

Subordinate Legislation Act 1994

HUMAN RIGHTS CERTIFICATE

(Section 12A)

Prevention of Cruelty to Animals Regulations 2019

I, Jaclyn Symes, Minister for Agriculture and Minister responsible for administering the **Prevention of Cruelty to Animals Act 1986** certify that, in my opinion, the proposed Prevention of Cruelty to Animals Regulations 2019 may limit a human right set out in the **Charter of Human Rights and Responsibilities Act 2006** as follows.

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it. Regulation 65 provides that the holder of a rodeo licence, rodeo permit or rodeo school permit must attend when any rodeo or rodeo school held under the licence or permit is in progress. The licence or permit holder must also ensure that the nominated veterinary practitioner or appointed veterinary practitioner attends any rodeo or rodeo school held under the licence or permit. To the extent that the regulation requires a person to attend a particular place at a particular time, it may limit the right to freedom of movement under the Charter.

However, I consider that any limitation on the right to freedom of movement is reasonable and justified having regard to the purpose of the provision. Holders of rodeo licences, rodeo permits and rodeo school permits must comply with conditions that require them to have direct and immediate oversight of the rodeo event. For example, the licence or permit holder must ensure that proper and sufficient food, water and shelter is provided for all animals involved in the rodeo or rodeo school and that all animals are treated in accordance with the Regulations. The licence or permit holder must also ensure that any animal in a chute during a rodeo or rodeo school is immediately released if it becomes caught, tries to jump out more than twice or otherwise appears to be in danger of injury or harming itself. The attendance of the licence or permit holder at the event is necessary to ensure effective oversight of such matters. Further, the extent of any limitation is likely to be minor given the licence or permit holder has control over when and where an event may be held. For these reasons, any limitation on the right to freedom of movement occasioned by regulation 65 is proportionate and accordingly compatible with the Charter.

The Hon Jaclyn Symes MP
Minister for Agriculture