

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

**AMENDMENTS AND SCHEDULES**

**Supplementary Notice Paper No. 33  
Issue No. 4**

**MONDAY, 22 OCTOBER 2018**

***ANIMAL WELFARE AMENDMENT BILL 2017 [33-1]***

When in committee on the *Animal Welfare Amendment Bill 2017*:

**Clause 2**

**Minister for Agriculture and Food:** To move –

11/2 Page 2, after line 6 — To insert:

(aa) section 20 — when section 7 comes into operation;

**Clause 5**

**Minister for Agriculture and Food:** To move –

26/5 Page 2, after line 26 — To insert:

*stock* has the meaning given in the *Biosecurity and Agriculture Management Act 2007* section 6;

**Minister for Agriculture and Food:** To move –

12/5 Page 3, lines 1 to 5 — To delete the lines and insert:

(2) After section 5(1) insert:

(1A) In this Act unless the contrary intention appears a reference to Part 3 includes a reference to regulations referred to in section 18B.

**Clause 9****Committee Recommendation 2:**

2/9 Page 5, lines 7 to 25 — To oppose the clause.

**Minister for Agriculture and Food:**

13/9 Page 5, lines 7 to 25 — To oppose the clause.

**Clause 10****Committee Recommendation 2:**

3/10 Page 6, lines 1 to 7 — To oppose the clause.

**Clause 11****Committee Recommendation 2:**

4/11 Page 6, lines 8 to 15 — To oppose the clause.

**Minister for Agriculture and Food:**

14/11 Page 6, lines 8 to 15 — To oppose the clause.

**New Clause 11A****Minister for Agriculture and Food:** To move –

27/NC11A Page 6, after line 15 — To insert:

**11A. Section 26 amended**

Delete section 26(2).

**Clause 12****Committee Recommendation 2:**

5/12 Page 6, lines 16 to 20 — To oppose the clause.

**Clause 13****Committee Recommendation 2:**

6/13 Page 6, lines 21 to 25 — To oppose the clause.

**Clause 14****Committee Recommendation 6:**

7/14 Page 7, lines 1 to 31 — To oppose the clause.

**Minister for Agriculture and Food:** To move –

**30/14** Page 7, lines 5 to 7 — To delete the lines and insert:

- (1) The CEO may, by written notice, designate a general inspector (other than a police officer) as a designated general inspector if —
  - (a) the CEO is satisfied that the general inspector has the necessary expertise and experience to be a designated general inspector; and
  - (b) the general inspector has satisfactorily completed training approved by the CEO.

**Minister for Agriculture and Food:** To move –

**16/14** Page 7, line 11 — To delete “cancelled; or” and insert:

cancelled by the CEO by written notice to the inspector; or

**Minister for Agriculture and Food:** To move –

**17/14** Page 7, line 13 — To delete “Minister” and insert:

CEO

**Minister for Agriculture and Food:** To move –

**18/14** Page 7, line 29 — To delete “Minister” and insert:

CEO

**Hon Diane Evers:** To move –

**1/14** Page 7, after line 30 — To insert:

- (6) The Minister must ensure that the Department’s annual report includes information relating to the activities undertaken by designated general inspectors during the year to which the annual report relates.

**Minister for Regional Development:** To move –

**29/14** Page 7, after line 30 — To insert:

- (6) The Department’s annual report must include information relating to the activities undertaken by designated general inspectors during the year to which the annual report relates.

## Clause 15

### Committee Recommendation 6:

**8/15** Page 8, lines 1 to 12 — To oppose the clause.

**Minister for Regional Development:** To move –

**28/15** Page 8, after line 8 — To insert:

(1A) After section 37(4) insert:

- (5) A designated general inspector may only exercise the powers of a designated general inspector in relation to stock kept or bred for a commercial purpose if the designated general inspector is a member of the staff of the Department.

## Clause 16

**Committee Recommendation 6:**

**9/16** Page 8, lines 13 to 23 — To oppose the clause.

**Minister for Agriculture and Food:** To move –

**19/16** Page 8, line 18 — To insert after “function”:

of the inspector

**Minister for Agriculture and Food:** To move –

**30/16** Page 8, after line 18 — To insert:

- (1B) Not less than 48 hours before entering a place under subsection (1A), a designated general inspector must take reasonable steps to inform the owner, occupier or person apparently in charge of the place, of the inspector’s intention to enter the place.
- (1C) A designated general inspector is not required to comply with subsection (1B) if the designated general inspector reasonably suspects that to do so will endanger any person, including the inspector, or animal or jeopardise the purpose of the proposed entry or the effectiveness of any search of the place.

**Minister for Agriculture and Food:** To move –

**21/16** Page 8, after line 23 — To insert:

(3) In section 38(3) after “a place” insert:

under subsection (1)

## Clause 17

**Committee Recommendation 6:**

**10/17** Page 8, line 24 to page 9, line 4 — To oppose the clause.

**Minister for Agriculture and Food:** To move –

22/17 Page 8, line 29 — To insert after “function”:

of the inspector

**Minister for Agriculture and Food:** To move –

31/17 Page 8, after line 29 — To insert:

- (1B) Before entering a vehicle under subsection (1A), a designated general inspector must take reasonable steps to inform the owner, occupier or person apparently in charge of the vehicle, of the inspector’s intention to enter the vehicle.
- (1C) A designated general inspector is not required to comply with subsection (1B) if the designated general inspector reasonably suspects that to do so will endanger any person, including the inspector, or animal or jeopardise the purpose of the proposed entry or the effectiveness of any search of the vehicle.

#### **New Clause 19**

**Minister for Agriculture and Food:** To move –

24/NC19 Page 9, line 18 to page 10, line 6 — To delete the lines and insert:

#### **19. Section 94 amended**

After section 94(2) insert:

- (3) In subsection (2)(d) —  
*code of practice* includes a standard, rule, specification or other similar document.

#### **New Clause 20**

**Minister for Agriculture and Food:** To move –

25/NC20 Page 10, after line 6 — To insert:

#### **20. Section 94A inserted**

After section 94 insert:

#### **94A. Review of amendments made by *Animal Welfare Amendment Act 2017***

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Animal Welfare Amendment Act 2017*, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which the *Animal Welfare Amendment Act 2017* section 7 comes into operation.

- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3<sup>rd</sup> anniversary.

