



Australian Capital Territory

# **Animal Welfare Act 1992**

**A1992-45**

**Republication No 10**

**Effective: 11 May 2006 – 26 March 2007**

Republication date: 11 May 2006

Last amendment made by A2006-17

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Animal Welfare Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 May 2006. It also includes any amendment, repeal or expiry affecting the republished law to 11 May 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

# Animal Welfare Act 1992

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An Act for the promotion of animal welfare, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Animal Welfare Act 1992*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*native animal*—see the *Nature Conservation Act 1980*, dictionary.' means that the expression 'native animal' is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

### **3A Offences against Act—application of Criminal Code etc**

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### **4 Animal Welfare Authority**

- (1) There is an Animal Welfare Authority (the *authority*).
- (2) The chief executive must establish a position in the public service, the duties of which include exercising the functions of the authority.
- (3) The authority is the public servant for the time being exercising the duties of the position mentioned in subsection (2).

### **6 Delegation**

The authority may, by instrument, delegate any of his or her powers under this Act to a public servant.

### **6A Identity cards**

- (1) The chief executive must give an authorised person an identity card stating the person's name and position.
- (2) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and

(c) anything else prescribed by regulation.

(3) A person commits an offence if—

(a) the person stops being an authorised person; and

(b) the person does not return the person's identity card to the chief executive as soon as practicable, but no later than 7 days after the day the person stops being an authorised person.

Maximum penalty: 1 penalty unit.

(4) An offence against this section is a strict liability offence.

(5) In this section:

***authorised person*** means a person holding any of the following positions:

(a) the authority;

(b) a delegate of the authority with any delegated powers of an inspector.

## Part 2                      Animal welfare offences

### 7                      Cruelty

A person commits an offence if the person commits an act of cruelty on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### 7A                      Aggravated cruelty

- (1) A person commits an offence if—
- (a) the person commits an act of cruelty on an animal; and
  - (b) the act causes the death of the animal; and
  - (c) the person intends to cause, or is reckless about causing, the death of, or serious injury to, the animal.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (2) A person commits an offence if—
- (a) the person commits an act of cruelty on an animal; and
  - (b) the act causes serious injury to the animal; and
  - (c) the person intends to cause, or is reckless about causing, the death of, or serious injury to, the animal.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

- (3) In this section:
- causes* death or serious injury—a person's act *causes* death or serious injury if it substantially contributes to the death or injury.

*serious injury*, to an animal, means any injury (including the cumulative effect of more than 1 injury) that—

- (a) endangers, or is likely to endanger, the animal's life; or
- (b) is, or is likely to be, significant and longstanding.

**7B Alternative verdicts—cruelty**

- (1) This section applies if, in a prosecution for an offence against section 7A (Aggravated cruelty), the trier of fact is not satisfied that the defendant committed the offence, but is satisfied beyond reasonable doubt that the defendant committed an offence against section 7 (Cruelty).
- (2) The trier of fact may find the defendant guilty of the offence against section 7, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

**8 Pain**

- (1) A person commits an offence if the person causes an animal unnecessary pain.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person in charge of an animal commits an offence if the person—
  - (a) fails to provide it with appropriate, and adequate, food, water, shelter or exercise; or
  - (b) fails to take reasonable steps (including, if appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal; or
  - (c) abandons the animal; or
  - (d) neglects the animal in a way that causes it pain; or

(e) kills the animal in a way that causes it unnecessary pain.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

## **9 Confined animals**

- (1) A person in charge of a confined animal commits an offence if the person does not provide the animal with adequate exercise.

Maximum penalty: 10 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person commits an offence if the person confines an animal in a way that causes injury, pain, or excessive distress to the animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

## **U 9A Battery hens**

## **10 Alleviation of pain**

- (1) A person (other than a person in charge of an animal) commits an offence if—

- (a) the person injures an animal; and
- (b) the person does not take reasonable steps (including, if appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person (other than a person in charge of an animal) commits an offence if—

- (a) the person injures the animal; and

- (b) the person does not take reasonable steps to tell the person in charge of the animal within 24 hours after the injury; and
- (c) if there is no person in charge of the animal or if, after taking the reasonable steps, the person cannot tell the person in charge of the animal—tell the authority, or an inspector, within 72 hours after the injury.

Maximum penalty: 10 penalty units.

**Examples of animals that may have no person in charge**

kangaroos, foxes, galahs

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) An offence against subsection (2) is a strict liability offence.

## 11 Release

- (1) A person commits an offence if the person releases an animal from custody or control.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person in charge of an animal commits an offence if the person does not take adequate precautions to prevent the release of the animal from custody or control.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) This section does not apply—
  - (a) if the person has a reasonable excuse; or
  - (b) to the release of domestic cats in the course of their reasonable management and control.



**12 Administering poison**

- (1) A person commits an offence if the person administers poison to a domestic or native animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) This section does not apply if—
- (a) the person has a reasonable excuse; or
  - (b) the administration of the poison to the animal is permitted under a territory law.

**12A Laying poison**

- (1) A person commits an offence if the person lays a poison with the intention of killing or injuring a domestic or native animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if—
- (a) the person lays a poison; and
  - (b) the person is reckless about causing the death of, or injury to, a domestic or native animal; and
  - (c) the poison causes the death of, or injury to, a domestic or native animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person commits an offence if—
- (a) the person lays a poison; and

- (b) there is a reasonable likelihood that the poison will kill or injure a domestic or native animal.

Maximum penalty: 10 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant proves that the defendant took all reasonable steps to avoid death or injury to domestic and native animals.

### **13 Electrical devices**

A person commits an offence if—

- (a) the person administers an electric shock to an animal; and
- (b) the person administers the shock using an electrical device that is not prescribed by regulation for use on that kind of animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### **14 Spurs**

- (1) A person must not use spurs with sharpened or fixed rowels on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person must not possess—
  - (a) a spur or similar device with sharpened or fixed rowels; or
  - (b) a cockfighting spur cap.

Maximum penalty: 5 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

- (4) Subsection (2) does not apply to the possession of a spur, device or cockfighting spur cap kept only—
- (a) for the purpose of display; or
  - (b) as a curio or part of a collection.

## **15 Transport and containment**

A person must not transport or contain an animal in circumstances under which the animal is subjected to unnecessary injury, pain or suffering.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### **15A Transport of dogs**

- (1) A person commits an offence if—
- (a) the person carries a dog in or on a moving vehicle on a road or road related area; and
  - (b) the dog is not being used to work livestock; and
  - (c) the dog is not restrained or enclosed in a way that would prevent the dog from falling or jumping from the vehicle.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

**road**—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.

**road-related area**—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.

**16 Working etc unfit animals**

- (1) A person commits an offence if—
- (a) the person works, rides, drives or otherwise uses an animal; and
  - (b) the person does so—
    - (i) knowing that the animal is unfit for the use; or
    - (ii) negligent about whether the animal is fit for the use.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person in charge of an animal commits an offence if—
- (a) the person authorises the working, riding, driving or other use of the animal; and
  - (b) the person does so—
    - (i) knowing that the animal is unfit for the use; or
    - (ii) negligent about whether the animal is fit for the use.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

**17 Matches, competitions and baiting**

- (1) A person commits an offence if the person promotes, takes part in or attends as a spectator at a match, competition or any other activity in which an animal is released from captivity for the purpose of being—
- (a) killed by the use of a firearm or other weapon; or
  - (b) hunted, caught, confined, injured or killed by another animal; or

(c) used to train or exercise another animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(2) A person commits an offence if the person—

(a) keeps, uses or assists in the management of premises used for—

- (i) fights between animals; or
- (ii) the baiting or mistreating of animals; or

(b) uses or allows an animal in captivity to kill another animal; or

(c) keeps an animal, or has the custody, care or control of an animal, with the intention of—

- (i) using the animal as a lure for bleeding greyhounds; or
- (ii) killing the animal for the purpose of bleeding greyhounds; or
- (iii) using the animal in any other way in relation to the training and racing of coursing dogs.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) This section does not apply in relation to—

- (a) the rehabilitation of native animals for release into the wild in a way authorised under a territory law; or
- (b) the keeping and display of animals whose normal diet includes live food; or
- (c) the mustering and working of stock within the meaning of the *Stock Act 2005*.

**18 Rodeos and game parks**

- (1) A person commits an offence if the person conducts or takes part in a rodeo.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if the person promotes or conducts a game park.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) In this section:

*game park* means premises where—

- (a) animals other than fish are confined; and
- (b) the taking and killing of those animals as a sport or recreation is permitted on payment of a fee or other consideration.

*take*, in relation to an animal, includes hunt, shoot, poison, net, snare, spear, pursue, capture and injure the animal.

