

## Second Reading

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [3.28 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

The member for Sydney raised a number of issues during debate in the other place, the majority of which do not relate to the particulars of the bill. The bill contributes to a substantial package of reforms undertaken by the Government over the past year to improve animal welfare. Taken as a whole, it is not what I would describe as tinkering at the edges. I will take a moment to detail these reforms.

First, in January this year, the Government implemented three new standards under the Exhibited Animals Protection Act, which covers all animal exhibitions and includes permanent displays such as zoos, and temporary establishments such as circuses and mobile displays such as reptile displays and animal farms. The three new standards relate to the exhibition of animals at mobile establishments, during temporary removal and seals. The development of these three standards involved extensive consultation with the New South Wales Exhibited Animals Advisory Committee, the New South Wales Fauna and Marine Parks Association, Taronga Zoo and all licence holders.

Secondly, the Government also implemented a revised standard for circus animals in New South Wales. This standard was first developed in New South Wales in 1996 and was subsequently adopted by other States and Territories in Australia. In all, a total of 10 standards are prescribed under the Exhibited Animals Protection Act that contribute to improving the housing and husbandry of animals exhibited or on display. Referencing the standards in legislation also means that the majority of restrictions and rules applying to animal exhibitors are in one place, which improves education about, and compliance with, the standards and the Act.

Thirdly, the New South Wales Government has been working with industry on a national model code for pigs. This will lead to the Government progressing amendments to the Prevention of Cruelty to Animals Regulation, implementing sections of the national model code and making standards enforceable to promote the welfare of pigs. These standards will include restricting the use of gestation stalls to the first six weeks of a sow's pregnancy, and requiring industry to increase the minimum size of stalls used during gestation.

Fourthly and most recently, in September the Government introduced new standards for breeding dogs and cats. These standards, developed in consultation with enforcement agencies and industry, require that all people who breed cats and dogs for sale must meet minimum animal husbandry standards as set out in the Animal Welfare Code of Practice—Breeding Dogs and Cats. The new standard requires that written information must be provided to each purchaser to ensure that they are aware of pet ownership responsibilities, such as food, care and shelter requirements; a refund of 50 per cent within three days of the date of sale is offered in writing; animals must not be intentionally mated during the wrong parts of their cycles; a dog or cat must be physically and mentally fit, healthy and free of disease at the time of being mated; and in any two-year period, female dogs must not have more than two litters, and female cats must not have more than three litters, without the written approval of a vet.

The member for Sydney claimed that the new code does not address concerns relating to pedigree breeding. The requirements in the code extend to all types and breeds of dogs and cats—mongrels and pedigrees alike. The member for Sydney also mentioned the recent incident of the sale of Indian Blackbuck Antelopes by the Taronga Western Plains Zoo to a private person in New South Wales to be hunted in a game reserve. The claims that the animals were sold for the purpose of being shot are untrue. Both parties are on record stating this. In addition, under the Prevention of Cruelty to Animals Act, it is unlawful to operate a game park for shooting purposes in New South Wales.

The member for Sydney also stated that the rate of animals used in experiments had increased. Statistics collected and published in the annual reports of the Animal Review Research Panel, from 2004-05 to 2007-08, show that since 2005 the number of animals used in category 7 procedures has declined by 21 per cent. It is unfortunate that some animals are used in science and research. However, all animal research in New South Wales is carried out under the nationally accepted Australian Code of Practice for the Care and Use of Animals for Scientific Purposes. Further, the New South Wales Government is a leader in the protection of animals used in research.

The New South Wales Animal Research Act establishes a veterinary inspectorate as well as an Animal Research Review Panel to oversee the use of animals in research. The review panel includes nominees from animal welfare as well as scientific organisations. No animal research may be carried out without the approval of an animal ethics committee, which includes veterinary, scientific, animal welfare and independent members. The Animal Research Review Panel publishes extensive examples of alternative research methods that require fewer

animals or no animals at all, or lessen the impact of procedures on animals. These reforms improve animal welfare in New South Wales.

The bill before the House today adds to the reform package that I detailed earlier. It does this by improving the treatment of animals, particularly those exhibited or on display in zoos, circuses, marine parks and mobile farms. The main aim of the Animal Welfare Legislation Amendment Bill is to reduce the risk of animals being mistreated, particularly by repeat offenders. The bill achieves this through changes to the Exhibited Animals Protection Act 1986 and a minor but important change to the Prevention of Cruelty to Animals Act 1979. The first amendment to the Exhibited Animals Protection Act 1986 will give the Director General of Industry and Investment New South Wales the power to disqualify a person from holding an authority under this Act for a period of up to five years. An authority includes a licence, approval or permit to exhibit or supervise the exhibition of animals in zoos, marine parks, circuses and other places which exhibit animals to the public. This simple but important change minimises the risk of repeat offenders by preventing a person reapplying for an authority for up to five years, where they have had a previous authority cancelled for misconduct.

