

# **Agriculture and Other Legislation Amendment Regulation (No. 1) 2016**

Explanatory notes for SL 2016 No. 65

made under the

*Agricultural Standards Act 1994*

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*State Penalties Enforcement Act 1999*

*Stock Act 1915*

## **General Outline**

### **Short title**

*Agriculture and Other Legislation Amendment Regulation (No. 1) 2016.*

### **Authorising law**

Section 67 of the *Agricultural Standards Act 1994*

Section 217 of the *Animal Care and Protection Act 2001*

Section 210 of the *Animal Management (Cats and Dogs) Act 2008*

Section 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

Section 165 of the *State Penalties Enforcement Act 1999*

Section 48 of the *Stock Act 1915*

### **Policy objectives and the reasons for them**

The *Agriculture and Other Legislation Amendment Regulation (No. 1) 2016* (the amendment regulation) provides for a number of consequential amendments arising from the *Agriculture and Other Legislation Amendment Act 2015* (the Amendment Act) and includes a number of other unrelated minor amendments.

The Amendment Act, in part, amended the *Animal Management (Cats and Dogs) Act 2008* (AMCDA) to simplify the permanent identification of cats and dogs. The amendments omitted

reference to other permanent identification devices and instead provided only for the implant of permanent identification devices prescribed by regulation (i.e. a prescribed permanent identification device or PPID). Amendments to the *Animal Management (Cats and Dogs) Regulation 2009* are therefore necessary to ensure consistency with the AMCDA on the devices which can be implanted.

The Amendment Act also omitted some provisions from the AMCDA concerning the supply of identification devices. These omitted provisions have penalties for which infringement notice offences are prescribed in the *State Penalties Enforcement Regulation 2014* (SPER). Therefore SPER also requires amendment to omit these infringement notice offences.

Amendments to the *Animal Care and Protection Regulation 2012*, while unrelated to the Amendment Act, are required to give effect to the agreed national *Model Code of Practice for the Welfare of Animals – Pigs 3rd Edition* (the Code) in relation to the keeping of sows in stalls. The Code requires that, from 10 years after its endorsement (20 April 2007), a pregnant sow must not be confined to a stall for more than six weeks of any gestation. An exception is for individual sows that are under veterinary advice or special care by a competent stock-person. Most of the Code was reflected in the *Animal Care and Protection Regulation 2012* in December 2010. However, the restriction on confining sows during pregnancy was not included as it was not due to be implemented for 10 years.

Other miscellaneous amendments in the amendment regulation, also unrelated to the Amendment Act, are necessary to update references to standards and achieve consistency in definitions and terminology across subordinate legislation.

## **Achievement of policy objectives**

The policy objectives will be achieved by:

- amending provisions of the *Animal Management (Cats and Dogs) Regulation 2009* to prescribe that PPIDs are the only permanent identification devices to be implanted into cats and dogs;
- omitting three infringement notice offences in relation to the AMCDA from the schedule in the *State Penalties Enforcement Regulation 2014*;
- amending the *Animal Care and Protection Regulation 2012* to restrict the amount of time a sow may be held in a sow stall to six weeks after mating or in any one gestation; and
- amending the *Agricultural Standards Regulation 1997*, *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*, *Stock Identification Regulation 2005* and *Stock Regulation 1988* concerning definitions for *MRL standard* and *chemical residue status* and associated provisions.

## **Consistency with policy objectives of authorising law**

The amendment regulation will make the *Animal Management (Cats and Dogs) Regulation 2009* more consistent with the AMCDA by amending definitions and references and making minor amendments to change terminology.

The amendment regulation is consistent with the objectives of the *Animal Care and Protection Act 2001* which includes providing standards for the care and use of animals that—

- achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals; and
- allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is not inconsistent with the policy objectives of any other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways to achieve the policy objectives other than by the amendment regulation.

## **Benefits and costs of implementation**

The benefits and costs associated with the consequential amendments and the miscellaneous amendments are not significant.

The industry has been preparing for the implementation of restrictions on sow stalls since the Model Code of Practice for the Welfare of Animals: Pigs was endorsed by the (former) Primary Industries Ministerial Council (PIMC). Therefore, it is expected that implementation of the restriction will have minimal impact on practices in the industry but will have a positive impact on the reputation of the industry.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Given the minor consequential nature of the proposed amendments, no consultation was undertaken in regard to any amendments other than to the *Animal Care and Protection Regulation 2012* on sow stalls.

Consultation on restrictions on confinement in sow stalls was undertaken by a Pig Implementation Working Group consisting of Government and Industry officials, established under the (former) PIMC. The restrictions were developed through extensive consultation with all States and Territories, including industry stakeholders, animal welfare agencies (including the RSPCA) and a public consultation process.

Consultation was also undertaken with Australian Pork Limited (APL) which supports these changes and the standards in the Model Code of Practice. APL also advised that approximately 72 per cent of the industry only confine female pigs in stalls for 5 days after mating.

Current industry practice supports the policy position that the proposed limitations to allow only these classes of pigs to be confined in stalls and farrowing crates would not impact on industry beyond the intent of the national agreement.

The Queensland Productivity Commission (QPC) advised that with regard to the sow stall amendments, given they were the subject of extensive consultation previously, there is little benefit in subjecting them to further review. The QPC also advised that the remaining minor amendments are excluded from the Regulatory Impact Statement requirements because they are machinery in nature.