

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 196
Issue No. 1
FRIDAY, 25 SEPTEMBER 2020

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL
2020 [196-2]

When in committee on the *Animal Welfare and Trespass Legislation Amendment Bill 2020*:

Clause 1

Hon Colin de Grussa: To move –

1/1 Page 2, line 3 — To delete “*Animal Welfare and*”.

Clause 3

Hon Colin de Grussa:

2/3 Page 3, lines 2 and 3 — To oppose the clause.

Clause 4

Hon Colin de Grussa:

3/4 Page 3, lines 4 to 10 — To oppose the clause.

Clause 5

Hon Colin de Grussa:

4/5 Page 3, line 11 to page 4, line 13 — To oppose the clause.

Clause 6

Hon Colin de Grussa:

5/6 Page 4, line 14 to page 5, line 13 — To oppose the clause.

Clause 7

Hon Colin de Grussa:

6/7 Page 5, lines 14 to 26 — To oppose the clause.

Clause 8**Hon Colin de Grussa:**

7/8 Page 5, line 27 to page 6, line 12 — To oppose the clause.

Clause 10**Hon Colin de Grussa:** To move –

8/10 Page 7, lines 7 and 8 — To delete the lines and insert:

abattoir —

- (a) means any place used for or in connection with the slaughtering of animals for sale for human consumption; and
- (b) includes a holding yard or other place used for or in connection with the slaughtering of those animals;

Hon Colin de Grussa: To move –

9/10 Page 7, after line 26 — To insert:

- (d) a hobby farm;

Hon Colin de Grussa: To move –

10/10 Page 7, after line 26 — To insert:

animal source food supply means any of the following activities carried out at an animal source food supply place —

- (a) the processing, transport, distribution, marketing, promotion, storage, sale or supply of animal source food or of by-products of animal source food production; or
- (b) the provision of education or training in animal source food production;

animal food source supply place means —

- (a) a livestock market or saleyard;
- (b) a port at which animals or animal source food are handled;
- (c) a road train assembly area at which animals or animal source food are handled;
- (d) a warehouse, store, shop, restaurant or cafe at which animal source food or by-products of animal source food production are stored, distributed or sold;
- (e) a school or college providing education in animal source food production;
- (f) a place at which an agricultural show is conducted;

Hon Colin de Grussa: To move –

11/10 Page 8, line 29 to page 9, line 19 — To delete the lines and insert:

interfere with, in relation to animal source food production or animal source food supply, includes any of the following —

- (a) negatively impact biosecurity, as defined in the *Biosecurity and Agriculture Management Act 2007* section 6, in relation to the animal source food production or animal source food supply;
- (b) create a risk to the welfare, safety, or health of an animal involved in the animal source food production or animal source food supply;
- (c) in the course of the animal source food production or animal source food supply — create a risk to the integrity or safety of meat, eggs or dairy products;
- (d) release an animal involved in the animal source food production or animal source food supply, or cause it to escape, from an animal source food production place or an animal source food supply place, or from an enclosure at such a place;
- (e) destroy, damage, steal or otherwise interfere with property used in the animal source food production or animal source food supply;

Hon Colin de Grussa: To move –

12/10 Page 9, lines 20 and 21 — To delete the lines and insert:

knackery —

- (a) means any place used for or in connection with the slaughtering and processing of animals for sale for animal consumption; and
- (b) includes a holding yard or other place used for or in connection with the slaughtering and processing of those animals;

Hon Colin de Grussa: To move –

13/10 Page 9, line 29 to page 10, line 19 — To delete the lines and insert:

- (2A) A person who, without lawful excuse, trespasses on an animal source food production place or an animal source food supply place in circumstances of aggravation commits an offence.

Penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

- (2B) A person trespasses on an animal source food production place in circumstances of aggravation if, in committing the trespass, the person —
 - (a) interferes with, or intends to interfere with, animal source food production; or
 - (b) in the context of another person's engagement in animal source food production - assaults, intimidates or harasses, or intends to assault, intimidate or harass —
 - (i) the other person; or
 - (ii) a family member of the other person.

- (2C) A person trespasses on an animal source food supply place in circumstances of aggravation if, in committing the trespass, the person —
- (a) intends to interfere with animal source food supply; or
 - (b) in the context of another person's engagement in animal source food supply — assaults, intimidates or harasses, or intends to assault, intimidate or harass —
 - (i) the other person; or
 - (ii) a family member of the other person.
- (2D) If a court sentencing an adult offender for an offence under subsection (2A) does not impose a term of imprisonment then, except as provided in subsection (2E) and despite the *Sentencing Act 1995*, the court must impose —
- (a) a community order under the *Sentencing Act 1995* that includes —
 - (i) a supervision requirement with a direction that the offender must not enter or remain on an animal source food production place or animal source food supply place specified, or of a kind specified, in the order; and
 - (ii) a community service requirement;
 and
 - (b) a fine of at least \$2 400.
- (2E) Subsection (2D) does not apply in a particular case if the court is satisfied that exceptional circumstances exist in that case.

Hon Colin de Grussa: To move –

14/14 Page 12, line 11 — To delete “, as defined” and insert:

or animal source food supply, as those terms are defined

Long Title

Hon Colin de Grussa: To move –

15/LT Page 1, lines 7 to 12 — To delete the lines and insert:

An Act to amend *The Criminal Code* and the *Restraining Orders Act 1997* to make provisions relating to trespass on a place where animal source food production or supply is carried out.