**19 Medical and surgical procedures—people other than veterinary surgeons**

- (1) A person who is not a veterinary surgeon commits an offence if the person carries out a medical or surgical procedure on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) This section does not apply to—

- (a) a medical procedure of a prophylactic or therapeutic nature carried out on the animal in accordance with directions given by a veterinary surgeon; or

- (b) a medical or surgical procedure carried out in accordance with accepted animal husbandry practice in relation to—
  - (i) farming and grazing activities; or
  - (ii) the management of a zoo; or
  - (iii) the management of native animals; or
- (c) a medical or surgical procedure carried out in accordance with a licence or authorisation, subject to any written direction of an ethics committee; or
- (d) the removal of a dog's dewclaws within 10 days after its birth.

#### **19A Medical and surgical procedures—veterinary surgeons**

- (1) A veterinary surgeon must not do any of the following for a purpose other than a therapeutic purpose:
  - (a) dock a dog's tail;
  - (b) crop a dog's ear;
  - (c) remove a dog's ear;
  - (d) remove a dog's dewclaws after 10 days after its birth;
  - (e) perform a clitoridectomy on a dog;
  - (f) carry out any other procedure prescribed by regulation.Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.

#### **U 20 Exception—approved code of conduct**

This part (other than the following provisions) does not apply if the conduct making up the offence was in accordance with an approved code of practice:

- (a) section 14 (Spurs);

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- (b) section 17 (1) or (2) (Matches, competitions and baiting);
- (c) section 18 (1) or (2) (Rodeos and game parks);
- (d) section 19A (Medical and surgical procedures—veterinary surgeons).



## Part 3                      Codes of practice

### 21                      Contents

A code of practice may deal with the following matters:

- (a) the care and use of animals for scientific purposes;
- (b) the use of animals from pounds;
- (c) the management and control of companion animals;
- (d) the management of companion animals in pounds and shelters;
- (e) the development of new breeds of companion animals;
- (f) the use of electric goads;
- (g) horse agistment establishments;
- (h) animal welfare in rural industry;
- (i) animal welfare in intensive farming;
- (j) transport of livestock;
- (k) animal welfare in the management of saleyards;
- (l) livestock and poultry slaughtering establishments;
- (m) fishing;
- (n) culling of native animals;
- (o) control of feral animals;
- (p) aerial shooting of animals;
- (q) trapping and snaring of animals;
- (r) commercial pest control;
- (s) commercial keeping and display of animals;

- (t) keeping of zoo animals;
- (u) animal welfare in the racing industry;
- (v) any other matter related to animal welfare.

## 22 Codes of practice

- (1) The Minister may, in writing, approve a code of practice relating to animal welfare.

*Note* Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice is a disallowable instrument.

*Note 1* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

*Note 2* An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

## 24 Publication

- (1) The authority shall cause to be published in a newspaper published and circulating in the Territory, on or before the date of effect of an approval under section 22, notice of that approval—
- (a) specifying the date on which the approval takes effect; and
  - (b) specifying a place or places at which copies of the code of practice to which the approval relates may be purchased; and
  - (c) containing a statement to the effect that a copy of that code of practice may be inspected by members of the public at the office of the authority during office hours; and
  - (d) containing a statement to the effect that the approval is subject to disallowance by the Legislative Assembly under the *Legislation Act 2001*.

- (2) The authority shall ensure that—
- (a) a copy of the code of practice to which an approval under section 22 relates is made available for public inspection at the office of the authority during office hours; and
  - (b) copies of that code of practice are made available for purchase at each place specified for that purpose in the relevant notice under subsection (1).

- (3) In this section:

*code of practice* includes any document (or part of a document) the provisions of which are applied by the code.

## **Part 4                      Research, teaching and breeding**

### **Division 4.1               Licences**

#### **25                      Research, teaching and breeding**

- (1) A person commits an offence if the person—
- (a) uses or breeds an animal for research or teaching; and
  - (b) the person does not have a licence to do so.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) This section does not apply to—
- (a) an authorised person, or a person assisting an authorised person; or
  - (b) a person who uses or breeds an animal in the course of employment or engagement by a licensee; or
  - (c) a person who uses an animal prescribed by regulation for teaching purposes in a preschool or primary school; or
  - (d) an interstate researcher to whom section 49B (1) applies; or
  - (e) a person who uses or breeds an animal in the course of employment or engagement by an interstate researcher to whom section 49B (1) applies.

## **26 Application for licence**

Application may be made to the authority for a licence to use or breed animals for research or teaching, or for both research and teaching.

*Note 1* A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2* If a form is approved under s 110A (Approved forms) for an application, the form must be used.

## **27 Further information—licence applications**

The authority may, by written notice, require an applicant for a licence to furnish to the authority, either orally or in writing, such further information relating to the application as is specified in the notice.

## **28 Grant of licence**

- (1) On application in accordance with section 26, the authority shall—
  - (a) grant a licence; or
  - (b) refuse to grant a licence.

*Note* If a form is approved under s 110A (Approved forms) for a licence, the form must be used.

- (2) In determining whether or not to grant a licence, the authority shall consider whether the applicant is a fit and proper person to hold a licence, having regard to matters including the following:
  - (a) the experience and competency of the applicant in the care and handling of animals;
  - (b) the adequacy of the applicant's premises, equipment and other facilities for the care and handling of animals;

- (c) the adequacy of arrangements for the provision of veterinary treatment to animals in or on the premises in relation to which the licence is applied for;
  - (d) the applicant's response (or lack of response) to any request for further information issued under section 27;
  - (e) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;
  - (f) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.
- (3) In subsection (2), a reference to the *applicant* includes a reference—
- (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

## **29                      Rights and duties of partners—licences**

Where a licence is issued for the purposes of a partnership, each partner has, in relation to the licence, all the rights and duties of the licensee, whether or not the partner's name is specified in the licence.

## **30                      Conditions of licences**

- (1) The authority shall grant a licence subject to the conditions (specified in the licence) that the licensee shall —
- (a) in accordance with the regulations, establish and maintain —
    - (i) an ethics committee; or

- (ii) appropriate arrangements with an existing ethics committee for that committee to exercise the functions of an ethics committee in relation to the licensee's activities; and
  - (b) comply with any direction of that ethics committee issued under the regulations.
- (2) The authority may grant a licence subject to such other specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:
- (a) the welfare of animals to be used by the licensee;
  - (b) the provision of facilities and equipment for the welfare of such animals;
  - (c) compliance with an approved code of practice.

### **31 Duration of licences**

A licence remains in force for a period of 3 years commencing on the date of grant of the licence (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 32.

### **32 Renewal of licences**

On application to the authority by a licensee, the authority must renew the licence for 3 years.

*Note 1* A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2* If a form is approved under s 110A (Approved forms) for an application, the form must be used.

### **33                      Variation of licences**

- (1) On application by a licensee accompanied by the licence, the authority shall, if satisfied on reasonable grounds that it is desirable in the interests of animal welfare—
  - (a) vary the licence accordingly; or
  - (b) refuse to vary the licence.
- (2) Where the authority believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a licence, the authority shall give the licensee a written notice—
  - (a) specifying those interests and stating the facts and circumstances that constitute the basis for the authority's belief; and
  - (b) inviting the licensee to show cause within a specified period why the licence should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the licensee, the authority shall vary the licence if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.
- (4) For the purposes of subsection (3), the authority shall, by written notice accompanying the relevant notice under section 107 (1), require the licensee to forward the licence to the authority within a specified period after the date of the notice, being a period of between 14 and 28 days.
- (5) The authority shall not vary or revoke a condition of a licence referred to in section 30 (1).



### **34 Suspension and cancellation of licences**

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a licence are as follows:
  - (a) the contravention by the licensee of a condition specified in the licence;
  - (b) the contravention by the licensee of a requirement under section 33 (4);
  - (c) the obtaining of the licence by fraud or misrepresentation;
  - (d) the conviction of the licensee of a defined offence within the preceding 3 years;
  - (e) the unfitness or impropriety of a person to hold a licence, in consideration of matters including those referred to in section 28 (2) (a), (b), (c) and (e).
- (2) In subsection (1), a reference to a *licensee* includes a reference—
  - (a) if the licensee is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the licence is held for the purposes of a partnership—to each of the partners, whether or not the partner's name is specified in the licence.
- (3) Where the authority believes on reasonable grounds that—
  - (a) there exists a ground for the suspension or the cancellation of a licence; and
  - (b) it is desirable in the interests of animal welfare to suspend or cancel the licence;he or she shall give written notice to the licensee—
  - (c) specifying the ground referred to in paragraph (a), together with the particular interests referred to in paragraph (b); and

- (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
  - (e) inviting the licensee, within 28 days after the date of the notice, to show cause why the licence should not be suspended or cancelled (as the case may be).
- (4) After the expiration of the period specified in a notice under subsection (3), taking into consideration any representation made by the licensee, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—
- (a) in the case of a notice of intention to suspend the licence for a specified period—suspend the licence for that period, or for such shorter period as the authority thinks fit; or
  - (b) in the case of a notice of intention to cancel the licence—cancel the licence or suspend it for such period as the authority thinks fit.
- (5) The suspension or cancellation of a licence takes effect on—
- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the licensee; or
  - (b) if a later date is specified in that notice—on that later date.

