

18/377 Animal Welfare Amendment Bill (refers to 18/376 Animal Welfare Bill 2019)

Summary of Impacts	
	<ul style="list-style-type: none"> Improved community safety and animal welfare outcomes. Increased community confidence in animal welfare laws. Bring the ACT in line with international best practice. Stronger compliance and enforcement provisions will impact animal abusers. There will be positive and negative impacts on a range of social and economic aspects, including human rights, that are considered to be well balanced and justified. There will be some budget impacts on the ACT Government. Budget proposals will be prepared if needed but short-term costs will be borne within existing resources. Impacts have been considered in detail in the regulatory impact statement.

Key to impacts: Red – negative, Blue - neutral and Green - positive.

Social

Justice and rights	<ul style="list-style-type: none"> Improved ability for Government to take action and bring to justice those guilty of animal welfare crimes. The Bill is based on best-practice nationally and internationally, and has been designed with key stakeholders (e.g. RSPCA) and based on feedback from the community who have called for better justice outcomes for animal welfare. Will be impacts on human rights (see above). These have been considered in drafting the Bill and any limitation is considered balanced, proportionate and justified. The rights of people with a disability that rely on an assistance animal will be promoted through the Bill. The proposal has been designed to allow for flexible and escalating enforcement that best fits the offence and serves justice, with the focus on preventing and deterring animal welfare abuses. Improve animal welfare and community safety outcomes, as well as community confidence in animal welfare laws.
Access to services	<ul style="list-style-type: none"> The proposed Bill will improve access to services for those who have a disability and need an assistance animal, where that assistance animal meets relevant certification requirements.
Community and individual health	<ul style="list-style-type: none"> The proposed Bill will have a positive impact on community safety and health by improving animal welfare outcomes and also community safety. The proposed assistance animal framework is intended to provide an appropriate training and certification scheme for assistance animals that promotes the health and safety of those with a disability that need an assistance animal, and to provide for clearer rights of access for those people.
Human rights	<ul style="list-style-type: none"> The proposal will impact on human rights, both by supporting human rights (for example, right to privacy and rights of equality before the law for persons with a disability) but will also impose some restrictions on human rights, such as the common law right to property (an animal), right to equality before the law and the right to move freely. These have all been considered in detail with regard to the <i>ACT Human Rights Act 2004</i>. JACS and the HRC have been consulted. Where there are limits on human rights safeguards will be put in place and appropriate justification provided.
Disadvantaged and vulnerable	<ul style="list-style-type: none"> Proposal is aimed at all people and/or businesses who interact with animals. The disadvantaged and vulnerable (for e.g. low socio economic) may be impacted by fines and penalties. This will be managed by allowing for penalties and licence fees to be paid off over time to assist low income earners or in other mitigating circumstances.

	<ul style="list-style-type: none"> TCCS has a licensing and compliance accountability commitment that aims to always educate and inform before taking compliance action. Discretion built into the current Act and proposed amendments to assist in this area.
Disability	<ul style="list-style-type: none"> The proposed new assistance dog framework is intended to provide greater recognition and rights of access to assistance dogs and their handlers who have a disability, as well provide a simple and outcomes focussed certification system that means that handlers and the community can be assured that dogs are appropriately trained from both a community safety and animal welfare perspective, as well as being fit for providing support to their handler. This has been designed in consultation with the assistance dogs industry and HRC. Rights of people with a disability and assistance animals will be assured through the proposed amendments, for example it will be a consideration in whether a Court of the Animal Welfare Authority issues an animal ownership ban.

Economic

ACT Government Budget	<ul style="list-style-type: none"> The regulation of pet businesses and assistance animals is likely to have resource implications for Domestic Animal Services. It is proposed that any impacts are managed through the budget process.
Employment	<ul style="list-style-type: none"> May impact on employment within pet shops and kennels who are not meeting industry best-practice/community expectations around animal welfare. Impacts considered warranted in the interests of animal welfare, noting industry and the community have called for standards and regulation. It is proposed that the regulation of pet shops and kennels will come into effect after six months to provide time for businesses to adjust. Could increase employment levels for those appropriately skilled and qualified, and increase overall use of pet businesses by pet owners who can have confidence in the welfare of their pets (therefore overall positive impact).
Small business impact	<ul style="list-style-type: none"> May negatively impact pet shops and kennels already in existence that do not meet best-practice standards. During consultation on the Animal Welfare and Management Strategy the community called for regulation of pet businesses. Likely to have a positive impact of legitimising pet shops and kennels who do the right thing and increase community and customer confidence in these businesses. Likely to increase opportunities for legitimate pet shops and kennels that meet relevant standards and also businesses, individuals or organisations who can train/accredit assistance animals.
Skills and education	<ul style="list-style-type: none"> New assistance animal framework will encourage the upskilling of people in training and accrediting assistance dogs. New framework for regulating pet businesses, including the potential setting of minimum qualification standards, will have a positive impact on upskilling and educating workers in the pet business industry, and support those people who are appropriately skilled, trained and educated.
Competition	<ul style="list-style-type: none"> The proposal will be competitively neutral and treat all businesses the same way. May increase competition for pet businesses and assistance dog trainers/accreditors who meet the new regulatory requirements. May mean that some existing providers cannot compete or stay in the industry unless they meet minimum standards. A six month transition is proposed to reduce this impact.

Environmental

Nil impact.