

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Submission – Inquiry into the Animal Care and Protection Amendment Bill 2022

Submitted by Pet Industry Association of Australia (PIAA)

Thank you for the opportunity to contribute to the discussion surrounding the proposed amendments to the Queensland Animal Care and Protection Act 2001.

We have made comment where necessary against each proposed amendment and have made no comment on specifics that do not relate, such as the amendment to the Disability Services Act. We have raised questions against some amendments which we would like considered.

Part 1 Preliminary

Clause 1 states that when enacted, the Bill will be cited as the *Animal Care and Protection Amendment Act 2022*.

PIAA: Agreed

Part 2 Amendment of *Animal Care and Protection Act 2001*

Clause 2 states that Part 2 of the Bill will amend the *Animal Care and Protection Act 2001* (ACPA).

Clause 3 amends section 11 (What is an animal) by replacing paragraph (1)(d) of the definition of ‘animal’ with two new paragraphs (d) and (e) to describe the class Cephalopoda (for example cuttlefish, nautilus, octopi, and squid), and class Malacostraca, (for example crabs, crayfish, lobsters and prawns) respectively.

PIAA: Agreed

Paragraph (1)(d) will provide that an animal includes a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Cephalopoda. The species of the class Cephalopoda will no longer be prescribed in the *Animal Care and Protection Regulation 2012* (Regulation) and is removed by clause 41 (Omission of s6 (Prescribed species for meaning of animal–Act, s11)). The effect is that, rather than prescribing all the individual species of the class Cephalopoda in the Regulation, all Cephalopoda species will now be captured in the definition of ‘animal’ in the ACPA. The definition of ‘animal’ relating to a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Malacostraca prescribed by regulation will be retained in paragraph (1)(e).

PIAA: Agreed

Clause 4 amends section 13 (Making codes of practice) to state that a regulation may make codes of practice about animal welfare that are based on good practice and scientific knowledge. This amendment is consistent

with the current accepted practice that codes of practice are made on the basis of 'good practice and relevant scientific knowledge', which is a requirement for the development of the Australian Animal Welfare Standards and Guidelines for the welfare of livestock.

PIAA: Agreed

Clause 5 amends section 17 (Breach of duty of care prohibited) to provide that the maximum penalty for a breach of duty of care offence that causes death, serious deformity, serious disablement, or prolonged suffering of an animal will be 2,000 penalty units or 3 years imprisonment.

PIAA: Agreed

Clause 6 amends section 19 (Unreasonable abandonment or release) which makes it an offence for a person in charge of an animal to abandon or release an animal, unless the person has a reasonable excuse or is authorised by law. *Clause 6* inserts subsection (3) to remove any doubt that an animal may be abandoned even if a person not in charge of the animal has volunteered to temporarily provide the animal with food or water. An example is provided of a person providing food and water to an abandoned dog near the person's premises.

PIAA: Agreed

Clause 7 amends section 20 (Meaning of *prohibited event*) by omitting subsection (2). Removing subsection (2) will clarify that all events at rodeos are not prohibited events.

However, the conduct of rodeos is subject to compliance with the 'Code of practice about rodeos' (the Code), prescribed under schedule 3B of the Animal Care and Protection Regulation 2012 (ACP Regulation). The Code defines the activities associated with a rodeo event, and prescribes the requirements relating to the care, handling, and use of rodeo animals at a rodeo.

PIAA: Agreed

Clause 8 amends the heading of chapter 3, part 4 (Regulated surgical procedures) by omitting 'surgical'. Omitting 'surgical' from the heading will allow regulated procedures that are not surgical in nature to be prescribed.

PIAA: Agreed

Clause 9 amends section 24 (Docking dog's tail) to prohibit a person, other than a veterinary surgeon, from docking a dog's tail. A maximum penalty of 100 penalty units is retained. Subsection (2) provides that a veterinary surgeon must not dock a dog's tail unless the veterinary surgeon reasonably considers the docking is in the interests of the dog's welfare. A maximum penalty of 100 penalty units is retained. The amendment removes the provision that allowed a person other than a veterinary surgeon to dock a dog's tail if the docking was done in a way prescribed by a regulation. Allowing tail docking, other than for welfare reasons, and allowing a person other than a veterinary surgeon to perform the procedure prescribed by regulation no longer aligns with community expectations.

PIAA: Agreed

Clause 10 inserts new sections 27A (Spaying cattle) and 27B (Testing for pregnancy in cattle) to prohibit a person, other than a veterinary surgeon, or person accredited under an approved cattle procedures accreditation scheme under new chapter 4A (Approved cattle procedures accreditation schemes), from performing the Willis dropped-ovary technique for spaying cattle, or from performing pregnancy testing in cattle for a fee or reward by rectal palpation or transrectal ultrasound. *Clause 10* also prohibits the use of vaginal spreaders to spay cattle that have not given birth. A maximum penalty of 300 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Clause 11 amends the heading of chapter 3, part 4, (Restriction on supplying animals that have undergone a regulated surgical procedure) to omit 'surgical' from the heading to allow regulated procedures that are not surgical in nature to be prescribed.

PIAA: Agreed

Clause 12 amends sections 28 (Restriction on supplying debarked dog) to require that a person (*supplier*) must not supply another person a dog that the supplier knows has had a debarking operation performed on it, unless the supplier gives the other person a signed veterinary surgeon's certificate stating that the operation was performed in accordance with section 25(2). A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (2) provides that subsection (1) does not apply if the dog was abandoned, and the supplier is surrendering the dog to a pound or shelter.

PIAA: Agreed

Subsection (3) provides that subsection (4) applies if (a) a pound or animal shelter takes possession of a dog that has had a debarking procedure performed on it before the pound or animal shelter took possession of the dog; and (b) the pound or animal shelter was not given a veterinary surgeon's certificate for the dog in subsection (1).

PIAA: Agreed

Subsection (4) provides that the pound or animal shelter must not supply a person with the dog, unless the pound or animal shelter gives the person a certificate stated that the dog had the debarking procedure performed on it before the pound or shelter took possession of the dog. A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (5) provides that subsection (6) applies to a person who is supplied a dog, (a) by a person in accordance with subsection (1), or (b) by a pound or animal shelter in accordance with subsection (4).