### **35 Surrender of licences**

- (1) A licensee may surrender the licence to the authority by notice in writing accompanied by the licence.
- (2) The surrender of a licence takes effect on the date the notice of surrender is given in accordance with subsection (1), or on such later date as is specified in the notice.

**36 Return of cancelled and suspended licences**

- (1) A person commits an offence if—
- (a) the person's licence is cancelled or suspended; and
  - (b) the person does not return the person's licence to the authority within 7 days after the day the cancellation or suspension takes effect.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

**Division 4.2 Authorisations**

**37 Research and teaching using animals**

- (1) A person employed or engaged by a licensee commits an offence if the person—
- (a) conducts a program of research using animals and the person does not hold a research authorisation for the research; or
  - (b) conducts a program of teaching using animals and the person does not hold a teaching authorisation for the teaching.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply to—
- (a) a person providing research or teaching assistance for the program; or
  - (b) an interstate researcher to whom section 49B (1) applies; or
  - (c) a person who uses or breeds an animal in the course of employment or engagement by an interstate researcher to whom section 49B (1) applies.

**38                      Application for authorisation**

Application may be made to the ethics committee for a research authorisation or a teaching authorisation in relation to the use of animals on licensed premises.

*Note*        If a form is approved under s 110A (Approved forms) for an application, the form must be used.

**39                      Further information—applications for authorisations**

The ethics committee may, by written notice, require the applicant to furnish to the committee, either orally or in writing, such further information relating to the application as is specified in the notice.

**40                      Grant of authorisation**

- (1) On application to it in accordance with section 38, an ethics committee shall—
  - (a) grant a research authorisation or a teaching authorisation; or
  - (b) refuse to grant such an authorisation.
- (2) In determining whether or not to grant an authorisation, the ethics committee shall consider whether the applicant is a fit and proper person to hold an authorisation, having regard to matters including the following:
  - (a) the applicant's experience and competency in the care and handling of animals;
  - (b) the applicant's response (or lack of response) to any request for further information issued under section 39;
  - (c) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;
  - (d) whether the applicant has, within the period of the preceding 3 years, been convicted or found guilty of a defined offence.

## **41 Conditions of authorisations**

- (1) The ethics committee shall grant an authorisation subject to the condition (specified in the authorisation) that the authorised person shall comply with any direction of the ethics committee issued under the regulations.
- (2) The ethics committee may grant an authorisation subject to such other specified conditions as the committee considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:
  - (a) the use of animals in the particular program of research or teaching which is to be undertaken;
  - (b) the welfare of such animals;
  - (c) particular facilities and equipment relevant to the use of animals in the course of conducting that program;
  - (d) compliance with an approved code of practice.

## **42 Identity certificate for authorised people**

- (1) The ethics committee must give an authorised person an identity certificate stating the person's name and that the person is an authorised person.

*Note* If a form is approved under s 110A for an identity certificate, the form must be used.
- (2) The identity certificate must show a recent photograph of the person.
- (3) An authorised person commits an offence if—
  - (a) an authorised officer asks the person to produce the person's identity certificate; and

(b) the person does not produce the certificate.

Maximum penalty: 5 penalty units.

(3) An offence against this section is a strict liability offence.

#### **43                      Duration of authorisations**

An authorisation remains in force for a specified period of up to 2 years commencing on the date of its issue (subject to this division), but may be renewed in accordance with section 44.

#### **44                      Renewal of authorisations**

On application to the ethics committee by an authorised person, the ethics committee must renew the authorisation for the period, of no longer than 2 years, applied for.

*Note 1*    A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2*    If a form is approved under s 110A (Approved forms) for an application, the form must be used.

#### **45                      Variation of authorisations**

(1) On application by an authorised person accompanied by the authorisation, the ethics committee shall, if satisfied that it is desirable in the interests of animal welfare—

- (a) vary the authorisation accordingly; or
- (b) refuse to vary the authorisation.

(2) Where the ethics committee believes on reasonable grounds that it is desirable in the interests of animal welfare to vary an authorisation, the committee shall give the authorised person a written notice—

- (a) specifying those interests, and stating the facts and circumstances that constitute the basis for the committee's belief; and

- (b) inviting him or her to show cause within the specified period why the authorisation should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the holder of the authorisation, the ethics committee shall vary the authorisation if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.
- (4) For the purposes of subsection (3), the ethics committee shall, by written notice accompanying the relevant notice under section 107 (2), require the authorised person to forward the authorisation to the committee within a specified period after the date of the notice, being a period of between 14 and 28 days.
- (5) The ethics committee shall not vary or revoke the condition of an authorisation referred to in section 41 (1).

#### **46 Suspension and cancellation of authorisations**

- (1) For the purposes of this section, the grounds for the suspension or cancellation of an authorisation are as follows:
  - (a) the contravention by the authorised person of a condition specified in the authorisation;
  - (b) the contravention by the authorised person of a requirement under section 45 (4);
  - (c) the conviction of the authorised person of a defined offence within the preceding 3 years;
  - (d) the unfitness or impropriety of an authorised person to hold an authorisation (of the type held), in consideration of matters including those referred to in section 40 (2) (a) and (c).

- (2) Where the ethics committee believes on reasonable grounds that—
- (a) there exists a ground for the suspension or the cancellation of an authorisation; and
  - (b) it is desirable in the interests of animal welfare to suspend or cancel the authorisation;
- the committee shall give written notice to the authorised person—
- (c) specifying the ground referred to in paragraph (a), together with the particular interests referred to in paragraph (b);
  - (d) stating the facts and circumstances that, in the committee's opinion, constitute the basis for the committee's beliefs referred to in paragraphs (a) and (b); and
  - (e) inviting the person, within 28 days after the date of the notice, to show cause why the authorisation should not be suspended or cancelled (as the case may be).
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the holder, the ethics committee shall, if satisfied on reasonable grounds of the matters referred to in subsection (2) (a) and (b)—
- (a) in the case of a notice of intention to suspend the authorisation for a specified period—suspend the authorisation for that period, or for such shorter period as the committee thinks fit; or
  - (b) in the case of a notice of intention to cancel the authorisation—cancel the authorisation or suspend it for such period as the committee thinks fit.
- (4) The suspension or cancellation of an authorisation takes effect on—
- (a) the date on which notice under section 107 (2) of the suspension or cancellation is given to the authorised person; or
  - (b) if a later date is specified in that notice—on that later date.



**47 Surrender of authorisations**

- (1) An authorised person may surrender his or her authorisation to the ethics committee by notice in writing accompanied by the authorisation and the certificate issued under section 42 (1).
- (2) The surrender of an authorisation takes effect on the date the notice of surrender is given in accordance with subsection (1), or on such later date as is specified in the notice.

**48 Cessation of effect of authorisation where licence ceases to have effect**

- (1) An authorisation ceases to have effect if, and while, the relevant licence ceases to have effect.
- (2) In subsection (1):

*relevant licence*, in relation to an authorisation, means the licence in relation to the premises on which the authorised person is authorised to conduct a program of research or teaching using animals.

**49 Return of cancelled and suspended authorisations**

- (1) A person commits an offence if—
  - (a) the person ceases to be an authorised person; and
  - (b) the person does not return the person's authorisation and the person's identity certificate issued under section 42 (1), as soon as practicable, but no later than 7 days after the day the person ceases to be an authorised person, to—
    - (i) the licensee; or
    - (ii) if the authorisation ceases to have effect under section 48—the authority.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

## Division 4.3                      Interstate researchers

### 49A                      Notification

An interstate researcher must, at least 7 days before using or breeding an animal for research or teaching in the ACT—

- (a) notify the authority of the researcher's intention to use or breed an animal for research or teaching; and

*Note*                      If a form is approved under s 110A (Approved forms) for a notification, the form must be used.

- (b) give to the authority a copy of—
  - (i) the researcher's interstate research authorisation; and
  - (ii) any protocol and conditions with which the researcher is required to comply under the authorisation and any submission on which the grant of the authorisation is based.

### 49B                      Interstate researchers' authorisation in the ACT

- (1) An interstate researcher who has complied with section 49A may use or breed animals in the Territory in the same way, to the same extent and for the same purposes as the researcher is permitted to use or breed animals in the State where the researcher's interstate research authorisation was granted.
- (2) Subsection (1)—
  - (a) does not apply to a researcher whose interstate research authorisation is suspended; and
  - (b) ceases to apply to a researcher whose interstate research authorisation expires or is cancelled or revoked.
- (3) The authority may decide to end the application of subsection (1) to a researcher if satisfied on reasonable grounds that the researcher—
  - (a) has contravened this Act; or

- (b) has contravened, in the Territory, an approved code of practice or a protocol or condition to which the researcher's interstate research authorisation is subject; or
  - (c) has failed to comply, in the Territory, with the proposals for carrying out the researcher's activities set out in a submission on which the grant of the authorisation is based.
- (4) When considering whether to make a decision under subsection (3) about an interstate researcher, the authority is not required to give the researcher an opportunity to make representations if satisfied that the public interest or the welfare of any animal requires that the decision be made immediately.
- (5) The authority may decide that subsection (1) should again apply to a researcher to whom the subsection has ceased to apply because of a decision under subsection (3).
- (6) Subsection (1)—
- (a) ceases to apply to a researcher about whom the authority has made a decision under subsection (3); and
  - (b) again applies to a researcher about whom the authority has made a decision under subsection (5).

