

Summary of Plan for Victoria's new animal care and protection laws

Topic	Summary of approach
1. Recognising sentience	<p>The Objectives of the new laws would recognise that animals have the capacity to feel, perceive their environment, and to have positive and negative experiences like pleasure and pain – that is, that animals are sentient.</p> <p>The new laws would also recognise that animals in Victoria can be owned and used for lawful purposes. This includes for activities such as farming, recreational activities and hunting.</p>
2. Animals covered by the new laws	<p>An 'animal' covered by the new laws would be:</p> <ul style="list-style-type: none"> Any live member of a vertebrate species including any: <ul style="list-style-type: none"> Fish or amphibian that is capable of self-feeding Reptile, bird or mammal other than a human being that is above the normal midpoint of gestation or incubation for the particular class of reptile, bird or mammal A live adult decapod crustacean that is a lobster, a crab or a crayfish A live adult cephalopod that is an octopus, squid, cuttlefish or a nautilus Any other species prescribed in regulations.
3. Legislative framework	<p>The new Act would be high-level and principles-based and would set out high-level offences for all species defined as animals by the Act.</p> <p>The Act would provide for the making of supporting regulations which would set out more detail on how to achieve the requirements of the Act.</p> <p>Regulations would be grouped by species or the general activity animals are used for, replacing the current POCTA Codes of Practice.</p>
4. Decision-making principles	<p>The new laws would include a set of principles that would need to be applied when certain decisions were being made, such as for granting licences or making a declaration.</p> <p>The decision-making principles would be:</p> <ul style="list-style-type: none"> Care requirements should be met for animals in the care or control of people Unreasonable harm, pain or distress for animals should be avoided Where harm, pain or distress cannot be avoided it should be minimised Alternatives that reduce harm, pain or distress should be considered. <p>The new laws would also include an obligation for public authorities and Ministers across government to consider the care and protection of animals.</p>
5. Application of the new laws	<p>To deal with circumstances where legitimate and necessary activities involving animals regulated under other legislation which potentially conflict with care and cruelty offences, clearly defined exceptions to the offences would be provided in the new laws.</p>

	<p>People could not be prosecuted for a care or cruelty offence under the new laws when undertaking:</p> <ul style="list-style-type: none"> • Activities in accordance with the <i>Traditional Owner Settlement Act 2010</i> • Veterinary treatment by a registered veterinary practitioner • Activities permitted by the legislation (including in regulations and licences) • The hunting of game and control or disturbance of wildlife permitted under and done in accordance with the <i>Wildlife Act 1975</i> • The control of pest animals using a method authorised by and done in accordance with regulations made under the <i>Catchment and Land Protection Act 1994</i> • Activities permitted under and done in accordance with the <i>Fisheries Act 1995</i>.
6. Care	<p>The new laws would introduce an enforceable 'care requirement' for all animals under a person's care and control in Victoria. This includes pets, animals on farms, kept in zoos or for rehabilitation, and animals being transported.</p> <p>Care requirements would be those reasonably necessary for the health and wellbeing of an animal. The requirements would include providing appropriate nutrition, physical environment, health, and behavioural interactions.</p>
7. Cruelty	<p>The new laws would introduce three escalating cruelty offences which include general cruelty, aggravated cruelty and a new indictable offence for the most serious cruelty that is intentional or reckless. These offences could apply to any person; they do not need to be the owner of an animal or the person in charge of an animal.</p> <p>The new laws primarily define an act of cruelty as any act or omission that causes or is likely to cause unreasonable harm, pain, or distress to an animal either physically or mentally.</p>
8. Controlled conduct	<p>The new laws would recognise that some conduct towards animals has no legitimate purpose that would justify the risk of causing unreasonable harm, pain or distress, hence, need a high degree of control because of this risk.</p> <ul style="list-style-type: none"> • Baiting, luring, animal fighting, trap shooting, and some procedures would be prohibited under the new laws. • Traps and electronic devices that shock animals would be prohibited unless specifically permitted in regulations. • Only vets would be permitted to conduct some procedures unless regulations said otherwise.
9. Framework for specified classes of conduct	<p>The new laws would set out a framework for specified classes of conduct. This would provide that some types of conduct are controlled so that risks to animals of harm, pain and distress are appropriately managed and that lawful and legitimate interactions with animals have clear authority to continue.</p> <p>Specified classes of conduct where regulations may prescribe requirements under the new laws would include:</p>

	<ul style="list-style-type: none"> • Killing or wounding an animal • Using an animal for testing (other than scientific procedures) • Performing procedures on an animal (other than scientific procedures) • Administering a substance to an animal (other than scientific procedures) • Showing or exhibiting an animal for a commercial purpose • Keeping an animal in an intensive environment for a commercial purpose • Transporting an animal for a commercial purpose • Organising an event in which animals are used in sport, competition or recreation. <p>Regulations could also state that a licence is required for any activity that falls within a specified class of conduct.</p>
10. Scientific procedures	Scientific procedures would continue to only be able to be conducted under a licence which could apply to a premise, to fieldwork, or to the breeding of animals used in scientific procedures.
11. Authorised Officers	Authorised Officers would be those authorised with powers under the new laws to undertake compliance and enforcement activities such as responding to complaints of animal cruelty, entering and inspecting properties and issuing notices.
12. Authorised Officer powers	The new laws would set out the powers (a legal permission to perform a specific action) available to monitor and enforce compliance with the laws. The powers would apply across the entire Act.
13. Seizure and disposal of animals	The powers and processes for what happens to animals taken into the custody of Authorised Officers would be streamlined to avoid the need to keep that animal in unsuitable conditions for a lengthy period.
14. Enforcement toolkit	The new laws would include enforcement tools such as notices, undertakings and orders.
15. Co-regulatory approved arrangements	The new laws would provide the ability to recognise co-regulatory approved arrangements which recognise that government is not the only body that regulates animal-related activity.
16. Other administrative arrangements	<p>The new laws would provide for a range of administrative arrangements and provisions to support the functioning of the legislation.</p> <p>The new administrative arrangements relate to:</p> <ul style="list-style-type: none"> • Cost recovery • Review mechanisms • Grants and compliance funds • An expert advisory committee