PIAA: Agreed

Subsection (6) provides that the person (an *on-supplier*) must not on-supply the dog to another person, unless the on-supplier gives the other person (a) the signed veterinary surgeon's certificate given for the dog under subsection (1), or (b) the certificate given for the dog under subsection (4). A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Clause 12 also amends section 29 (Other restrictions) to require that a person (the *supplier*) must not supply another person an animal that the supplier knows has had a regulated procedure performed on it, unless the supplier has given the other person a signed veterinary surgeon's certificate stating that the operation was performed in the interests of the animal's welfare. A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (2) provides that subsection (1) does not apply if – (a) the animal was abandoned; and (b) the supplier is surrendering the animal to a pound or animal shelter.

PIAA: Agreed

Subsection (3) provides that subsection (4) applies if (a) a pound or animal shelter takes possession of an animal that has had a regulated procedure performed on it, and (b) the pound or animal shelter is not given a veterinary surgeon's certificate for the animal in accordance with subsection (1).

PIAA: Agreed

Subsection (4) provides that the pound or animal shelter must not supply someone else the animal, unless the pound or shelter gives the person a certificate stating that the animal had the regulated procedures performed on it before the pound or animal shelter took possession of it. A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (5) provides that subsection (6) applies to a person who is supplied an animal, (a) by a person in accordance with subsection (1), or (b) by a pound or animal shelter in accordance with subsection (4).

PIAA: Agreed

Subsection (6) provides that the person (an **on-supplier**) must not on-supply the animal to another person, unless the on-supplier gives the other person - (a) the signed veterinary surgeon's certificate given for the animal under subsection (1); or (b) the certificate given for the animal under subsection (4). A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Clause 12 also inserts new section 29A (Restriction for person supplied animal that has undergone regulated procedure) that applies to a person supplied a dog under section 28 or an animal under section 29.

PIAA: Agreed

Subsection (2) provides that the person must keep the certificate given for the supplied animal while the person remains in charge of the animal. A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (3) provides that the person must if required by an inspector, make the certificate given for the supplied animal available for inspection by the inspector. A maximum penalty of 150 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Subsection (4) provides that in section 29A a certificate for a supplied animal means (a) a signed veterinary surgeon's certificate given for the animal as stated in section 28(1) or 29(1); or (b) a certificate given for the animal as stated in section 28(4) or 29(4).

PIAA: Agreed

Clause 13 omits section 33 (Obligation to exercise closely confined dogs) which provided for exercise requirements for closely confined dogs within prescribed time periods. This section is no longer required, as the

circumstances are adequately covered under section 18 (Animal cruelty prohibited) of the ACPA, which provides that a person is cruel to an animal if they confine it in a way that is inappropriate for the animal's welfare.

PIAA: Section 18 under the ACPA 2001 does not adequately cover the specific point of the need to exercise closely confined dogs. We strongly recommend that if section 33 is omitted then section 18 needs to be amended to include the specific wording clarifying the meaning of 'confined'. Current wording covers only confinement during transport, this is not the only confinement a dog can suffer.

A new section 33 (Transporting dogs) provides that a driver must not transport a dog inside a vehicle if any part of the dog, other than its head, is able to protrude from the vehicle. A maximum penalty of 60 penalty units will apply.

PIAA: Agreed

Subsection (2) provides that a driver must not transport a dog on the tray of a vehicle, or on a trailer, unless the dog is secured in such a way as to prevent it from – (a) falling off or out of, the tray or trailer; (b) or moving off the tray or trailer; or (c) being injured by the movement of the vehicle or trailer. A maximum penalty of 60 penalty units will apply.

PIAA: Agreed

Subsection (3) provides that the transportation restrictions under subsection (2) does not apply if – (a) the dog is being transported on a tray of a vehicle or on a trailer, and (b) the purpose of the transporting the dog in the vehicle is to assist in the movement of livestock.

PIAA: Agreed

Clause 14 inserts new chapter 3, part 5, divisions 5 to 7 after section 37.

Division 5 Possession or use of prohibited devices

New section 37A (Possession or use of prohibited devices) prohibits the possession of a prong collar or another restraint device prescribed by regulation. A maximum penalty of 30 penalty units will apply.

PIAA: Agreed

Subsection (2) prohibits a person from using a prohibited device on an animal, unless the person has a reasonable excuse. A maximum penalty of 100 penalty units will apply.

PIAA: Agreed, however question what is a reasonable excuse?

Subsection (3) provides that a **prong collar** means a collar that – (a) is designed for use on a dog; and (b) consists of a series of links in segments with prongs, teeth or blunted open ends turned towards the skin of a dog so that, when the collar is tightened, the collar pinches the skin around the dog's neck. A restraint device is defined as a device fitted to an animal for the purposes of restraining it. Examples of collars, leads, harnesses, muzzles, and halters are provided.

PIAA: We are in agreement with the inclusion of a prong collar as an unacceptable device however using the broad term of *device fitted for the purpose of restraining* an animal such as collars, leads, harnesses, muzzles & halters is unnecessary and not supported in any way. It is normal practice for a dog owner, handler, or trainer to use this equipment to keep the animal(s) in their care safe.

Division 6 Possession or use of prohibited nets

New section 37B (Possession or use of prohibited nets) makes it an offence for a person, to possess a net prescribed by regulation (a *prohibited net*), unless the person has a reasonable excuse. A maximum penalty of 30 penalty units applies.

Subsection (2) provides that a person must not use a prohibited net, unless the person has a reasonable excuse. A maximum penalty of 100 penalty units will apply.

PIAA: Agreed

Division 7 Firing or blistering

New section 37C (Firing or blistering on horses and dogs) provides that a person must not apply extreme heat or cold, acid or another caustic chemical to the leg of a horse or dog, with the intention of causing tissue damage or developing scar tissue around the ligaments or tendons of the animal's leg. A maximum penalty of 300 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

Clause 15 inserts new section 41B (Euthanasing sick or injured animals by veterinary surgeons) which applies for an offence if the act that constitutes the offence – (a) involves the killing of an animal; and (b) is done by a veterinary surgeon.

PIAA: Agreed

Subsection (2) provides that in a proceeding for the offences it is a defence for a veterinary surgeon to prove (a) that the act was done in the belief that the animal was so diseased or severely injured, or in such poor physical or psychological condition that it would be cruel to keep the animal alive; and (b) the act was done in a humane way; and (c) that the veterinary surgeon took reasonable steps to identify and contact the person in charge of the animal before doing the act.