## **Division 4.4                      Animal experimentation ethics committees**

### **50                      Ethics committees**

The regulations may make provision in relation to Animal Experimentation Ethics Committees, including provision relating to their establishment, constitution and functions.

## Part 5 Circuses

### 51 Circuses

- (1) A person commits an offence if—
- (a) the person conducts a circus; and
  - (b) the circus has performing animals (but is not a travelling zoo); and
  - (c) the person does not have a permit to conduct the circus.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if the person conducts a circus using a prohibited circus animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) A person commits an offence if the person imports a prohibited circus animal into the ACT as part of a circus troupe.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (4) For subsection (3), it does not matter whether the animal is imported into the ACT for use in the circus.

### 52 Regulations—prohibited circus animals

The regulations may prescribe an animal for the purpose of the definition of *prohibited circus animal*, paragraph (b) in the dictionary.

**53 Application for circus permit**

- (1) Application may be made to the authority for a permit to conduct a circus.
- (2) An application must—
  - (a) be accompanied by a list of animals which are to form part of the circus troupe, whether or not the animals are to be used in the circus; and
  - (b) be lodged no later than 4 weeks before the proposed date of opening of the circus.

*Note 1* A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2* If a form is approved under s 110A (Approved forms) for an application, the form must be used.

**54 Grant of circus permit**

- (1) On application in accordance with section 53, the authority shall—
  - (a) grant a circus permit; or
  - (b) refuse to grant a circus permit.

*Note* If a form is approved under s 110A (Approved forms) for a permit, the form must be used.
- (2) The authority shall not grant a circus permit where a prohibited circus animal is to form part of the circus troupe, whether or not the animal is to be used in the circus.
- (3) In determining whether or not to grant a circus permit, the authority shall consider whether the applicant is a fit and proper person to hold a permit, having regard to matters including the following:
  - (a) the experience and competency of the applicant, and the applicant's employees and agents, in the care and handling of animals;

- (b) the adequacy of the conditions under which the circus animals are to be housed, trained, transported or used;
  - (c) the adequacy of the facilities to be provided for the circus animals;
  - (d) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;
  - (e) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.
- (4) In subsection (2), a reference to an **applicant** includes a reference—
- (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

**55                      Rights and duties of partners—circus permits**

Where a circus permit is granted for the purposes of a partnership, each partner has, in relation to the permit, all the rights and duties of the permit-holder, whether or not the partner's name is specified in the permit.

**56                      Conditions of circus permits**

- (1) It is a condition of a circus permit (to be specified in the permit) that the permit-holder shall not include in the circus troupe a prohibited circus animal, whether or not for the purpose of using the animal in the circus.
- (2) The authority may grant a permit subject to such other specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:

- (a) the welfare of animals used by the circus;
- (b) the provision of facilities and equipment for those animals;
- (c) compliance with an approved code of practice.

### **57 Duration of circus permits**

A circus permit remains in force for the period specified in the permit, unless sooner suspended or cancelled.

### **58 Suspension and cancellation of circus permits**

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a circus permit are as follows:
  - (a) the obtaining of the permit through fraud or misrepresentation;
  - (b) the contravention by the permit-holder, or an employee or agent of the permit-holder, of a condition specified in the permit;
  - (c) the conviction of the permit-holder of a defined offence within the preceding 3 years;
  - (d) the unfitness or impropriety of the permit-holder to hold a circus permit, in consideration of matters including those referred to in section 54 (3) (a), (b), (c) and (d).
- (2) In subsection (1), a reference to a *permit-holder* includes a reference—
  - (a) if the permit-holder is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the permit-holder holds the permit for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the permit.
- (3) Where the authority believes on reasonable grounds that—

- (a) there exists a ground for the suspension or the cancellation of a circus permit; and
- (b) it is desirable in the interests of animal welfare to suspend or cancel the permit;

he or she shall give written notice to the permit-holder—

- (c) specifying the ground referred to in paragraph (a) together with the particular interests referred to in paragraph (b); and
- (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
- (e) inviting the permit-holder, within 12 hours after the time the notice is given, to show cause why the permit should not be suspended or cancelled (as the case may be).

- (4) After the expiration of 12 hours after a notice under subsection (3) is given, taking into consideration any representation made by the permit-holder, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—

- (a) in the case of a notice of intention to suspend the permit for a specified period—suspend the permit for that period, or for such shorter period as the authority thinks fit; or
- (b) in the case of a notice of intention to cancel the permit—cancel the permit or suspend it for such period as the authority thinks fit.

- (5) The suspension or cancellation of a permit takes effect on—

- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the permit-holder; or
- (b) if a later date is specified in that notice—on that later date.



**59 Return of cancelled and suspended circus permits**

- (1) A person commits an offence if—
  - (a) the person's circus permit is cancelled or suspended; and
  - (b) the person does not return the permit to the authority within 7 days after the day the cancellation or suspension takes effect.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.



(b) does not hold a trapping permit.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) In this section:

*restricted trap* means a trap prescribed by regulation for this section.

## **62 Trapping—general**

(1) A person commits an offence if the person sets a trap with the intention of catching an animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) This section does not apply in relation to a trap set on premises—

- (a) by the occupier of the premises; or
- (b) with the express permission of the occupier.

(3) In this section:

*occupier* includes an employee, agent or relative of the occupier.

## **Division 6.2 Trapping permits**

### **64 Application for trapping permit**

Application may be made to the authority for—

- (a) a commercial trapping permit, for the purposes of a commercial trapping operation; or
- (b) a private trapping permit, for domestic or private purposes.

*Note 1* A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2* If a form is approved under s 110A (Approved forms) for an application, the form must be used.

## 65 Grant of trapping permit

- (1) On application in accordance with section 64, the authority shall—
  - (a) grant a trapping permit of the type applied for; or
  - (b) refuse to grant a trapping permit.

*Note* If a form is approved under s 110A (Approved forms) for a permit, the form must be used.

- (2) In determining whether or not to grant a trapping permit, the authority shall consider whether the applicant is a fit and proper person to hold a permit of the type applied for, having regard to matters including the following:
  - (a) the species of animals to be trapped;
  - (b) the experience and competency of the applicant, and the applicant's employees and agents, in trapping such animals;
  - (c) the adequacy of the applicant's traps and other trapping equipment;
  - (d) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.
- (3) In subsection (2), a reference to an *applicant* includes a reference—
  - (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

## 66 Rights and duties of partners—trapping permits

Where a trapping permit is issued for the purposes of a partnership, each partner has, in relation to the permit, all the rights and duties of

the permit-holder, whether or not the partner's name is specified in the permit.

**67 Conditions of trapping permits**

The authority may grant a trapping permit subject to such specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:

- (a) the species of animals to be trapped;
- (b) the areas in which traps are to be set;
- (c) the traps and other trapping equipment to be used;
- (d) the welfare of any animals which may be affected by the proposed trapping activities;
- (e) compliance with an approved code of practice.

**68 Duration of trapping permits**

- (1) A commercial trapping permit remains in force for the period of 3 years commencing on the date of grant of the permit (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 69.
- (2) A private trapping permit remains in force for the period specified in the permit (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 69.

**69 Renewal of trapping permits**

On application to the authority by the holder of a trapping permit, the authority must renew the permit—

- (a) for a commercial trapping permit—for 3 years; or

- (b) for a private trapping permit—for the period the authority considers, on reasonable grounds, to be desirable in the interests of animal welfare.

*Note 1*    A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2*    If a form is approved under s 110A (Approved forms) for an application, the form must be used.

## **70            Variation of trapping permits**

- (1) On application by the holder of a trapping permit accompanied by the permit, the authority shall, if it is satisfied on reasonable grounds that it is desirable in the interests of animal welfare—
- (a) vary the permit accordingly; or
- (b) refuse to vary the permit.
- (2) Where the authority believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a trapping permit, the authority shall give the permit-holder a written notice—
- (a) specifying those interests and stating the facts and circumstances that constitute the basis for the authority's belief; and
- (b) inviting the permit-holder to show cause within the specified period why the permit should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the permit-holder, the authority shall vary the permit if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.
- (4) For the purposes of subsection (3), the authority shall, by written notice accompanying the relevant notice under section 107 (1), require the permit-holder to forward the permit to the authority

within a specified period after the date of the notice, being a period of between 14 and 28 days.

