

STANDING COMMITTEE ON LEGISLATION

Thirty-sixth Report — “Animal Welfare Amendment Bill 2017” — Tabling

HON DR SALLY TALBOT (South West) [9.04 am]: I am directed to present the thirty-sixth report of the Standing Committee on Legislation entitled “Animal Welfare Amendment Bill 2017”.

[See paper 1521.]

Hon Dr SALLY TALBOT: The report I have just tabled advises the house of the committee’s findings and recommendations regarding the Animal Welfare Amendment Bill 2017. For the purposes of this inquiry, two members of the committee, Hon Nick Goiran, MLC, and Hon Simon O’Brien, MLC, were substituted by Hon Jim Chown, MLC, and Hon Dr Steve Thomas, MLC. The main purpose of the Animal Welfare Amendment Bill 2017 is to make amendments to the Animal Welfare Act 2002 to shift its focus away from being simply about preventing and punishing animal cruelty to establishing and policing nationally agreed standards and guidelines for animal health, safety and welfare. The bill does this by inserting provisions that would enable the making of regulations to bring into effect those animal welfare standards and guidelines. All states and territories except Western Australia and the ACT have done this already.

The committee unanimously recommends that those provisions of the bill necessary for giving effect to the standards and guidelines, being clauses 1 to 8, are made. However, the bill also contains a number of skeletal clauses believed by the department to be necessary to complement the adoption of the standards and guidelines, being clauses 9 to 13. These would allow for the making of further regulations that would elevate the nature of mere regulatory breaches into offences of animal cruelty, and would affect some of the statutory defences currently available under the act to persons charged with cruelty offences. A majority of the committee does not recommend the passing of those skeletal clauses, in particular clause 9(2), which is accepted by the department to be a Henry VIII clause. The department produced no evidence that this clause was necessary, and it is, in the view of the committee, the product of a lack of preparation.

Clauses 14 to 17 would, if passed, allow for the appointment of a new designation of Animal Welfare Act inspector, being designated general inspectors. This new type of inspector would enjoy a power of entry to non-residential premises and vehicles without notice, consent or warrant for the purposes of monitoring activities. A majority of the committee is of the view that this new breed of inspector is unnecessary, that the powers already available to inspectors are adequate, and that clauses 14 to 17 should not be made by the house.

The committee was informed by the department that a review of the act is intended to be launched sometime in the future. Such a review has been promised since 2016. A majority of the committee recommends that, save for clauses 1 to 8, the remainder of the proposed provisions should be taken away and worked upon as part of that review. A minority of the committee, while noting the concerns of stakeholders and the unease of members about Henry VIII clauses, recommends that clauses 9 to 17 of the bill are made. In order to encourage the department to progress the review with expedition, the committee unanimously recommends that any of the provisions of the bill that are accepted by the house be subject to a three-year sunset clause.

I commend the report to the house.