PIAA: Agreed

Subsection (3) provides that without limiting subsection (2)(c) reasonable steps include – (a) scanning the animal for a microchip; and (b) searching any relevant registers; and (c) searching for any other form of identification including for example collars or tags.

PIAA: Agreed

Clause 16 amends section 42 (Feral or pest animals) to replace subsection (1)(b)(ii) to exclude from the offence exemption acts that involve the use of a poison that includes the ingredients carbon disulfide and phosphorus, for example CSSP Pig Poison.

PIAA: Agreed

Clause 17 amends section 47 (Supplying animal) to amend the note provided for in paragraph (a) by omitting 'surgical'.

PIAA: Agreed

Clause 18 amends section 48 (When an animal is used for *scientific purposes*) by replacing subsection (1) to align with the definition of 'scientific purposes' provided for in the Scientific Use Code.

PIAA: Agreed

Clause 19 replaces section 58 (Term of registration) to provide registration is for the term stated on the registration certificate, and the stated term must not be longer than 4 years. Subsection (3) retains the existing provision that a replacement certificate given under section 79 or 88 does not extend or otherwise affect the term.

PIAA: Agreed

Clause 20 amends section 62 (Inspection of register) to provide that the register will be open for inspection free of charge by members of the public during office hours on business days at the department's head office.

PIAA: Agreed

Clause 21 inserts after section 87, new section 87A (Notification of change in circumstances) that applies to a registered person if - (a) a disqualifying event happens in relation to the person; or (b) a material particular in the information given for the person's application for registration changes.

PIAA: Agreed

Subsection (2) provides the person must give notice of the event or change to the chief executive within 7 business days after the event or change happens. A maximum penalty of 50 penalty units will apply.

PIAA: Agreed

Clause 22 inserts new chapters 4A and 4B after chapter 4.

PIAA: Agreed

Chapter 4A Approved cattle procedures accreditation schemes

New Chapter 4A provides a legislative framework for the approval of cattle procedures accreditation schemes to allow persons to be accredited to perform a prescribed procedure. A prescribed procedure means - (a) spaying cattle using the Willis dropped- ovary technique; or (b) testing for pregnancy in cattle using (i) rectal palpation, or (ii) transrectal ultrasound.

PIAA: Agreed

Division 1 Preliminary

New section 93A (Definitions for chapter) defines terms used in new chapter 4A (Approved cattle procedures accreditation schemes).

New section 93B (What is a *cattle procedures accreditation scheme*) provides that a cattle procedures accreditation scheme is a scheme that provides for the functions prescribed in subsection (a) to (e).

Subsection (a) provides that accrediting person to perform a prescribed procedure on cattle in accordance with the scheme, including:

1. (i) setting the competency requirements for accreditation; and
2. (ii) granting an accreditation; and
3. (iii) setting the terms and conditions of accreditation including provisional accreditation; and
4. (iv) setting the terms and conditions of accreditation, including provisional

accreditation; and

5. (v) auditing an accredited persons activities under an accreditation; and
6. (vi) responding to an accredited person's non-compliance with the accreditation, including by suspending or cancelling the accreditation.

Subsection (b) provides for a function of reviewing decisions made and resolving disputes under the scheme.

Subsection (c) provides for a function of assessing and investigating complaints about the conduct of accredited persons.

Subsection (d) provides for a function of developing operational procedures to apply under the scheme.

Subsection (e) provides a function for recording and disclosing information about a person's accreditation.

New section 93C (Purpose of cattle procedures accreditation scheme) states that the purpose of the cattle procedure accreditation scheme is to allow persons to gain accreditation to perform prescribed cattle procedures on cattle under the ACPA.

Division 2 Approval of cattle procedures accreditation schemes.

New section 93D (Applying for approval) provides that an owner of a cattle procedures accreditation scheme may apply to the chief executive for the approval of the scheme.

Subsection (2)(a) provides the application must be made in the approved form, and subsection (2)(b) provides the application must be accompanied by a document that sets out the arrangements for each of the functions of the cattle procedures accreditation scheme listed in section 93B.

New section 93E (Criteria for approval) provides the chief executive may approve a cattle procedures accreditation scheme if satisfied the scheme provides for each of the functions mentioned in section 93B (What is a *cattle procedures accreditation scheme*).

New section 93F (Request for further information) provides the chief executive may by written notice given to the applicant, request the applicant to give the chief executive further information the chief executive reasonably requires to decide the application to approve a cattle procedures accreditation scheme.

Subsection (2) provides that the written notice must state – (a) the information requested; and (b) the day not earlier than 28 days after the notice is given to the applicant by which the further information is required to be given to the chief executive; and (c) that the chief executive may cancel the application if the applicant does not comply with the notice.

Subsection (3) provides that the applicant must give the information to the chief executive in writing unless the notice states a different way in which to give the information.

Subsection (4) provides that if the applicant does not comply with the notice, the chief executive may give the applicant a written notice cancelling the application.

Subsection (5) provides the cancellation of the application under subsection (4) takes effect on the day the notice cancelling the application is given to the applicant.

New section 93G (Deciding application) provides that the chief executive must decide to – (a) approve the application; or (b) refuse the application; or (c) approve the application subject to conditions.

Subsection (2) provides that if the chief executive approves the application the chief executive must give the applicant notice of the decision.

Subsection (3) provides that if the chief executive refuses to approve the application, or approves the application subject to conditions, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

Division 3 Amendment of approval

New section 93H (Applying for amendment of approval) allows a holder of an approved cattle procedures accreditation scheme to apply to the chief executive to amend the approval. The application must be – (a) made in the approved form; and (b) be supported by enough information to enable the chief executive to decide the application.

New section 93I (Request further information) provides that the chief executive may by written notice given to the applicant request the applicant give the chief executive further information the chief executive reasonably requires to decide the application.

Subsection (2) provides that the written notice must state – (a) the information requested; and (b) the time, not earlier than 28 days after the notice is given to the applicant by which the further information is required to be given to the chief executive; (c) and that the chief executive may cancel the application for the amendment if the applicant does not comply with the notice.

Subsection (3) provides that the applicant must give the information to the chief executive in writing, unless the notice states a different way in which to give the information.

Subsection (4) provides that if the applicant does not comply with the notice, the chief executive may give the applicant a written notice cancelling the application.

Subsection (5) states that the cancellation of the application under subsection (4) takes effect on the day the notice cancelling the application for the amendment is given to the applicant.