## **71 Suspension and cancellation of trapping permits**

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a trapping permit are as follows:
  - (a) the contravention by the permit-holder of a condition specified in the permit;
  - (b) the contravention by the permit-holder of a requirement under section 70 (4);
  - (c) the obtaining of the permit by fraud or misrepresentation;
  - (d) the conviction of the permit-holder of a defined offence within the preceding 3 years;
  - (e) the unfitness or impropriety of the permit-holder to hold a trapping permit (of the type held), in consideration of matters including those referred to in section 65 (2) (a), (b) and (c).
- (2) In subsection (1), a reference to a *permit-holder* includes a reference—
  - (a) if the permit-holder is a body corporate—to a director, secretary or manager of the body; or
  - (b) if the permit is held for the purposes of a partnership—to each of the partners, whether or not the partner's name is specified in the permit.
- (3) Where the authority believes on reasonable grounds that—
  - (a) there exists a ground for the suspension or the cancellation of a trapping permit; and
  - (b) it is desirable in the interests of animal welfare to suspend or cancel the permit;

he or she shall give written notice to the permit-holder—

- (c) specifying the ground referred to in paragraph (a) together with the particular interests referred to in paragraph (b); and
  - (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
  - (e) inviting the permit-holder, within 28 days after the date of the notice, to show cause why the permit should not be suspended or cancelled (as the case may be).
- (4) After the expiration of the period specified in a notice under subsection (3), taking into consideration any representation made by the permit-holder, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—
- (a) in the case of a notice of intention to suspend the permit for a specified period—suspend the permit for that period, or for such shorter period as the authority thinks fit; or
  - (b) in the case of a notice of intention to cancel the permit—cancel the permit or suspend it for such period as the authority thinks fit.
- (5) The suspension or cancellation of a permit takes effect on—
- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the permit-holder; or
  - (b) if a later date is specified in that notice—on that later date.

## **72            Surrender of trapping permits**

- (1) The holder of a trapping permit may surrender the permit to the authority by notice in writing accompanied by the permit.
- (2) The surrender of a trapping permit takes effect on the date the notice of surrender is given in accordance with subsection (1), or such later date as is specified in the notice.



**73 Return of cancelled and suspended trapping permits**

- (1) A person commits an offence if—
- (a) the person's trapping permit is cancelled or suspended; and
  - (b) the person does not return the person's permit to the authority within 7 days after the day the cancellation or suspension takes effect.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

## Part 7                                  Enforcement

### Division 7.1                          Preliminary

#### 74                          Definitions for pt 7

In this part:

*connected*—an animal or thing is *connected* with a particular offence if—

- (a) it is an animal or thing in relation to which the offence has been committed; or
- (b) it will provide evidence of the offence; or
- (c) it was used, or is or was intended to be used, to commit the offence.

*occupier*, of premises that an inspector or authorised officer is authorised to enter under this part, includes a person the inspector or officer believes on reasonable grounds to be the occupier, or to be in charge, of the premises.

*offence* means—

- (a) any conduct engaged in, whether by an act or omission, that there are reasonable grounds for believing is an offence; or
- (b) an offence (within the meaning of paragraph (a)) that there are reasonable grounds for believing has been, or will be, committed.

#### 75                          Indemnity

- (1) The Territory shall indemnify a person against liability for damage or personal injury caused (either directly or indirectly) by that person's performance or purported performance, in good faith, of a function under this part.

- (2) In subsection (1), a reference to the performance (or purported performance) of a function by a person includes a reference to the assistance of another person in such a performance (or purported performance).

**75A Public access**

The authority shall ensure that a copy of any report received by him or her under section 89 (1) is available for public inspection free of charge at the office of the authority.

**Division 7.2 Inspectors and authorised officers**

**76 Inspectors**

- (1) The chief executive must establish 1 or more positions in the public service, the duties of which include exercising the functions of an inspector.
- (2) The following people are inspectors:
- (a) any public servant for the time being exercising the duties of a position mentioned in subsection (1);
  - (b) the authority, including a delegate of the authority with any delegated powers of an inspector;
  - (c) a police officer;
  - (d) anyone else appointed in writing by the chief executive.

**77 Authorised officers**

- (1) The chief executive must establish 1 or more positions in the public service, the duties of which include exercising the functions of an authorised officer.
- (2) Only a public servant who is a veterinary surgeon may be an authorised officer.

- (3) Subject to subsection (2), an authorised officer is any public servant performing the duties of a position mentioned in subsection (1).

## 78 Identity cards

- (1) The chief executive must give an authorised person an identity card stating the person's name and position.
- (2) The identity card must show—
- (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
- (a) the person stops being an authorised person; and
  - (b) the person does not return the person's identity card to the chief executive as soon as practicable, but no later than 7 days after the day the person stops being an authorised person.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

*authorised person* means a person holding any of the following positions:

- (a) inspector (other than a police officer);
- (b) authorised officer.

## Division 7.3 Powers of inspectors

### 80 Definitions for div 7.3

In this division:

*business premises* means premises used for business or professional purposes, other than a part used for residential purposes.

*premises*, in relation to the exercise of an inspector's powers, means any premises except those which the inspector believes on reasonable grounds are being used for—

- (a) the purposes of research, or teaching, using animals; or
- (b) the acquisition, breeding or keeping of animals for such purposes.

## **81 Powers of entry and search**

- (1) Subject to this section, where an inspector believes on reasonable grounds that it is necessary to do so for the purposes of this Act, the inspector may—
  - (a) enter any premises; and
  - (b) exercise any power—
    - (i) under section 82; or
    - (ii) for the purposes of section 85.
- (2) For subsection (1), an inspector may—
  - (a) enter any premises at any time with the consent of the occupier of the premises; or
    - Note* The procedures for obtaining consent are set out in s 88.
  - (b) enter business premises during business hours at the premises; or
  - (c) enter premises in accordance with a warrant under section 90; or
  - (d) enter premises at any time if the inspector believes on reasonable grounds that serious and urgent circumstances

require the immediate exercise of any of the inspector's powers without a warrant.

- (3) An inspector who enters premises under subsection (2) (d) may have reasonable assistance and use reasonable force to enter the premises.
- (4) An inspector who enters premises under this section may take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this Act.
- (5) This section does not authorise an inspector to enter an abattoir unless—
  - (a) the inspector is a veterinary surgeon; or
  - (b) if the inspector is not a veterinary surgeon—the inspector enters those premises with a veterinary surgeon.
- (6) Where a power is exercised in accordance with subsection (1) in relation to a vehicle, the relevant inspector may stop and detain the vehicle for the purpose of the exercise of that power.

## **82            Powers of inspectors**

- (1) Subject to subsection (2), an inspector who enters premises in accordance with section 81 may, if he or she believes it on reasonable grounds to be necessary for the purposes of this Act—
  - (a) examine any animal in or on the premises; or
  - (b) give assistance to any animal on the premises; or
  - (c) inspect the premises and anything in or on the premises (including a document); or
  - (d) take copies of, or extracts from, any document in or on the premises; or
  - (e) take photographs or make films or videotapes of the premises or any animal or thing in or on the premises; or

- (f) seize any animal, or anything (including a document), that the inspector believes on reasonable grounds to be connected with an offence; or
  - (g) require any person in or on the premises to give the inspector such assistance as is reasonable to enable the inspector to exercise his or her powers under this section; or
  - (h) ask questions of any person in or on the premises where the inspector considers it reasonable to enable him or her to exercise powers under this section.
- (2) An inspector must not—
- (a) give a document seized under subsection (1) to someone else (other than the authority); or
  - (b) give a copy of a document inspected or seized under subsection (1) to someone else (other than the authority); or
  - (c) communicate to someone else (other than the authority) the contents of a document inspected or seized under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsection (2) does not apply if the document or copy is given, or the communication is made for the purposes of the investigation or prosecution of an offence.

## **Division 7.4 Powers of authorised officers**

### **83 Research and educational institutions—powers of entry and search**

- (1) Subject to this section, where an authorised officer believes on reasonable grounds that it is necessary to do so for the purposes of this Act, the officer may—

- (a) enter any premises he or she believes on reasonable grounds is being used for—
  - (i) the purposes of research, or teaching, using animals; or
  - (ii) the acquisition, breeding or keeping of animals for such purposes; and
- (b) exercise any power—
  - (i) under section 84; or
  - (ii) for the purposes of section 85.
- (2) For subsection (1), an authorised officer may enter premises mentioned in subsection (1) (a)—
  - (a) at any time with the consent of the occupier of the premises; or

*Note* The procedures for obtaining consent are set out in s 88.

  - (b) in accordance with a warrant under section 90; or
  - (c) at any time if the officer believes on reasonable grounds that serious and urgent circumstances require the immediate exercise of any of the officer’s powers without a warrant.
- (3) An authorised officer who enters premises under subsection (2) (c) may have reasonable assistance and use reasonable force to enter the premises.
- (4) An authorised officer who enters premises under this section may take into the premises any people, equipment or material the officer reasonably needs for exercising a power under this Act.
- (5) Where a power is exercised in accordance with subsection (1) in relation to a vehicle, the relevant officer may stop and detain the vehicle for the purpose of the exercise of that power.



