

## **EXPLANATORY MEMORANDUM**

### **ANIMAL WELFARE (AMENDMENT) BILL 1994**

#### **Outline**

The Animal Welfare (Amendment) Bill 1994 will remove from the *Animal Welfare (Amendment) Act 1992* (the Act) all restrictions placed on circuses having prohibited circus animals as part of their troupe.

The Act as proposed to be amended will enable circuses having bears, cheetahs, elephants, giraffes, leopards, lions, pumas or tigers as part of their troupe to be granted a permit to conduct a circus.

The proposed amendment of section 56 of the Act will not alter the present position that it is a condition of the conduct of a circus that the permit holder comply with an approved code of practice. Accordingly any requirements or restrictions to be placed on the permit holder in relation to the welfare of all animals used by the circus or the facilities or equipment to be provided for the animals can be dealt with under the code of practice.

With the omission of the definition of "prohibited circus animal", and taking into account the definition of "animal", the amendments will facilitate the use of codes of practice to deal with the welfare of all animals (other than human beings, of course).

#### **Financial implications**

The ability to grant permits for the conduct of circuses in the Territory, while providing for the welfare of all the circus animals, will provide income to the Territory as well as providing opportunities for associated employment (whether direct or indirect).

#### **The provisions of the Bill**

Clause 1—This clause provides for the citation of the Bill.

Clause 2—Subclause (1) provides that clauses 1 and 2 of the Bill will commence on the date on which the passage of the Act is notified in the *Gazette*. Subclause (2) provides that the remaining provisions will commence on a day fixed by the Minister by notice in the *Gazette*. Subclause (3) provides for the automatic commencement of those remaining provisions in the event that a day is not fixed under subclause (2).

Clause 3—This clause defines the term “Principal Act” used in the Bill to mean the *Animal Welfare Act 1992*.

Clause 4—This clause omits from section 4 of the Act (the definition section) the defined term “prohibited circus animal”. The definition is redundant given the other amendments of the Act.

Clause 5—This clause removes from section 51 of the Act the offence provisions relating to the conduct of a circus using prohibited circus animals or the importation into the Territory of prohibited circus animals as part of a circus troupe, whether or not they are used in the circus. This is the primary purpose of the Bill.

Clause 6—This clause repeals section 52. The section is redundant in light of the other amendments effected by the Bill.

Clause 7—This clause removes from section 54 of the Act the obligation on the Animal Welfare Authority not to grant a circus permit where prohibited circus animals form part of a circus troupe, whether or not they are to be used in the circus. This means that permits will be able to be granted where it is intended to use such animals, albeit subject to conditions on the grant of the permit and the provisions of the relevant code of practice. Paragraph (b) of this clause corrects an existing cross-reference error.

Clause 8—This clause removes from section 56 the condition of a permit that the permit holder will not include in a circus troupe prohibited circus animals, whether or not for the purpose of using the animals in the circus. The provision is redundant given the other amendments of the Act.