New section 93J (Deciding amendment application) provides that for each application amendment of an approved cattle procedures accreditation scheme, the chief executive must decide to – (a) approve the application, or (b) refuse to approve the application; or (c) if the applicant agrees in writing to another amendment - approve the agreed amendment.

Subsection (2) provides that if the chief executive approves the application the chief executive must give the applicant notice of the decision.

Subsection (3) provides that if the chief executive refuses to approve the application, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

New section 93K (Amendment of approval by chief executive) provides the chief executive may decide to amend an approved cattle procedures accreditation scheme at any time without an application from the holder of the approval.

Subsection (2) provides that without limiting subsection (1) an amendment of an approved cattle procedures accreditation scheme may impose, vary, or remove a condition of the approval.

Subsection (3) provides that if the chief executive amends an approved cattle procedures accreditation scheme, the chief executive must give the holder of the approval an information notice about the decision as soon as practicable after making the decision.

Division 4 Cancellation or suspension of approval

New section 93L (Application of division) provides that the purpose of division 4 is to provide the process for suspending or cancelling an approved cattle procedures accreditation scheme.

New section 93M (Grounds for suspending or cancelling approval) states that each of the following is a ground for suspending or cancelling an approved cattle procedures accreditation scheme -

(a) the approval was granted because of a materially false or misleading information; (b) the holder of the approval failed to comply with a condition of the approval.

New section 93N (Notice of proposed action) applies if the chief executive believes a ground exists to suspend or cancel an approved cattle procedure accreditation scheme.

Subsection (2) provides that the chief executive must give the holder of the approval a notice stating each of the following:

Subsection (2)(a) the action (the *proposed action*) the chief executive proposes to take under division 4.

Subsection (2)(b) the grounds for the proposed action.

Subsection (2)(c) the facts and circumstances that are the basis of the grounds.

Subsection (2)(d) if the proposed action is to suspend the approval - the proposed suspension period of not longer than 2 years.

Subsection (2)(e) that the holder may make, within a stated period, written representations to show why the proposed action should not be taken.

Subsection (3) provides that the stated period must not end less than 28 days after the holder is given the notice.

New section 93O (Considering representations) requires the chief executive to consider all written representations made under section 93N.

Subsection (2) provides that after considering the written representations, the chief executive may decide to take no further action.

Subsection (3) provides that if the chief executive decides not to take any further action, the chief executive must give the holder of the approval notice of the decision as soon as possible after making the decision.

New section 93P (Decision on proposed action) provides that if after considering all written representations made under section 93N, the chief executive believes a ground exists to take the proposed action, the chief executive may decide to take the action outlined in subsection (a) or (b).

Subsection (a) provides that if the proposed action was to suspend the approval – the chief executive may suspend the approval for a period of no longer than the suspension period stated in the notice given to the holder of the approval under section 93N;

Subsection (b) provides that if the proposed action was to cancel the approval – the chief executive may either cancel the approval or suspend the approval for a term of not longer than 2 years.

New section 93Q (Notice and effect of decision) provides that after making a decision about the approved cattle procedures accreditation scheme under section 93P, the chief executive must give the holder of the approval an information notice about the decision as soon as practicable after making the decision.

Subsection (2) provides that the decision takes effect on the later of either the day – (a) the information notice is given to the holder or (b) a later day stated in the information notice.

Division 5 Register

New section 93R (Register) requires the chief executive to keep a register of approved cattle procedures accreditation schemes.

Subsection (2) provides that the register must contain the following particulars for each scheme – (a) the name of the scheme; (b) the day the scheme was approved; (c) the status of the scheme; (d) the name and contact details of the owner of the scheme.

Subsection (3) requires the chief executive to publish the register on the department's website.

PIAA: Who will conduct the auditing process and how often will an audit be completed? How will training be provided and by whom? What is the process if something goes wrong, and veterinary attention is needed to ensure any animal does not suffer?

New Chapter 4B Obligations relating to livestock slaughter facilities Part 1 Preliminary

New section 93S (Definitions for chapter) defines the terms 'livestock' and 'livestock slaughter facility' for chapter 4B.

PIAA: Agreed

Part 2 Closed-circuit television equipment for livestock slaughter facilities

New section 93T (Closed-circuit television equipment) requires an owner of a livestock slaughter facility to install, maintain and operate closed-circuit television equipment at the facility that records movement at the facility as required by subsection (2). A maximum penalty of 300 penalty units will apply.

Subsection (2) requires the closed-circuit television equipment to be clearly recording the movement of livestock at prescribed locations at the livestock slaughter facility (each a **monitoring point**). Subsections (2)(a)-(e) lists the monitoring points - an entrance to the facility; an area used to unload livestock; an area used to hold livestock; an area at which livestock is handled before slaughter; an area used to slaughter livestock including the areas used to restrain exsanguinate or stun livestock.

New section 93U (Requirements for closed-circuit television equipment) requires an owner of a livestock slaughter facility to – (a) ensure that closed-circuit television equipment meets the prescribed minimum requirements for equipment prescribed by regulation, complies with all requirements about maintaining the equipment prescribed by regulation. and is recording at all times when livestock is at the facility.

Subsection (b) requires the owner to store each recording made by the closed-circuit television equipment at the facility in a secure place in compliance with all requirements about storage prescribed by regulation. A maximum penalty of 300 penalty units will apply.

New section 93V (Signs to be displayed at livestock slaughter facilities) requires an owner of a livestock slaughter facility to display signage at the facility in a way that is likely to make any person at the facility aware that closed-circuit television equipment is installed at the facility. A maximum penalty of 30 penalty units will apply.

New section 93W (Inspecting recordings) requires an owner of a livestock slaughter facility to keep each recording made by closed-circuit television equipment available for inspection by an inspector until the

recording is erased or destroyed in accordance with subsections (2) and (3). A maximum penalty of 300 penalty units will apply.

Subsection (2) provides that an owner may only erase or destroy a recording 30 days after the recording is made.

However, subsection (3) provides that under subsection (2) an inspector may, within 30 days after the recording is made, require that the owner not erase or destroy the recording earlier than 1 year and 30 days after it is made.

Subsection (4) provides that a requirement made of the owner under subsection (3) must be made by written notice given to the owner.

New section 93X (Operating closed-circuit television equipment) prohibits the owner of a livestock slaughter facility to allow the closed-circuit television equipment at the facility to be operated by anyone other than – (a) the owner; or (b) a person approved by the owner. A maximum penalty of 300 penalty units will apply.