**84 Powers of authorised officers**

- (1) Subject to subsection (2), an authorised officer who enters premises in accordance with section 83 may, if he or she believes it on reasonable grounds to be necessary for the purposes of this Act—
- (a) examine any animal in or on the premises; or
  - (b) give assistance to any animal on the premises; or
  - (c) take a sample of tissue, blood, urine or other bodily material from an animal or carcass on the premises; or
  - (d) inspect the premises and anything in or on the premises (including a document); or
  - (e) take copies of, or extracts from, any document in or on the premises; or
  - (f) take photographs or make films or videotapes of the premises or any animal or thing in or on the premises; or
  - (g) seize any animal, or anything (including a document), that the officer believes on reasonable grounds to be connected with an offence; or
  - (h) require any person in or on the premises to give the officer such assistance as is reasonable to enable the officer to exercise his or her powers under this section; or
  - (i) ask questions of any person in or on the premises where the officer considers it reasonable to enable him or her to exercise powers under this section.
- (2) An authorised officer must not—
- (a) give a document seized under subsection (1) to someone else (other than the authority); or
  - (b) give a copy of a document inspected or seized under subsection (1) to someone else (other than the authority); or

- (c) communicate to someone else (other than the authority) the contents of a document inspected or seized under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsection (2) does not apply if the document or copy is given, or the communication is made for the purposes of the investigation or prosecution of an offence.

## **Division 7.5 Powers of veterinary surgeons**

### **84A Powers of veterinary surgeons regarding seized animals and carcasses**

- (1) A veterinary surgeon may take a sample of tissue, blood, urine or other bodily material from—
- (a) an animal that has been seized under section 82 (1) (f) or 84 (1) (g) (a *seized animal*); or
  - (b) a carcass seized under section 82 (1) (f) or 84 (1) (g) (a *seized carcass*).
- (2) A veterinary surgeon may perform a post-mortem on—
- (a) a dead seized animal; or
  - (b) a seized carcass.

## **Division 7.6 Alleviation of suffering—powers of inspectors, authorised officers and veterinary surgeons**

### **85 Inspectors and authorised officers**

- (1) This section applies where an inspector or an authorised officer believes on reasonable grounds—

- (a) that an animal has not been provided with proper or sufficient food or drink during the previous 24 hours; or
  - (b) that an animal is so severely injured, so overworked, so diseased or in such a physical condition that it is necessary that the animal be provided with veterinary treatment; or
  - (c) that—
    - (i) an animal is so severely injured or diseased, or in such a poor physical condition, that it is cruel to keep it alive; and
    - (ii) the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal.
- (2) Where this section applies, the relevant inspector or authorised officer may—
- (a) seize the animal; and
  - (b) give assistance to the animal; and
  - (c) remove the animal to such place as he or she thinks fit; and
  - (d) in the case of an animal referred to in subsection (1) (c)—destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.
- (3) An inspector shall only exercise a power referred to in subsection (2) (d) with the written consent of a person in charge of the relevant animal, unless—
- (a) the inspector, after making reasonable enquiries, is unable to locate such a person; or
  - (b) the inspector is a veterinary surgeon.
- (4) The reasonable expenses incurred by an inspector or authorised officer in the exercise of a power under subsection (2) in respect of

an animal may be recovered by the Territory from the owner of the animal as a debt in a court of competent jurisdiction.

- (5) Where subsection (1) (a) or (b) applies, the relevant inspector or authorised officer may, instead of exercising the powers referred to in subsection (2) (a), (b) or (c), give a person in charge of the relevant animal directions in writing requiring that person—
- (a) to provide the animal with such specified rest, food, water, shelter or treatment as is necessary in the interests of the animal's welfare; and
  - (b) where necessary, to consult a veterinary surgeon about the condition of the animal within such a specified period as is reasonable in the circumstances.
- (6) A person must not contravene a direction given to the person under subsection (5).

Maximum penalty: 50 penalty units.

- (7) An offence against this section is a strict liability offence.

## **86 Veterinary surgeons**

- (1) Where, in the opinion of a veterinary surgeon—
- (a) an animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive; and
  - (b) the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal;

the veterinary surgeon may—

- (c) seize the animal; and
- (d) give assistance to the animal; and
- (e) remove the animal to such place as the veterinary surgeon thinks fit; and

- (f) destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.
- (2) The reasonable expenses incurred by a veterinary surgeon in the exercise of a power conferred by subsection (1) in respect of an animal may be recovered from the owner of the animal as a debt in a court of competent jurisdiction.

## **Division 7.7                      Consent to entry, reports and search warrants**

### **87                      Definition of *officer* for div 7.7**

In this division:

*officer* means an inspector or an authorised officer.

### **88                      Consent to entry**

- (1) This section applies where the consent of the occupier of premises is sought by an inspector or an authorised officer for entry to the premises for the purposes of section 81 or 83, as the case requires.
- (2) Where this section applies, before seeking the consent of the occupier of premises for the purposes of entering premises, an officer shall inform the occupier that he or she may refuse to give that consent.
- (3) Where this section applies and an officer obtains consent from an occupier to enter premises, the officer shall ask the occupier to sign an acknowledgment—
  - (a) that the occupier has been informed that he or she may refuse to give that consent; and
  - (b) that the occupier has given the officer consent, for the purposes of that provision, to enter the premises and to exercise the powers of an officer under section 82, 84 or 85; and

- (c) of the day on which, and the time at which, that consent was given.
- (4) Where this section applies, an officer is not authorised to remain on the premises if, on request by or on behalf of the occupier of the premises, the officer does not show his or her identity card to the occupier.
- (5) Where a police officer exercises the power of an inspector to enter premises, subsection (4) only applies where the police officer is not in uniform.
- (6) Where it is material, in any proceedings, for a court to be satisfied, for the purposes of this section, of the consent of an occupier, and an acknowledgment in accordance with subsection (3) is not produced in evidence, it shall be presumed that the occupier did not consent unless the contrary is established.

## **89 Reports**

- (1) Where, for the purposes of an inspection under this part—
  - (a) an inspector enters commercial premises; or
  - (b) an authorised officer enters licensed premises;with the occupier's consent, the inspector or authorised officer must, within 30 days after that entry, provide the occupier with a written report of the inspection.
- (2) A report under subsection (1) shall contain—
  - (a) a description of the inspection, and of any action taken by the officer or the authority as a result of the inspection; and
  - (b) comments about such other matters connected with the welfare of animals kept on the premises as are reasonably requested by the occupier; and
  - (c) such other comments connected with the welfare of the animals kept on the premises as the officer thinks fit.

- (3) In subsection (1):

*commercial premises* means premises used for the sale or transport of animals, or for other commercial purposes in relation to animals.

## **90 Search warrants**

- (1) This section applies where an information on oath is laid before a magistrate alleging that there are reasonable grounds for suspecting that there is, on any premises—
- (a) an animal or thing of a particular kind that is connected with a particular offence against this Act; or
  - (b) an animal or thing of a particular kind that is connected with the contravention of a requirement imposed by or under this Act; or
  - (c) an animal referred to in section 85;
- and the information sets out those grounds.
- (2) Where this section applies, a magistrate may issue a search warrant authorising an officer named in the warrant, with such assistance and by such force as is necessary and reasonable—
- (a) to enter the premises; and
  - (b) to search the premises for the relevant animal or thing; and
  - (c) to exercise the powers of an officer under section 82, 84 or 85 in relation to the premises, animal or thing.
- (3) A magistrate shall not issue a warrant unless—
- (a) the informant or another person has given the magistrate, either orally or by affidavit, any information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
  - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

- (4) A magistrate shall not—
- (a) issue a warrant in relation to the search by an authorised officer of premises within the meaning of division 7.3; or
  - (b) issue a warrant in relation to the search by an inspector of premises, being premises referred to in section 83 (1) (a) (i) or (ii).
- (5) A warrant shall—
- (a) state the purpose for which it is issued; and
  - (b) specify the nature of the offence or contravention, or the circumstances referred to in section 85 (1), as the case requires, in relation to which the entry is authorised; and
  - (c) specify particular hours during which entry to the premises is authorised, or state that such entry is authorised at any time of the day or night; and
  - (d) include a description of the kinds of things or animals in relation to which the powers of the officer may be exercised; and
  - (e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.



## **Division 7.8                      Offences in relation to veterinary surgeons**

### **91                      Obstructing etc veterinary surgeon**

A person must not hinder, obstruct, intimidate or resist a veterinary surgeon in the exercise of the veterinary surgeon's functions under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

*Note*                      The Criminal Code, pt 3.6 and pt 3.8 include offences for giving false and misleading statements to, or obstructing, Territory public officials.

