

**ANIMAL WELFARE AMENDMENT BILL 2017**

*First Reading*

Bill read a first time, on motion by **Mr D.A. Templeman (Minister for Local Government)**.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government)** [10.05 am]: I move —

That the bill be now read a second time.

It is now 15 years since the Animal Welfare Act was passed by the Parliament in 2002, replacing the Prevention of Cruelty to Animals Act 1920. Since then, no changes, other than consequential amendments, have been made to the act. Several shortcomings of the act have been identified, in particular the ability to regulate matters relating to the code governing the health, safety and welfare of animals, especially livestock. In its current form, the act primarily deals with the prohibition of cruelty to animals and it is unable to give full regulatory effect to the Australian Animal Welfare Standards and Guidelines, which Western Australia, together with other Australian jurisdictions, has agreed to implement. The changes proposed will provide for the implementation of the standards by means of regulation.

In October 2017, when the Minister for Agriculture and Food first presented the bill to the Legislative Council, it included clauses that were intended to give inspectors additional powers of entry. This was to facilitate inspection of farm premises without the inspector needing to suspect or obtain evidence of an offence. The intention was to establish a modern monitoring and stewardship regime that would allow the regulator and industry to work together to develop and maintain compliance with appropriate standards for animal welfare.

Earlier this year, the draft bill was referred to the Standing Committee on Legislation, which reported in June 2018. The committee supported proposed clauses 1 through 8 of the bill establishing heads of power to make regulations, but opposed the remaining clauses, including those that would have expanded the powers of entry available to animal welfare inspectors. In order to make progress on this matter, the amendment bill was amended to focus on the critical need—that is, the introduction of new regulation-making powers. To this end, the bill will restructure part 3 of the act, which deals with offences against animals, to include a new division that will provide for the making of regulations on the health, safety and welfare of animals and related matters, such as livestock handling facilities. These matters are addressed in the standards and guidelines that have been endorsed to date and cover the land transport of livestock, the farming of cattle and sheep and livestock saleyards and depots. Additional national standards are currently under preparation for the pig and poultry sectors. To give proper effect to these standards, government and industry will now need to work together to develop a credible compliance regime that will form future amendments to the legislation.

Under the amendment bill that I present today, the broad existing provisions on animal cruelty in section 19 of the act will not change. The defences in sections 20 to 30 of the act, which apply specifically to a charge of cruelty under section 19, will also not change. The original amendment bill also proposed to clarify aspects of the operation in the act and codes of practice. In view of concerns expressed by the Standing Committee on Legislation, the existing provisions relating to codes of practice remain unchanged, with the exception that a definition of “a code of practice” has been included in proposed section 94, which provides for the adoption of a code of practice by the regulations. The new text in proposed section 94(2)(d) states that a code of practice includes a standard, rule, specification or other similar document. This simple but important amendment makes it clear that the standards and guidelines can be adopted as a code of practice by the regulations. Finally, a consequential amendment to section 84 of the act is proposed, arising from the restructuring of part 3 of the act previously mentioned. Section 84 provides that failure to comply with a relevant code of practice must be taken into consideration by the court but is not sufficient on its own to prove cruelty. A proposed amendment is required to make it clear that this provision relates only to cruelty offences and not to a breach of the regulations, including the regulated standards.

Animal welfare has moved forward since the enactment of the Animal Welfare Act in 2002. We now have national standards that are intended to be enforceable in law that clearly set out what are and are not acceptable farming practices. Since 2012, when the land transport standards were endorsed, there has been steady progress, with the development of standards and guidelines covering cattle in 2016, sheep in 2016 and most recently saleyards and depots in 2018. These standards and guidelines are based on extensive consultation with stakeholders. They are endorsed by agriculture ministers of all jurisdictions and represent a significant improvement on the model codes of practice that they are intended to replace. The standards will be incorporated into regulations, which will be developed in accordance with Western Australian government requirements and in consultation with stakeholders. As is normal

practice, the regulatory proposal will be the subject of review by the Joint Standing Committee on Delegated Legislation, where any concerns that members of Parliament may wish to raise can be thoroughly considered.

Effective and credible animal welfare is not a threat to agriculture. Indeed, community confidence in animal husbandry practices can only benefit the sector. I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.