New section 93Y (Use of recordings) provides a recording made by closed-circuit television equipment at a livestock slaughter facility may only be used by an inspector for the purpose of investigating or prosecuting an animal welfare offence, including using the recording as evidence of the offence. A maximum penalty of 300 penalty units will apply.

PIAA: Agreed

Part 3 Requirement to notify chief executive

New section 93Z (Owner of livestock slaughter facility must notify chief executive of particular matters) requires the owner of a livestock slaughter facility to give the chief executive written notice in the approved form of the arrival of any horse at the facility no later than two business days before the horse arrives at the facility. A maximum penalty of 300 penalty units will apply.

PIAA: Agreed

However, subsection (2) provides that if the owner is made aware of the arrival of a horse at the facility later than 2 business days before the horses arrives, the notice must be given to the chief executive as soon as possible after the owner becomes aware of the arrival.

PIAA: Agreed

Clause 23 amends section 117 (When inspector ceases to hold office) to insert a new paragraph (1)(d) to provide that an inspector ceases to hold office if the inspector's appointment is cancelled under section 118D (Decision on proposed action).

PIAA: Agreed

Clause 24 inserts new chapter 6, part 1, division 1A after section 118.

PIAA: Agreed

Division 1A (Cancellation or suspension of appointment)

New section 118A (Grounds for suspending or cancelling appointment) provides that each of the following is a ground for suspending or cancelling an inspector's appointment – (a) the chief executive reasonably believes

that the inspector is no longer suitable for appointment as an inspector under section 114, or (b) the inspector failed to comply with a condition of appointment.

PIAA: Agreed

New section 118B (Notice of proposed action) provides that this section applies if the chief executive believes a ground exists for suspending or cancelling an inspector's appointment.

PIAA: Agreed

Subsection (2) provides that the chief executive must give the inspector a notice stating the information outlined in subsections (2)(a) to (e).

PIAA: Agreed

Subsection (2)(a) requires the notice to state the action (the *proposed action*) the chief executive proposes to take under division 1A.

PIAA: Agreed

Subsection (2)(b) requires the grounds for the proposed action.
Subsection (2)(c) requires the facts and circumstances that are the basis for the grounds.

PIAA: Agreed

Subsection (2)(d) provides that if the proposed action is to suspend the appointment – the proposed suspension period of no longer than 2 years.

PIAA: Agreed

Subsection (2)(e) provides that the inspector may, within a stated period, make written representations to show why the proposed action should not be taken.

PIAA: Agreed

Subsection (3) provides that the stated period must not end earlier than 28 days after the inspector is given the notice.

PIAA: Agreed

New section 118C (Considering representations) provides that the chief executive must make all written representations made under section 118B.

PIAA: Agreed

Subsection (2) provides that after considering the written representations the chief executive may decide to take no further action.

PIAA: Agreed

Subsection (3) provides that if the chief executive decides not to take any further action, the chief executive must give the inspector notice of the decision as soon as possible after making the decision.

PIAA: Agreed

New section 118D (Decision on proposed action) provides that if after considering all written representations made under section 118B (Notice of proposed action), the chief executive believes that a ground exists to take the proposed action, the chief executive may decide to take the action provided in subsections (a) or (b).

PIAA: Agreed

Subsection (a) provides that if the proposed action was to suspend the appointment, the chief executive may suspend the appointment for a period no longer than the suspension period stated in the notice given to the inspector under section 118B.

PIAA: Agreed

Subsection (b) provides that if the proposed action was to cancel the appointment, the chief executive may decide to cancel the appointment or suspend the appointment for a term of not longer than 2 years.

PIAA: Agreed

New section 118E (Notice and effect of proposed action decision) provides that after making a decision about an inspector's appointment under section 118D (Decision on proposed action) the chief executive must give the inspector an information notice about the decision as soon as practicable after making the decision.

PIAA: Agreed

Subsection (2) states that the decision takes effect on the later of the following days – (a) the day the information notice is given to the inspector; or (b) a later day stated in the information notice.

PIAA: Agreed

Clause 25 amends section 121 (Return of identity card) by inserting new subsection (2) which requires an inspector suspended under section 118D to return the inspector's identity card to the chief executive within 14 days after being given notice of the decision to suspend. A maximum penalty of 20 penalty units will apply.

PIAA: Agreed

Clause 26 inserts new chapter 6, part 1, division 3 (Training and reporting obligations of inspectors) after section 121.

PIAA: Agreed

Division 3 Training and reporting obligations

New section 121A (Training) provides that an inspector must satisfactorily complete the training prescribed by regulation within the period required by regulation. A maximum penalty of 20 penalty units will apply.

PIAA: Agreed

New section 121B (Conflicts of interest) requires an inspector to give notice to the chief executive of all interests, pecuniary or otherwise, that the inspector has or acquires, and that conflict, or could conflict, with the proper performance of the inspector's functions. A maximum penalty of 20 penalty units will apply.

PIAA: Agreed

Clause 27 amends section 122(1) (Power of entry) to give inspectors a power of entry to a livestock slaughter facility without a warrant or consent of the occupier of the facility, and when entry is made when a horse is present at the facility during normal business hours.

PIAA: Agree however stipulating normal business hours would surely encourage activity outside of business hours. We recommend the removal of 'normal business hours'.

The amendment implements a Martin Inquiry recommendation to allow inspectors to enter a livestock slaughter facility without consent to monitor compliance with the ACPA when horses are at the facility and during normal business hours.

PIAA: Stipulating this action will only happen during normal business hours may encourage wrongdoing outside of normal business hours. Would it not be pertinent to stipulate 'at any time'?

The recommendation resulted from a finding that there is a lack of sufficient oversight within an export abattoir and, given there are significant risks to the welfare of horses in that environment, it is considered justified that an inspector should have the power to enter without consent.

PIAA: Agreed

Clause 27 also amends section 122 (Power of entry) to insert a new subsection (3) that applies to subsection (1)(h) that an animal may be abandoned by a person in charge of the animal regardless of whether the animals is provided with food or water by a person who is not the person in charge of the animal. An example is provided where a person is providing food and water to a dog that has been abandoned near the person's premises.

PIAA: Agreed

Subsection (3) clarifies section 122(1)(h) of the ACPA which provides that an inspector may enter a place without a warrant, if the inspector reasonably suspects an animal at the place has been abandoned.

