

Animal Care and Protection Amendment Regulation (No. 3) 2013

Explanatory Notes for SL 2013 No. 298

made under the

Animal Care and Protection Act 2001

General Outline

Short title

Animal Care and Protection Amendment Regulation (No. 3) 2013

Authorising law

Sections 3, 4, 11, 13, 15, 17 and 217 of the *Animal Care and Protection Act 2001* (the Act).

Policy objectives and the reasons for them

The policy objective of this subordinate legislation is to amend the *Animal Care and Protection Regulation 2012* (the Regulation) to prescribe a compulsory code of practice for the transportation of livestock. The Regulation currently includes separate voluntary codes of practice for the land transport of cattle, horses, pigs and poultry.

The Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock was endorsed by the Primary Industries Ministerial Council (PIMC) in 2008. The Standing Council on Primary Industries (SCoPI), which replaced PIMC, endorsed further amendments to the Standards and Guidelines in September 2012. These Standards and Guidelines were used to as a basis for the development of the code of practice for the transportation of livestock and adapted to suit Queensland's animal care and protection legislative framework.

The national standards and guidelines were developed on available scientific knowledge, current industry practice and community expectations to ensure that the risks to the welfare of livestock are minimised throughout all the stages of the transportation process.

The new code of practice under the Regulation will impose obligations on a person who is responsible for the livestock during these different stages of transportation. Those persons

include persons supplying livestock, loading livestock, drivers, operators of livestock handling facilities, the rail authority and stock attendants.

Achievement of policy objectives

The subordinate legislation achieves the policy objective by repealing the current four voluntary land transport codes of practice and inserting the new compulsory code of practice for transport of livestock. The new code will provide for general requirements that will apply to all major livestock species and specific requirements that will apply for particular species.

The code of practice will apply to alpacas, buffalo, camel, cattle, deer, emus, goats, horses, ostriches, pigs, poultry (domestic fowl, ducks, geese, guinea fowl, partridge, pheasants, pigeons, quails and turkey) and sheep that are transported by road, rail or sea.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the Act which are to promote the responsible care and use of animals and to protect animals from cruelty.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments of the Regulation will minimise risks to the welfare of livestock by requiring persons who have responsibility for livestock during transportation to ensure that the minimum requirements of care are met to prevent injury and minimise stress.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

A national public consultation process was undertaken during the development of the national standards and guidelines. A state-wide communication strategy will be implemented to ensure all stakeholders, industry and the community are aware of the new standards.

The Office of Best Practice Regulation of the Queensland Competition Authority was consulted as to whether the amendment qualified for an exclusion from the Regulatory Impact Statement system. The result of the consultation was that the amendment qualified for exclusion on the basis that it has been subject to extensive consultation under the national review and impact assessment process.