The second amendment to the Exhibited Animals Protection Act will provide certainty and transparency about what the director general may consider in determining whether to issue an authority. This amendment will ensure that those authorised to exhibit or supervise the exhibition of animals are competent and informed and have the capacity and desire to treat animals humanely. Again, if a person has not complied with animal welfare rules and regulations, the director general will be able to take this into account when determining whether to grant an authority under this Act.

Specifically, when determining whether to issue an authority, the director general may consider whether the applicant has been convicted or found guilty of an offence against New South Wales animal welfare legislation, being the Exhibited Animals Protection Act 1986, Prevention of Cruelty to Animals Act 1979, Animal Research Act 1985, the National Parks and Wildlife Act 1974 and any instruments made under these Acts. The director general also has to consider whether the applicant has been convicted or found guilty of an offence under any law of another State or Territory or the Commonwealth relating to the keeping or protection of animals.

The director general also has to consider whether the applicant has previously failed to comply with any term or condition of an authority; has previously held an authority that has been cancelled or suspended by the director general; has the capacity to care for animals and comply with this Act and any prescribed standards; has provided false or misleading information, and is a fit and proper person to hold such an authority.

I now turn to the amendment to the Prevention of Cruelty to Animals Act 1979. In Victoria and Tasmania, legislation allows the responsible Ministers in these jurisdictions to recognise interstate court orders that prohibit individuals from keeping animals. An amendment to the Prevention of Cruelty to Animals Act will give the New South Wales Minister for Primary Industries similar powers. The Minister will be able to recognise an interstate court order that prohibits a person from buying or possessing an animal. Once such an order is recognised by the Minister it can be enforced in this State under the Prevention of Cruelty to Animals Act.

This amendment is supported by the two organisations that investigate the majority of animal cruelty incidents—the Royal Society for the Prevention of Cruelty to Animals [the RSPCA] and the Animal Welfare League. During the 2007-08 financial year in New South Wales, the RSPCA investigated over 13,000 complaints of animal cruelty, with over 800 charges being laid. The prevention of interstate offenders from owning or possessing animals in New South Wales can only contribute to reducing the number of incidences of animal cruelty and reduce the costs for the RSPCA and the Animal Welfare League.

The bill also proposes two other minor amendments. Firstly, the bill includes a third amendment to the Exhibited Animals Act to revise the appeal mechanisms under the Act to reduce duplication and costs. Currently, appeals may be heard by either the New South Wales Minister for Primary Industries or the Local Court. This amendment will result in a single appeal pathway, straight to the Administrative Decisions Tribunal. This will enable appeals to be dealt with by members of the tribunal with appropriate expertise in administrative law. This will be consistent with existing appeal mechanisms in other New South Wales animal licensing legislation. For example, the tribunal currently hears appeals under the Non-Indigenous Animals Act. All of the reforms to the Exhibited Animals Protection Act are supported by the New South Wales Exhibited Animals Advisory Committee and the New South Wales Fauna and Marine Parks Association.

The final amendment proposed in this bill is to the Apiaries Act 1986. The amendment proposes administrative reform for the Australian beekeeping industry to allow exemptions from registration for beekeepers. The amendment will allow for the making of a regulation to provide that interstate beekeepers who are registered in another State can operate in New South Wales for short periods of time without needing to be registered in New South Wales. This approach to interstate registration is consistent with the principles of mutual recognition. It will also reduce the regulatory burden on industry by making it easier for registered beekeepers to conduct their businesses. It will allow beekeepers to follow seasonal sources of nectar and pollen without having to comply with unnecessary administrative requirements. The New South Wales Apiarists' Association and the Australian Crop Pollination Association support the proposed amendment.

All of the amendments contained in this bill are straightforward administrative reforms and are the result of extensive consultation with industry and stakeholders. Once implemented, they will improve the welfare of animals on exhibition or display in zoos, circuses, mobile farms and fauna and wildlife parks in New South Wales, and reduce the opportunity for animals to be mistreated repeatedly. Any steps to improve animal welfare, no matter how small or insignificant they may be perceived, are steps that should be taken and supported by all. Farmers requiring bees for pollination and beekeepers will benefit from reduced market barriers and increased mobility brought about by this bill. All of these proposals are sensible and useful amendments and I commend the bill to the House.