PIAA: Agreed

Clause 28 amends section 123 (Limited entry power to provide relief to animal) to extend section 123(1)(a)(i) to include the power to provide relief to an animal at a place, other than a vehicle, when the animal is; (A) suffering from lack of food or water; or (B) is entangled; or (C) is exposed to extreme weather conditions; or (D) is at risk of being injured or killed by another animal that is acting aggressively towards it (an **aggressive animal**)

PIAA: Agreed

Subsection (2) extends section 123(2) of the ACPA to allow an inspector to enter and stay at a place while it is reasonably necessary to – (a) provide food or water to the animal; or (b) disentangle the animal; or (c) move an animal to area within the place that protects the animal from extreme weather conditions or the aggressive animal.

PIAA: Agreed

Subsection (5) defines new terms used in the amended section 123 - '**Extreme weather conditions**', '**Heat stress**' and '**Cold stress**'.

PIAA: Agreed

Clauses 29–31 amend sections 158–160 to provide inspectors with the power to give an animal welfare direction to a person for non-compliance with a compulsory code requirement. These provisions allow an

inspector to give a direction to a person who may not be in charge of an animal but has obligations under a compulsory code of practice. For example, a direction to remove protrusions, injury risks or faulty equipment from vehicles that are used for transporting livestock.

PIAA: Agreed

Clause 29 amends section 158 (Application of division 5) to insert new paragraph (1)(c) to provide that an inspector may give a written direction (an **animal welfare direction**) to a person who has not complied with a compulsory code requirement.

PIAA: Agreed

Clause 30 amends section 159 (Power to give animal welfare direction) to insert new paragraph (1) to provide that the inspector may give a written direction (an **animal welfare direction**) requiring stated action about (a) the animal or its environment; or (b) if section 158(1)(c) applies – the non-compliance with the compulsory code requirement.

PIAA: Agreed

New subsection (2)(d) is also inserted to provide that a direction may be given to another person to whom a relevant compulsory code requirement applies.

PIAA: Agreed

Clause 31 amends section 160 (Requirements for giving animal welfare direction) to insert new paragraph (1)(b)(iii) with requirements that if the direction is given because the inspector reasonably believes a person has not complied with a compulsory code requirement – the particulars of the non-compliance.

PIAA: Agreed

Clause 32 inserts new 6A (Recognising offences under interstate laws) after section 173.

Chapter 6A Recognising offences under interstate laws

Part 1 Preliminary

New section 173A (Definitions for this chapter) defines **interstate law** to mean a law of another State or the Commonwealth, that corresponds to the provisions of the ACPA.

An '**interstate prohibition decision**' is defined to mean an order or another decision that (a) is made under an interstate law; and (b) has the effect of ordering the disposal or forfeiture of a thing or an animal; or prohibiting a person from possessing, purchasing, or otherwise acquiring an animal.

PIAA: Agreed

Part 2 Directions

New section 173B (Power to give directions) subsection (1) provides that the section applies if a person is the subject of an interstate prohibition decision.

PIAA: Agreed

Subsection (2)(a) provides that the chief executive may direct the forfeiture of an animal that is the subject of the interstate prohibition decision.

PIAA: Agreed

Subsection (2)(b) provides that as an alternative to subsection (2)(a) the chief executive may direct that the person not possess, purchase or otherwise acquire - (i) a particular animal; or (ii) a stated type of animal.

PIAA: Agreed

Subsection (2)(c) provides that as an alternative to subsection (2)(a) and (2)(b) the chief executive may direct that the person not possess, purchase, or otherwise acquire any animal, or a stated type of animal for trade, or commerce or another stated purpose.

PIAA: Agreed

Subsection (3) provides that a direction made under subsection (2) must – (a) be made in writing; and (b) be given to the person subject to the direction; and (c) for a direction made under subsection (2)(b) or (c) – state the period for which the direction applies.

PIAA: Agreed

New section 173C (Criteria for making direction) provides that the chief executive may only make a direction under section 173B(2) only if satisfied, it is just to make the direction in all the circumstances.

PIAA: Agreed

Subsection (2) provides that in considering whether to make the direction, the chief executive must consider each of the following - (a) the interstate prohibition decision; (b) the nature of the act or omission that is the subject of the interstate prohibition decision; (c) the effect of the act or omission on any animal; (d) the welfare of an animal that is the subject of the act or omission; (e) the welfare of any other animal owned by the person; (f) the person's compliance or otherwise with the interstate law or interstate prohibition decision; and (g) the likelihood of the person committing an animal welfare offence.

PIAA: Agreed

Subsection (3) provides that subsection (2) does not limit the matters the chief executive may consider.

PIAA: Agreed

New section 173D (Compliance with direction) requires a person subject to a direction made under section 173B(2) to comply with the direction, unless the person has a reasonable excuse. A maximum penalty of 300 penalty units or 1 year's imprisonment will apply.

PIAA: Agreed

However, subsection (2) provides that if the person applies for a revocation of the direction under section 173E, subsection (1) does not apply while the application is being considered.

PIAA: Agreed

Part 3 Amendment or revocation of directions

New section 173E (Applying for amendment or revocation of a direction) provides that a person subject to a direction under section 173B(2) may apply to the chief executive to amend or revoke the direction.

PIAA: Agreed

Subsection (2) provides that the application must be - (a) made in the approved form; and (b) be supported by sufficient information to enable the chief executive to decide the application.

PIAA: Agreed

New section 173F (Deciding application) provides that the chief executive must consider an application to amend or revoke a direction and decide to- (a) approve the application; or (b) refuse the application; or (c) if the applicant agrees in writing to another amendment – approve the agreed amendment.

PIAA: Agreed

Subsection (2) provides that the chief executive may only approve an application under subsection (1) if satisfied - (a) there has been a substantial change in the person's circumstances after the direction was made; or (b) in all the circumstances, it is reasonable to amend or revoke the order.

PIAA: Agreed

However, subsection (3) provides that the chief executive must approve an application to revoke a direction if the interstate prohibition decision to which the direction relates is reversed, cancelled, or otherwise ends.

PIAA: Agreed

Subsection (4) provides that if the chief executive approves the application, the chief executive must give the applicant notice about the decision.

PIAA: Agreed

Subsection (5) provides that the chief executive refuses to approve the application, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

PIAA: Agreed

Clause 33 amends section 178 (Offences under Act are summary) to provide that a prosecution may only be started by a person authorised by the chief executive to bring the prosecution.

PIAA: Agreed

Clause 34 inserts new section 215AA.

