



20<sup>th</sup> April 2018

Mr Mark Warner  
Committee Clerk  
Standing Committee on Legislation  
Parliament House  
4 Harvest Tce  
West Perth WA 6005

Dear Mr Warner

### **Animal Welfare Amendment Bill 2017**

The Pastoralists and Graziers Association of WA (PGA) is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions of Western Australia.

As a state farming organization, the PGA supports its membership in the operation of profitable farm businesses.

The PGA welcomes the opportunity to make comment on the operation of the Animal Welfare Amendment Bill 2017.

It further notes that the committee will inquire into and report on the policy of the Bill.

Consequently, we say at the outset that the PGA considers that the Amendment Bill is very poorly drafted.

For example, Part 3 Division 2 Section 18B of the Bill enables the Department of Primary Industries and Regional Development to regulate nationally agreed Animal Welfare Standards and Guidelines, but it does not actually mention these Standards and Guidelines specifically.

The PGA preference is for the Standards and Guidelines to be mentioned in the Animal Welfare Act in the same way that the Model Codes of Practice for the Welfare of Animals are currently referenced in the Act.

According to the responsible Minister's media statement the State Government is currently undertaking a full review of the Animal Welfare Act, and these amendments are meant to "act as an important stop-gap measure while we undertake a full review of the Animal Welfare Act to modernise animal welfare in WA".

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The PGA contends that rather than an important stop gap, the amendments are in fact makeshift, done hastily in an approximate manner, and, as a result, are not exact, fully formed or reliable.

They fail the most basic test of good legislation in that they fail to address their intent.

In a letter to the PGA, the responsible Minister wrote that “The purpose of the amendments is to provide a framework for the verification of compliance with the Act, the regulations and other legal requirements. The implementation of minimum animal welfare standards is not the same as prevention of cruelty”.

Yet, the Bill’s Explanatory Memorandum says the Bill makes additional provision for prescribed acts of cruelty to an animal by a person in charge of the animal, and gives power to limit the application of current defences and prescribe new defences to a charge of cruelty.

Clearly, there is confusion as to intent.

The PGA has participated in the national Animal Welfare standards and guidelines process in good faith for many years, making submissions on those for cattle, saleyards, and sheep.

The purpose of the process was to draw up mutually agreed standards that would be applied, in a consistent manner, as regulation, across all Australian state and territory jurisdictions.

It therefore appears that this Amendment Bill has moved substantially away from the intent of this nationally agreed process.

At no point in this process, were special (designated) inspectors ever contemplated.

Despite the Bill’s Explanatory Memorandum saying that under the Act at present, the powers of entry to non-residential places and vehicles without the owner/occupier’s consent are limited, this is not the case.

Where there is reasonable suspicion of a cruelty offence General Inspectors currently have significant police powers, including search, entry, inquiry, and seizure. In some circumstances inspectors can apply for and execute search warrants.

These are not limited powers.

The PGA objects to the burden of a new category of Designated General Inspector to enable monitoring of compliance with the Act.

The PGA does not object to the state government’s desire to verify compliance with the Act.

There are programs such as the Livestock Production Assurance (LPA) program in the red meat industry that requires every LPA-accredited producer to ensure animal welfare

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requirements are fulfilled by following the Australia Animal Welfare Standards and Guidelines for cattle, sheep and/or goats.

Producers must keep a current copy of the Standards and Guidelines accessible as a reference and ensure that all people involved in livestock husbandry on their property are familiar with its content.

People responsible for the management of livestock handling on property must have been trained in these Standards and Guidelines, and these managers must in turn train their staff in a way that is consistent with the Standards and Guidelines.

All LPA accredited producers may be subject to a random audit by a qualified auditor from AUS-MEAT (a leading agribusiness auditing, certification and training provider).

Rather than adding to the burden of both government departments and farmers, the state government could give statutory recognition to this established system.

The PGA does, however, object to the powers of entry of a Designated General Inspector in the absence of grounds to suspect a cruelty offence to investigate possible breaches of the regulations.

It imposes the presumption of guilt before an offence has occurred, or a regulation is contravened.

Further, if, as the Bill's Explanatory Memorandum says, the intent is to allow inspectors to investigate possible breaches of the regulations, this implies suspicion, which would then permit a normal General Inspector to act accordingly.

The PGA is also very concerned as to the method of appointment of Designated General Inspectors.

In effect, it allows the Minister to appoint any person.

This is simply unacceptable. These inspectors must be able to demonstrate experience of, skills in and knowledge of animal husbandry for their authority to be accepted by the livestock industry.

They must have suitable qualifications; operate within clear terms of reference (and not a poorly drafted amendment to the current Animal Welfare Act), and have a clear reporting structure that is subject to adequate checks and balances.

The Standards and Guidelines process has always been presented to the PGA by officers of the Department of Agriculture and Food WA as a protection or bulwark against continued animal activist scrutiny of conventional and long standing animal husbandry practices.

Further these same officers often suggested that the Western Australian *Animal Welfare Act 2002*, as written, puts animal managers at risk of prosecution, as many routine animal husbandry practices could be construed as cruel under the Act.

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However, it appears this Bill is using Standards and Guidelines to introduce a range of new offences that is beyond compliance with standards, as well as making some of the currently available defences to producers in relation to animal cruelty charges unable to be relied upon (that is, standard industry practice and reliance upon a Code of Practice for the Welfare of Animals).

Should the committee wish it, I would be happy to appear before it.

Yours faithfully



Chris Patmore  
Chairman, PGA Livestock Committee



Ian Randles  
Policy Officer – Grains;  
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