which is not the intention of the act. The bill re defines animal research in non prescriptive terms, better expressing the intention of the legislation. The bill also removes the current exemptions from the requirement to be licensed to undertake animal research. These exemptions are no longer necessary under the new definition of animal research.

I believe this bill represents a significant raising of the bar in respect of animal welfare legislation in Tasmania, Mr Speaker, and I commend it to the House