New section 215AA (Protection from liability for euthanasing sick or injured animals) applies if a veterinary surgeon has euthanased an animal under new section 41B (Euthanasing sick or injured animals by veterinary surgeons).

PIAA: Agreed

Subsection (2) provides the veterinary surgeon is not liable civilly, criminally, or under an administrative process, for euthanasing the animal.

PIAA: Agreed

Clause 35 inserts new section 215DA (Disclosure requirement) after section 215D.

PIAA: Agreed

New section 215DA applies if – (a) an inspector, who is investigating an alleged animal welfare offence; and (b) the inspector is an employee or agent of the Royal Society for the Prevention of Cruelty to Animals (Queensland) Limited (RSPCA).

PIAA: Agreed

Subsection (2) provides that the chief executive may by written notice require the RSPCA to give the chief executive copies of, or access to, all documents and information relating to the investigation that are held by the RSPCA.

PIAA: Agreed

Subsection (3) provides that the RSPCA must provide the information by the day stated in the notice.

PIAA: Agreed

Subsection (4) provides that the stated day must not be less than 14 days after the notice is given to the RSPCA.

PIAA: Agreed

Subsection (5) defines 'RSPCA' to mean the Royal Society for the Prevention of Cruelty to Animals (Queensland) Limited.

Clause 36 amends the schedule (Dictionary) to:

- insert a definition of 'animal shelter' to mean a premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned, or unwanted animals.
- insert a definition of 'approval' to mean for a cattle procedures accreditation scheme for chapter 4A, see section 93A
- insert a new definition of 'approved cattle procedures accreditation scheme' – see section 93A
- replace the definition of 'owner' to include the persons defined as owner under section 93A for the purposes of a cattle procedures accreditation scheme, and persons defined as owner under section 93N for the purposes of a livestock slaughter facility
- define 'pound' as a premises maintained for the purpose of impounding animals
- define 'prong collar' as a collar that is designed for use on a dog, and consists of a series of links or segments with prongs, teeth, or blunted open ends turned towards the skin of the dog so that, when the collar is tightened, the collar pinches the skin around the dog's neck
- replace the definition for 'register' when used as a noun, as either the register of scientific users kept under section 60, or the register of approved cattle procedures accreditation schemes that the chief executive must keep under new section 93M (Register)
- define 'regulated procedure' for the purpose of chapter 3, part 4, division 3 to include cropping a dog's ear, declawing a cat, or docking the tail of a horse, dog, or cow.
- refer to definitions provided in various sections of the Act. Page 55

Clause 36 also adds to the existing definition of 'original decision' a number of decisions provided in new provisions. The effect is that these decisions are subject to internal review by the chief executive under Chapter 7, Part 4, Division 1, and subsequently to external review under Chapter 7, Part 4, Division 1A by the Magistrates Court or the Queensland Civil and Administrative Tribunal (QCAT).

PIAA: Agreed

Part 3 Amendment of *Animal Care and Protection Regulation 2012*

Clause 37 provides that Part 6 of the Bill amends the Animal Care and Protection

Regulation 2012.

Clause 38 inserts new part 2A (Closed-circuit television equipment for livestock slaughter facilities) after part 2.

New part 2A of the Regulation prescribes the minimum requirements for the installation, maintenance, and operation of closed-circuit television equipment in livestock slaughter facilities provided for under part 2 of chapter 4B (Obligations relating to livestock slaughter facilities) of the ACPA – section 93U.

New section 4A (Minimum requirements for closed-circuit television equipment—Act, section 93U) prescribes the minimum requirements for closed-circuit television equipment, as provided for in section 93U(a)(i) of the ACPA. The equipment must produce images that allow for the identification of individuals or animals at the facility. Furthermore, the equipment must display the time and date on each recording, and record the whole area of a **monitoring point** in the livestock slaughter facility prescribed under new section 93U(2) of the ACPA.

Furthermore, the equipment, and any related device used for storing recordings made by the equipment, must be able to store each recording made by the equipment for at least 1 year and 30 days, and be able to produce a digital copy of each recording stored on the equipment or device.

Monitoring point for a livestock slaughter facility is defined in new section 93T(2).

PIAA: Agreed

New section 4B (Requirements for maintaining closed-circuit television equipment—Act, section 93U) prescribes the maintenance requirements for closed-circuit television equipment under section 93U(a)(ii) of the ACPA. The equipment must be inspected each day when there is livestock at a livestock slaughter facility to ensure it is operating effectively. The owner must give the chief executive notice in the approved form if the equipment is not operating effectively or is otherwise malfunctioning and make arrangements to repair the equipment no later than 48 hours after the malfunction is identified. The equipment must be inspected and certified by an appropriately qualified person, as provided for in new sections 4C (Inspecting closed-circuit television equipment) and 4D (Certifying closed-circuit television equipment) at least once a year.

New section 4C (Inspecting closed-circuit television equipment) prescribes this section applies if closed-circuit television equipment is inspected at a livestock slaughter facility under section 4B(3).

Subsection (2) provides that the details about the inspection that must be recorded are – (a) the date and time of the equipment was inspected; (b) the name of the person who inspected the equipment; and (c) whether the equipment was operating effectively.

Subsection (3) provides the records must – (a) be stored in a secure place at the livestock slaughter facility; and (b) be accessible only by the owner or a person authorised by the owner.

New section 4D (Certifying closed-circuit television equipment) applies if closed circuit television at a livestock slaughter facility is certified under section 4B(3).

Subsection (2) provides that the certificate must state whether the equipment and any related device are in good working order and specifically whether – (a) the equipment is able to record images clearly; and (b) the equipment or a related device is able to store each recording made by the equipment for at least 1 year and 30 days; and (c) the equipment and any device is able to produce a digital copy of each recording stored on the equipment or device.

The certificate – (a) must be stored in a secure place at the livestock slaughter facility; and (b) only be accessible by the owner of the facility or a person authorised by the owner of the facility.

Related device is defined in section 4A(1)(d).

PIAA: Agreed

Clause 39 omits section 6 (Prescribed species for meaning of animal—Act, section 11) which prescribed the species from the class Cephalopoda as an animal. This provision is redundant as clause 3 amends section 11 to provide that an animal includes a live invertebrate creature of a species, or a stage of life cycle of a species, from the class Cephalopoda.