## **Division 7.9                      Compensation for animal injury and death**

### **93                      Definitions for div 7.9**

In this division:

*officer* means—

- (a) an inspector; or
- (b) an authorised officer; or
- (c) any other person who enters premises under section 81 (4) or 83 (4) while the person is on the premises; or
- (d) in relation to a function under section 86—a veterinary officer.

*owner*, of an injured or dead animal, means the owner of the animal immediately before its injury or death.

**94 Right to compensation**

- (1) Where an animal is injured, or dies, in the course of the performance of an officer's functions under this part, the owner of the animal is entitled to compensation under this division, subject to subsection (2).
- (2) Subsection (1) only applies where an officer's malice or negligence—
  - (a) significantly contributed to the injury or death of the animal; or
  - (b) in the case of an animal which is destroyed—significantly contributed to, or significantly exacerbated, the condition of the animal which necessitated the animal's destruction.

**95 Compensation claims**

- (1) A claim for compensation under this division shall be—
  - (a) made by or on behalf of the owner of the animal; and
  - (b) made within 1 year of the injury or death of the animal.

*Note 1* A fee may be determined under s 110 (Determination of fees) for this section.

*Note 2* If a form is approved under s 110A (Approved forms) for this section, the form must be used.
- (2) On a claim for compensation made in accordance with subsection (1), the authority shall—
  - (a) approve the claim; or
  - (b) refuse to approve the claim.
- (3) The authority shall only approve a claim if satisfied, on reasonable grounds, that the owner of the relevant animal is entitled to compensation under section 94.

- (4) The authority shall only approve the payment of such an amount of compensation under this section as is reasonable in the circumstances, in consideration of matters including the following:
- (a) the value of the animal, in the authority's opinion based on reasonable grounds, immediately before the malice or negligence referred to in section 94 (2);
  - (b) any malice or negligence of the owner of the animal, or of other persons (not being officers), which, in the authority's opinion based on reasonable grounds—
    - (i) significantly contributed to the injury or death of the animal; or
    - (ii) in the case of an animal which is destroyed—significantly contributed to, or significantly exacerbated, the condition of the animal which necessitated the animal's destruction;
  - (c) the amount of such costs incurred by the owner as a result of the injury or death of the animal as the authority considers reasonable.
- (5) Where the authority approves a claim for compensation, the Territory shall pay the owner of the relevant animal accordingly.

## **96 Exclusion of civil actions**

Where a person is entitled to compensation under this division for the injury or death of an animal, no amount—

- (a) by way of compensation for the value of the animal; or
- (b) for any costs incurred by the owner of the animal as a result of that injury or death;

is payable to any person except under this division.

## Division 7.10            Evidence

### 97            Meaning of *offence* for div 7.10

In this division:

*offence* means an offence against this Act.

### 98            Certificate evidence

(1) In proceedings for an offence, a certificate purporting to be signed by the authority stating—

- (a) whether or not a person was, during a specified period, a licensee, or the holder of a circus permit or a trapping permit; or
- (b) whether or not a licence, circus permit or trapping permit was in force on a specified day or days; or
- (c) the conditions subject to which a licence, circus permit or trapping permit was granted, as in force on a specified day or days; or
- (d) whether or not a licence, circus permit or trapping permit was varied, suspended or cancelled on a specified day, and (in the case of a suspension) for a specified period;

is evidence of the matters stated in the certificate and the facts on which they are based.

(2) In proceedings for an offence, a certificate purporting to be signed by the chairperson of an ethics committee in relation to an authorisation stating—

- (a) whether or not a person was, during a specified period, the holder of an authorisation granted by that committee; or
- (b) whether or not an authorisation granted by that committee was in force on a specified day or days; or

- (c) the conditions subject to which an authorisation was granted by that committee, as in force on a specified day or days; or
- (d) whether or not an authorisation was varied, suspended or cancelled by that committee on a specified day, and (in the case of a suspension) for a specified period;

is evidence of the matters stated in the certificate and the facts on which they are based.

## **99 Acts and omissions of representatives**

- (1) In this section:

*person* means an individual.

*Note* See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.

- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

## **Division 7.11 Court orders and corporate penalties**

### **100 Meaning of *offence* in div 7.11**

In this division:

*offence* means an offence against this Act.

### **101 Animal offences—court orders (general)**

- (1) This section applies where—
  - (a) a court has convicted or found guilty a person in charge of an animal of an offence in respect of the animal; and
  - (b) the court is satisfied that, unless an appropriate order under this section is made, the person would be likely to commit a further offence in respect of the animal, or any other animal.
- (2) Where this section applies, the court may, in addition to any penalty which it may otherwise impose, make such order as it thinks fit in respect of the disposal of—
  - (a) the animal in respect of which the offence was committed; and
  - (b) any other animal of which the person is in charge.

- (3) Where a court makes an order under subsection (2), it may make a further order that the person shall not—
- (a) purchase or acquire; or
  - (b) take possession or custody of;
- any animal within such period as is specified in the order.
- (4) A person must not engage in conduct that contravenes an order under subsection (2) or (3).

Maximum penalty (subsection (4)): 50 penalty units, imprisonment for 6 months or both.

**102 Animal offences—court orders (costs and proceeds of disposal)**

- (1) Where a court makes an order under section 101 (2), it may make a further order that the person convicted or found guilty of the offence pay to a specified person such costs in respect of the disposal of the animal as are specified in the further order.
- (2) Where a court makes an order under section 101 (2), it may make a further order specifying the distribution of the proceeds from the disposal of the relevant animal pursuant to the firstmentioned order.
- (3) The costs or proceeds specified in an order under subsection (1) or (2) (as the case requires) may be recovered pursuant to the relevant order as a debt due in a court of competent jurisdiction.

**103 Spur and trap offences—court orders (general)**

- (1) This section applies where—
- (a) a court has convicted or found guilty a person of an offence—
    - (i) under section 14 in relation to a spur or a cockfighting spur cap; or
    - (ii) under division 6.1 in relation to an animal trap; and

- (b) the court is satisfied that, unless an appropriate order under this section is made, the person would be likely to commit a further offence in respect of a spur, cockfighting spur cap or animal trap (as the case may be).
- (2) Where this section applies, the court may, in addition to any penalty which it may otherwise impose, make such order as it thinks fit in respect of the disposal of—
  - (a) the relevant spur, cockfighting spur cap or animal trap, as the case requires; and
  - (b) any other spur, cockfighting spur cap or animal trap (whether of the same or of a different type of trap), as the case requires.
- (3) Where a court makes an order under subsection (2), it may make a further order that the person shall not (for any purpose) within a specified period—
  - (a) purchase or acquire; or
  - (b) take possession or custody of;any—
  - (c) animal trap (in general or of any specified type); or
  - (d) spur or cockfighting spur cap;as the case requires.
- (4) A person must not engage in conduct that contravenes an order under subsection (2) or (3).

Maximum penalty (subsection (4)): 50 penalty units, imprisonment for 6 months or both.

**104 Spur and trap offences—court orders (costs and proceeds of disposal)**

- (1) Where a court makes an order under section 103 (2), it may make a further order that the person convicted or found guilty pay to a



specified person specified costs in respect of the disposal of the relevant spur, cockfighting spur cap or animal trap.

- (2) Where a court makes an order under section 103 (2), it may make a further order specifying the distribution of the proceeds from the disposal of the relevant spur, cockfighting spur cap or animal trap pursuant to the firstmentioned order.
- (3) The costs or proceeds specified in an order under subsection (1) or (2) (as the case requires) may be recovered pursuant to the relevant order as a debt due in a court of competent jurisdiction.

#### **104A Court orders—offences involving violence**

- (1) This section applies if a person is found guilty or convicted of an offence against this Act, or another Act, involving violence towards an animal.
- (2) Before sentencing the person, the court may—
  - (a) make an order requiring the person to submit to psychological assessment; and
  - (b) consider the assessment and any recommendation for counselling or treatment arising from the assessment.
- (3) The court may, in addition to any other sentence it may impose, make an order requiring the person to undertake a program of counselling or treatment mentioned in subsection (2) (b).

##### **Example of program**

an anger management treatment program

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) A person commits an offence if the person intentionally contravenes a requirement of an order under this section.

Maximum penalty: 1 000 penalty units.

**105 Court orders—procedure and appeals**

- (1) For the purposes of proceedings for an order under this division—
  - (a) the court may require notice of the proceedings to be given to such persons as the court thinks fit; and
  - (b) the court may hear a person to whom such notice has been given.
- (2) Without affecting any other right of appeal, an order under this division is appellable in the same manner as if it were, or were part of, a sentence imposed in respect of the relevant offence.

