

## in Principle

**Mr DAVID HARRIS** (Wyong) [10.17 a.m.]: I move:

That this bill be now agreed to in principle.

The Prevention of Cruelty to Animals Amendment Bill 2009 introduces a number of important reforms to the Prevention of Cruelty to Animals Act 1979. In particular, the bill will improve the welfare of caged layer hens by increasing the maximum penalty for breaches of the layer hen cage regulations. The amendments will also allow higher penalties for breaches of the Animal Trades Codes of Practice. Currently these codes apply to other animal trades, such as pet shops, and in future will also be made for other livestock. The purpose of the codes is to protect animals that are used or kept for commercial purposes. It is appropriate that the penalties for breaching the codes are consistent with the penalties under the regulation for layer hen cages. Finally, the bill proposes creating an offence for failing to comply with a notice issued by an inspector under the Prevention of Cruelty to Animals Act.

The amendments will underpin the standards in place to safeguard the welfare of commercially kept animals in New South Wales. The bill's main area of reform is aimed at improving the welfare of caged layer hens. In January 2008 new regulations were introduced in New South Wales to improve the welfare of caged layer hens. These regulations require increased floor space for cages, and minimum cage heights and cage door sizes. The standards were endorsed by the Primary Industries Ministerial Council in 2000 following extensive consultation and debate and have been adopted by all States into their respective pieces of legislation. Since the Primary Industries Ministerial Council endorsed the standards, Industry and Investment New South Wales has worked closely with industry to help operators deal with the adjustments arising from the new standards. Furthermore, the RSPCA, which is the main agency responsible for enforcing the new regulations, focused on educating operators for the first 12 to 18 months to give them even more time to update their cages.

It is now 20 months since the national standards were introduced and the majority of egg producers have invested heavily in new cage systems to house their hens. In fact, some producers voluntarily adopted the new cage sizes well before they were required to do so. Unfortunately, some egg producers are still failing to comply with the new requirements and the penalty level is an insufficient deterrent. Currently the maximum penalty that can be imposed for a breach of the regulations for caged layer hens is 25 penalty units, or \$2,750. The proposed amendments will allow higher penalties for offences against the layer hen cage provisions in the Prevention of Cruelty to Animals Regulation. The bill will allow the maximum penalty for breaches of the layer hen cage regulations to be increased from \$2,750 to \$5,500 for individuals, and \$22,000 for corporations. This will bring penalties in New South Wales into line with those in Queensland and Western Australia—the States with more recent legislation in this area. Higher penalties will act as a stronger deterrent against breaching the regulation.

The next area of reform that the bill addresses relates to breaches of animal trades codes of practice. These codes are made under the Prevention of Cruelty to Animals Regulation. The purpose of these codes is to protect animals used or kept for commercial purposes. It is appropriate that the penalties for breaching them are consistent with the penalties under the regulation for layer hen cages. National standards for livestock enterprises have been agreed to and endorsed by the Primary Industries Ministerial Council. The first of these will be a standard for commercial pig production, which will be introduced as a code of practice under the regulation later this year. It is particularly important that consistent penalties apply for all livestock species to avoid the same sorts of issues that have arisen in relation to egg producers. This amendment ensures that consistency will apply.

The next amendment relates to failing to comply with an inspector's notice under the Prevention of Cruelty to Animals Act. If an RSPCA inspector is satisfied that a person is in breach of the Act or the regulation relating to the care of an animal the inspector can issue a notice. The notice spells out the actions that a person must take for the care of the animal to avoid any further contravention of the legislation. As the Act stands, there is no penalty for not complying with an inspector's notice. The bill introduces a provision that will make failing to comply with an inspector's notice an offence that is subject to a maximum penalty of \$2,750. This provision is required as part of the commitment made by the Primary Industries Ministerial Council to standardise animal welfare legislation in all jurisdictions.

Other States already have offences for failure to comply with notices or orders, and New South Wales legislation needs to be brought into line. Creating an offence for failing to comply with a notice ensures that people understand the seriousness of an order issued by an enforcement agency such as the RSPCA, and the need for them to comply with it. It is not something to be ignored. Finally, the bill introduces an amendment to broaden the scope of inspector's notices. At present notices must relate to the care of an animal. However, there are a number of provisions in the Act and the regulation that relate to behaviour towards an animal that may fall outside the meaning of the phrase "care of an animal". Currently the wording of the Act potentially limits actions that can be prescribed in notices. It may also allow a person in breach of the legislation to use a technicality to

avoid complying with a notice. The proposed changes will allow inspector's notices to apply to any contravention of the Act or regulation—not just those that are considered to fall within the meaning of "care of an animal".

There was extensive consultation with industry over many years in the development and implementation of the layer hen cage regulations. The majority of egg producers have invested heavily in new cage systems for their hens and are keen that non-compliant producers are removed from the industry. The proposed amendments that relate to increases to breaches of layer hen regulations have the support of the vast majority of the industry. The additional deterrent created by the increased penalties will help enforcement agencies such as the RSPCA in their efforts to ensure compliance with the standards. The New South Wales Government is serious about making sure the entire egg industry meets the required cage standards. We are committed to improving the welfare of layer hens, and indeed all commercially kept or used animals in this State. I commend the bill to the House.