PIAA: Agreed

Clause 40 amends schedule 2B (Code of practice about cattle) to omit section 17. Section 17(1) allowed a lay person to spay a cow using the Willis dropped-ovary technique, provided the person had completed a competency unit known as AHCLSK335—Conduct dropped ovary technique procedures for spaying cattle. This amendment is consequential to the introduction of the approved cattle procedures accreditation scheme. Section 17 (2) prohibited the use of vaginal spreaders to spay a cow that has not given birth to a calf. This prohibition is to be retained and is contained in new section 27A(2) of the ACPA.

PIAA: Agreed

Part 4 Amendment of *Disability Services Act 2006*

Clause 41 provides that Part 4 amends the *Disability Services Act 2006*.

Clause 42 replaces the reference in section 48(1)(c) to section 222(a) with a reference to section 222. This corrects a previous drafting error which did not reflect the intent of Parliament in making Disability and Other Legislation (Worker Screening) Amendment Bill 2020. It clarifies the intended position that members of the Queensland Disability Advisory Council (QDAC) and any other committees established under section 222(b) are taken to be engaged in State disability work. As such, prospective members are required to be screened through the State disability worker screening system as a condition of their appointment.

Clause 43 prescribes the new offence of aggravated breach of duty under the ACPA as a serious offence for the disability worker screening system under the DS Act. This has the effect that an applicant for a disability worker screening clearance with a charge or conviction for the new offence—if committed or alleged to have been committed as an adult—must be issued an exclusion, unless they can demonstrate through a show cause process that exceptional circumstances exist. The person is then prevented from making a further application unless that exclusion is cancelled.

Part 5 Amendment of *Racing Integrity Act 2016*

Clause 44 provides that Part 4 amends the *Racing Integrity Act 2016* (RI Act).

Clause 45 amends section 3 (Main purposes of Act and their achievement) by replacing paragraph 3(1)(c) to include all animals that have been involved in racing under the RI Act or the *Racing Act 2016*.

PIAA: Agreed

This amendment is required to support the new function of the Queensland Racing Integrity Commission (QRIC) outlined in clause 46 to provide for the protection of the welfare of retired racehorses while they are still in the custody of a participant.

PIAA: Agreed

Clause 46 amends section 10 (Functions) to provide a new function in new paragraph (ia) which is to safeguard the welfare of any animal that – (i) used to be involved in racing in Queensland or another jurisdiction; and (ii) is in the possession of a person licensed under a thoroughbred or harness codes of racing.

PIAA: Agreed

This amendment was identified as being required by the Martin Inquiry, as the current functions limited QRIC's ability to exercise authority to safeguard the welfare of a horse that has been retired from racing because the function prescribed in paragraph (i) only provided for animals involved in racing.

PIAA: Agreed

Subsection (2) and (3) renumbers sections.

Clause 47 amends section 63 (Purposes of licensing schemes) to insert new paragraph (d) which prescribes an additional purpose of licensing schemes as the responsible breeding of horses for racing.

PIAA: Agreed

This amendment is in response to a Martin Inquiry recommendation to 'expand the purposes for which a standard for a licensing scheme for a code of racing can be made to provide for the licensing of breeders.

PIAA: Agreed

Clause 48 inserts new chapter 5A (Reporting and recording requirements for supplier of horses to livestock slaughter facilities).

PIAA: Agreed

New section 210A (Reporting requirement for supplier of horses to livestock slaughter facility) requires that a person (a supplier) who supplies a horse to a livestock slaughter facility must give to the owner of the slaughter facility information about;

- a. if the horse has a brand, a photograph or drawing of the brand;
- b. the horse's microchip number;
- c. the supplier's contact details;
- d. the day the supplier took possession of the horse;
- e. the contact details of the person who transported the horse to the facility.

A maximum penalty of 200 penalty units will apply.

PIAA: Agreed

New section 210B (Records to be kept by livestock slaughter facility) requires an owner of a livestock slaughter facility, unless the operator has a reasonable excuse, to keep a record information about each horse that arrives at the facility. The information required is:

- a. the day the horse arrives;
- b. the horse's microchip number;
- c. the information provided to the owner in relation to the supply of the horse

under section 210A;

- d. any other information prescribed by regulation.

A maximum penalty of 200 penalty units will apply.

PIAA: Agreed

Subsection (2) provides that the owner must keep the information recorded under subsection (1) for at least 2 years after the day on which the horses arrive at the facility. A maximum penalty of 200 penalty units will apply.

PIAA: Agreed

New section 210C (Reporting obligation of owner of livestock slaughter facility) requires the owner of a livestock slaughter facility to prepare a report for the facility for each month that a horse arrives at the facility. The report must be in the approved form and contain the number of horses that arrived at the facility during the month and other information prescribed by regulation. A copy of the report must be given to QRIC no later than 5 days after the end of the month to which the report relates. A maximum penalty of 300 penalty units will apply.

PIAA: Agreed

Part 6 Amendment of *Veterinary Surgeons Act 1936*

Clause 49 provides that Part 6 of the Bill amends the *Veterinary Surgeons Act 1936*.

Clause 50 amends section 2A (Meaning of *veterinary science*) to replace section 2A(3) to exclude from the definition of *veterinary science* a person using an animal, or allowing an animal to be used, for a scientific purpose if it is used in accordance with section 91 of the ACPA.

Clause 50 also inserts new subsection (4) to define 'scientific purpose' as provided for in the definition of when an animal is used for scientific purposes in section 48 of the ACPA.

This will allow researchers to perform acts of *veterinary science* if the acts are undertaken in accordance with the Scientific Use Code and under the supervision of an Animal Ethics Committee.

PIAA: Agreed

Part 7 Amendment of *Veterinary Surgeons Regulation 2016*

Clause 51 provides that Part 7 of the Bill amends the *Veterinary Surgeons Regulation*

The amendments to the VS Reg are required as part of the implementation of approved cattle procedures accreditation scheme under new chapter 4A, to allow laypersons who are accredited persons to perform pregnancy testing of cattle using rectal palpation or transrectal ultrasound.

Clause 52 amends section 3 (Particular acts are not *veterinary science*—Act, section 2A) to include acts that are not *veterinary science*, pregnancy testing of cattle using rectal palpation or transrectal ultrasound if the test is done under an approved cattle procedures accreditation scheme.

PIAA: Agreed

Clause 52 also amends section 3(2) to insert a definition of 'approved cattle procedures accreditation scheme' to direct the reader to new section 93A of the ACPA.

PIAA: Agreed