



**Cassy O'Connor MP**

Tasmanian Greens Leader

Member for Clark

Monday, 11 July 2022

Animal Welfare Act Amendment Bill  
Biosecurity Tasmania  
NRE Tasmania  
GPO Box 44  
Hobart TAS 7001  
Via: [AnimalWelfarePublicSubmissions@nre.tas.gov.au](mailto:AnimalWelfarePublicSubmissions@nre.tas.gov.au)

To whom it may concern,

Thank you for the opportunity to make a submission to the draft *Animal Welfare Amendment Bill 2022*. Proposed strengthening of the current Act, and therefore the protection of animals wild and domestic, is long overdue.

While this Bill is welcome, we note with some frustration that it comes almost an entire decade after the expert and stakeholder review on which most of the amendments are based.

The Tasmanian Greens have a number of animal welfare reform priorities – including banning greyhound racing, rodeos and cruel industrial farming methods.

We will, however, for the sake of pragmatism, be confining our recommendations in respect of this Bill to the matters contained in the 2013 review of the Act by the Animal Welfare Advisory Committee (AWAC).

The following recommendations of the 2013 review are not in the draft Bill. We encourage adoption of all these recommendations to ensure the *Animal Welfare Act 1993* provides a strong, workable and humane framework for the prevention of animal cruelty and neglect in Tasmania.

Yours sincerely,

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## Recommendations:

1. Amendments to **section 7**:
  - a. a definition of *management*, in respect of animals, be inserted which includes transportation and confinement, and captures an act or a failure to act.
  - b. move the current section 8 definitions (*abandons, appropriate and sufficient, pest animal, and pest register*) to section 7.
  - c. a definition of *pain or suffering* be inserted that includes distress, mental suffering and physical suffering.
  - d. a definition of *dwelling* be inserted that means a structure or vehicle where a person normally resides, and excludes land, buildings and areas around and underneath that structure or vehicle.
  - e. a definition of *commercial purpose* be inserted that includes animals kept for the purpose of breeding animals for sale.
2. Amendment2 to **section 11A** to:
  - a. Provide that rodeo reports must include:
    - i. Date and location.
    - ii. Names, addresses and contact details of the rodeo organiser, stock contractor, judge and attending veterinarian.
    - iii. The number and types of events and animals used.
    - iv. The number, types, and severity of any animal injuries.
    - v. Breaches of the standards in the code, and corrective actions taken.
  - b. Require that the Department is notified of a planned rodeo at least 7 days prior to the event, which must include nomination of the person responsible for the organisation and conduct of the rodeo.
  - c. Provide offences for failure to provide prior notification of a rodeo, failure to provide a rodeo report, and knowingly providing incomplete, false or misleading information on a rodeo report.
3. Amendment to **section 12** subsection (2) to allow for an exemption to be applied for a soft leghold trap, instead of a leghold trap.

4. A **new section** be inserted in Part 2 which introduces a new cruelty offence to intentionally kill an animal or attempt to kill an animal using an inappropriate method, where an inappropriate method is one that:
  - a. is not in accordance with an approved Animal Welfare Guideline; and
  - b. carries a foreseeable risk of causing pain or suffering; and
  - c. the use of which method is not justified in the circumstances.
5. A **new section** be inserted in Part 2 which introduces provisions allowing an officer to apply for a court order –
  - a. prohibiting the breeding of a particular animal or animals, on animal welfare grounds.
  - b. prohibiting the breeding of or any/all animals in a particular person's care or charge if an offence has been committed under the Act.
6. A **new section** be inserted in Part 2 which prescribes standards for the care and management of dogs, and provides for the regulation of puppy sales.
7. breeding of dogs
8. Amendment to **section 16** to:
  - a. clarify that the power of seizure under (2A), (3), and (3A) includes the power to seize animals.
  - b. provide for officers to obtain a warrant to enter, search and inspect a dwelling at a reasonable time if they satisfy a magistrate that they have a reasonably held belief that animals are kept on the premises for commercial purposes.
9. Amendment to **section 40** inserting a new paragraph into subsection (2) requiring the Committee to take into account current animal welfare science.
10. A **new section** be inserted in Part 7, establishing an offence of aiding and abetting.
11. A **new section** be inserted in Part 8, establishing that an allegation in a complaint that a person is the owner of an animal is accepted if the allegation is based on a reasonably held belief, and there is an absence of proof (on the balance of probabilities) to the contrary.

12. A **new section** be inserted in Part 8, establishing that compliance or non-compliance with a guideline approved under the Act is admissible in proceedings for a cruelty offence but not sufficient, on its own, to prove an offence.
13. A **new section** be inserted in Part 8, to provide for dealing with unclaimed animals and objects, and for owners to apply for the return of animals and objects.
14. Amendment to **Schedule 2** to:
  - a. clarify that the Animal Welfare Advisory Committee may meet using telecommunication technology if no member objects to the meeting being held using such technology.
  - b. Allow the Committee to make out-of-session determinations if:
    - i. the Chair considers the matter is of a nature that does not require the determination to be made in-session; and
    - ii. no member has requested that the determination be made in-session; and
    - iii. half the total number of members plus one has responded in relation to the question and there is consensus among those responses.
  - c. require that if the Chairperson is not satisfied that the Committee has sufficient information in relation to section 40(2), appropriate external advice must be sought.