

TASMANIA

**ANIMAL WELFARE AMENDMENT (REFORMATION)
BILL 2018**

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ANIMAL WELFARE AMENDMENT (REFORMATION) BILL 2018

(Brought in by Cassandra Stanwell O'Connor MP)

A BILL FOR

An Act to amend the *Animal Welfare Act 1993* for the purpose of banning factory farming techniques, greyhound racing, rodeos, and enacting various other animal welfare reforms

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Animal Welfare Amendment (Reformation) Act 2018*.

2. Commencement

The provisions of this Act, except where otherwise indicated, commence on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Animal Welfare Act 1993** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by inserting before the definition of *Advisory Committee* the following definition:

abandons, in relation to an animal, includes the relinquishing of the care or charge of the animal without ensuring that another person has, or will immediately take, care or charge of the animal;

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(b) by inserting after the definition of *animal welfare standards* the following definitions:

appropriate and sufficient means –

(a) in relation to the provision of food to an animal, that food of sufficient quality is provided –

(i) in sufficient quantity to meet the nutritional requirements of maintaining the animal in reasonable body condition and, if appropriate, allowing for growth and reproduction; and

(ii) as often as appropriate for the digestive system and metabolism of the animal; or

(b) in relation to the provision of drink, that fluids of sufficient quality are provided in sufficient quantity to keep the animal hydrated at all times; or

(c) in relation to the provision of shelter, that shelter which affords protection for the animal from the adverse effects of weather conditions is provided;

battery cage means a cage for housing a fowl that does not allow the fowl to do all of the following, whether because of the cage itself (including its dimensions) or things in the cage (including another fowl):

(a) fully stretch;

(b) perch;

(c) access litter;

(d) if a laying fowl, lay eggs in a nest.

(c) by inserting after the definition of *Code of Practice* the following definition:

commercial purpose means any purpose that includes the intent to obtain financial reward from the use of an animal, the sale of an animal, or the sale of products or services derived from animals or animal labor.

(d) by inserting after the definition of *conveyance* the following definition:

fowl means a domesticated fowl of the species *Gallus gallus*.

(e) by inserting after the definition of *Licensed Institution* the following definition:

management, in relation to an animal, includes an act or failure to act in relation to feeding, handling, transportation, routines or regimens, confinement, administration or application of substances, physical alterations to the animal, or any activity or practices which could reasonably be expected to have a material impact on the animal.

(f) by inserting after the definition of *officer* the following definitions:

pain or suffering includes physical or mental injury, suffering, or distress which can be observed or reasonably inferred;

pest animal means an animal of a kind or class which is entered in the pest register;

pest register means the pest register established and maintained under section 8A.

(g) by inserting after the definition of *society* the following definition:

unfit accommodation, for a pig kept by a person, means accommodation—

- (a) that does not allows the pig to—
 - (i) turn around, stand up or lie down without difficulty; or
 - (ii) have a clean, comfortable and adequately drained place in which it can lie down; or
 - (iii) maintain a comfortable temperature; or
 - (iv) have outdoor access; or
- (b) if the accommodation is for more than one pig—that does not allow each pig in the accommodation to lie down at the same time; or
- (c) if the person keeps more than one pig—that does not allow the pig to see another pig except if—
 - (i) the pig is isolated on the advice of a veterinary surgeon; or
 - (ii) it is a week before, or during, farrowing for the pig.

5. Section 8 amended (Cruelty to Animals)

- (1) Section 8 of the Principal Act is amended by omitting from subsection 2(c) “or subject” and substituting “or may subject”
- (2) Section 8, subsection 2 of the Principal Act is amended by inserting the following paragraph after paragraph (j):
 - (ja) uses a pronged collar; or
- (3) Section 8, subsection 3 is repealed.

6. Section 11A substituted

Section 11A of the Principal Act is repealed and the following section is substituted:

11A. Rodeos, Greyhound Racing, and Factory Farming

- (1) A person must not organise, conduct, or participate in a rodeo.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (2) A person must not organise, conduct, or participate in the racing of greyhounds for gambling or commercial entertainment purposes.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (3) A person must not keep a fowl in a battery cage.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (4) A person must not keep a pig in unfit accommodation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
 - (b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (5) A person, other than veterinary surgeon who does so for therapeutic purpose, must not remove or trim the beak of a fowl.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 1 000 penalty units; or

(b) a natural person, a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.

(6) This section does not commence until 1 July, 2020.

7. Section 11B repealed (Functions of veterinary surgeon at rodeos)

(1) Section 11B of the Principal Act is repealed.

(2) This section does not commence until 1 July, 2020.

8. Section 12 amended (Traps)

Section 12, subsection 2 of the Principal Act is amended inserting “soft” before “leghold”.

9. Section 16 amended (Power to enter, search and inspect premises)

(1) Section 16 of the Principal Act is amended by inserting the following new subsections after subsection (1):

(1A) An officer may, without a warrant, enter premises other than a dwelling to take possession of an animal or to provide veterinary or other appropriate treatment or assistance to an animal if:

(a) they have a reasonably held belief that the animal is in immediate and urgent need of assistance or veterinary or other appropriate treatment;

- (a) efforts to contact the land owner which are reasonable in the circumstances have been made; and
- (b) it is not possible to obtain permission from the land owner or doing so will result in a substantial delay that is reasonably likely to result in unjustified pain or suffering or the death or serious disablement of the animal.

(1B) A magistrate or justice may grant a warrant authorising the officer named in the warrant to enter a premises, including a dwelling, to take possession of an animal or to provide veterinary or other appropriate treatment or assistance to an animal if the magistrate or justice is satisfied on application made on oath by an officer that the officer reasonably believes that:

- (a) there is an animal on the premises which is in need of assistance or veterinary or other appropriate treatment;
- (b) reasonable efforts to contact the land owner have been made; and
- (c) it is not possible to obtain permission from the land owner or doing so will result in a delay that is reasonably likely to result in unjustified pain or suffering or the death or serious disablement of the animal.

(2) Section 16, subsection 3A, paragraph (b) of the Principal Act is amended by inserting “, including an animal” after “Act”.

10. Section 39 amended (Membership of Advisory Committee)

(1) Section 39, subsection 1 of the Principal Act is amended by inserting the following paragraph after paragraph (l):

- (la) a person nominated by the Tasmanian Conservation Trust; and

11. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.