## Part 8 Administrative review

### 107 Notice of decisions

- (1) Where the authority makes a decision—
  - (a) under section 28 to refuse to grant a licence; or
  - (b) under section 30 to grant a licence subject to a condition; or
  - (c) under section 33 (1) to refuse to vary a licence; or
  - (d) under section 33 (3) to vary a licence; or
  - (e) under section 34 to suspend a licence; or
  - (f) under section 34 to cancel a licence; or
  - (g) under section 49B (3) to end the application of section 49B (1) to a researcher; or
  - (h) under section 54 to refuse to grant a circus permit; or
  - (i) under section 56 to grant a circus permit subject to a condition; or
  - (j) under section 57 to grant a circus permit for a particular period; or
  - (k) under section 58 to suspend a circus permit; or
  - (l) under section 58 to cancel a circus permit; or
  - (m) under section 65 to refuse to grant a trapping permit; or
  - (n) under section 67 to grant a trapping permit subject to a condition; or
  - (o) under section 68 to grant a private trapping permit for a particular period; or

- (p) under section 69 to renew a private trapping permit for a particular period; or
- (q) under section 70 (1) to refuse to vary a trapping permit; or
- (r) under section 70 (3) to vary a trapping permit; or
- (s) under section 71 to suspend a trapping permit; or
- (t) under section 71 to cancel a trapping permit; or
- (u) under section 95 to refuse to approve a claim for compensation; or
- (w) under section 95 to approve a claim for compensation for a particular amount;

the authority shall cause notice in writing of the decision to be given to the relevant applicant, licensee or permit-holder.

- (2) Where an ethics committee makes a decision—
- (a) under section 40 to refuse to grant an authorisation; or
  - (b) under section 41 to grant an authorisation subject to a condition; or
  - (c) under section 43 to grant an authorisation for a particular period; or
  - (d) under section 44 to renew an authorisation for a particular period; or
  - (e) under section 45 (1) to refuse to vary an authorisation; or
  - (f) under section 45 (3) to vary an authorisation; or
  - (g) under section 46 to suspend an authorisation; or
  - (h) under section 46 to cancel an authorisation;

the ethics committee shall cause notice in writing of the decision to be given to the relevant applicant or authorised person.

- (3) A notice under subsection (1) or (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**108 Review by administrative appeals tribunal**

A person entitled under section 107 (1) or (2) to be given notice of a decision may apply to the administrative appeals tribunal for a review of the decision.

## Part 9 Animal welfare advisory committee

### 109 Establishment and functions

- (1) The Minister shall, by instrument, establish an Animal Welfare Advisory Committee.
- (2) The committee is to be constituted in accordance with its instrument of establishment.
- (3) The functions of the committee are as follows:
  - (a) to advise the Minister about animal welfare legislation;
  - (b) to participate in the development of approved codes of practice;
  - (c) to provide advice to other Territory authorities, and to community bodies, about programs for the improvement of community awareness about animal welfare;
  - (d) to advise the Minister about any other matter relating to animal welfare;
  - (e) to report annually to the Minister on the activities of the committee.

## Part 10                      Miscellaneous

### 110            Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

*Note*        The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note*        A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 110A          Approved forms

- (1) The authority may, in writing, approve forms for this Act.
- (2) If the authority approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the *Legislation Act 2001*.

### 111            Exemptions by regulations

The regulations may—

- (a) exempt a person from the requirements of all or any of the provisions of this Act; or
- (b) provide for all or any of the provisions of this Act to apply, or not to apply, in relation to an animal.

### 112            Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note*        Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
  - (a) the confining, housing or transport of animals; and
  - (b) the slaughtering, trapping, snaring, catching or poisoning of animals; and
  - (c) the hiring out, boarding, sale or trade of animals; and
  - (d) the breeding, husbandry or training of animals; and
  - (e) the use of animals for entertainment; and
  - (f) the conditions under which animals may be kept or used for the purpose of the production of films, television programs or photographs, or of film, television, or photographic advertisements; and
  - (g) the use of animals for teaching or research, or medical or surgical procedures.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) The regulations may incorporate (with or without modification) an approved code of practice as in force from time to time.



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## Dictionary

(see s 2)

***animal*** means—

- (a) a live member of a vertebrate species, including—
  - (i) an amphibian; and
  - (ii) a bird; and
  - (iii) a fish; and
  - (iv) a mammal (other than a human being); and
  - (v) a reptile; or
- (b) a live cephalopod; or
- (c) a live crustacean intended for human consumption.

***animal welfare*** means the health, safety and welfare of—

- (a) animals in general; or
- (b) 1 or more animals in particular.

***approved code of practice*** means a code of practice approved under section 22, as in force under this Act.

***authorisation*** means a research authorisation or a teaching authorisation.

***authorised officer*** means an authorised officer under section 77.

***authorised person*** means the holder of an authorisation.

***authority*** means the Animal Welfare Authority under section 4.

***circus permit*** means a permit granted under section 54, as in force under this Act.

**commercial trapping permit** means a permit granted under section 65 for the purposes of a commercial trapping operation, as in force under this Act.

**confine**, in relation to an animal, includes—

- (a) pinion, mutilate or maim the animal for the purpose of hindering, impeding or preventing the freedom of movement of the animal; and
- (b) subject the animal to a device or contrivance for the purpose of hindering, impeding or preventing freedom of movement of the animal; and
- (c) tether the animal.

**defined offence** means—

- (a) an offence against this Act; or
- (b) an offence in relation to animal welfare under another Territory law or a Commonwealth or State law.

**director**, of a corporation incorporated for a public purpose under a Territory, Commonwealth or State law, includes a member of the corporation.

**domestic**, in relation to an animal, includes captive.

**engage in conduct** means—

- (a) do an act; or
- (b) omit to do an act.

**ethics committee** means an animal experimentation ethics committee established in accordance with the regulations—

- (a) in relation to a licence—which exercises the functions of such a committee for the purposes of the licence; or
- (b) in relation to an application for an authorisation—to which the application is made; or

- (c) in relation to an authorisation or an authorised person—which granted the authorisation.

***feral animal*** means an animal (other than a native animal) that does not live in a domestic state.

***identity card*** means—

- (a) in relation to the authority or a delegate of the authority—the identity card issued to him or her under section 6A; or
- (b) in relation to an inspector or an authorised officer—the identity card issued to him or her under section 78; or
- (c) in relation to a police officer—proof of identification of a type approved for general purposes by the commissioner of police.

***injury***, in relation to an animal, includes—

- (a) the aggravation, acceleration or recurrence of any physical injury; and
- (b) the contraction, aggravation, acceleration or recurrence of a disease.

***inspector*** means an inspector under section 76.

***interstate research authorisation*** means an authorisation (however described) to conduct research, or teach, using animals that—

- (a) has been granted under a State law; and
- (b) has not been suspended.

***interstate researcher*** means a person who holds an interstate research authorisation.

***licence*** means a licence granted under section 28, as in force under this Act.

***licensed premises*** means premises in relation to which a licence is in force.

***licensee*** means the holder of a licence.

***native animal***—see the *Nature Conservation Act 1980*, dictionary.

***pain*** includes suffering and distress.

***person in charge***, in relation to an animal, means—

- (a) the owner of the animal; or
- (b) a person having the custody or control of the animal; or
- (c) if a person referred to in paragraph (b) is acting as the servant or agent of another person—that other person; or
- (d) if the animal is confined in a saleyard—the occupier of the saleyard.

***pest*** does not include a domestic animal or a native animal.

***poison*** includes glass or anything else that, if ingested, is likely to kill or injure an animal.

***premises*** includes—

- (a) a building or part of a building; and
- (b) a tent, stall or other structure, whether permanent or temporary; and
- (c) land (including water on land) whether or not appurtenant to a building; and
- (d) a vehicle.

***private trapping permit*** means a permit granted under section 65 for domestic or private purposes, as in force under this Act.

***prohibited circus animal*** means—

- (a) a bear, cheetah, elephant, giraffe, leopard, lion, puma or tiger; or
- (b) an animal prescribed under section 52.

**research authorisation** means an authorisation granted under section 40 to conduct a program of research, as in force under this Act.

**steel-jawed trap** means an animal trap fitted with metal jaws, a pressure plate and a spring-operated mechanism, designed so that the metal jaws close against each other when the trap is activated by the application of weight to the pressure plate.

**teaching authorisation** means an authorisation granted under section 40 to conduct a program of teaching, as in force under this Act.

**trapping permit** means a commercial trapping permit or a private trapping permit.

**vary**, in relation to a licence, authorisation or trapping permit, means—

- (a) vary or revoke a condition specified in that licence, authorisation or permit; or
- (b) impose a condition on that licence, authorisation or permit.

**vehicle** includes a caravan, trailer or vessel.

**veterinary treatment**, in relation to an animal, means—

- (a) a medical procedure of a prophylactic or therapeutic nature carried out on the animal—
  - (i) by a veterinary surgeon; or
  - (ii) in accordance with directions given by a veterinary surgeon; or
- (b) a surgical procedure of a prophylactic or therapeutic nature, or sterilisation, carried out on the animal by a veterinary surgeon; or
- (c) any other medical or surgical procedure carried out on the animal by a veterinary surgeon.

**welfare**, in relation to animals, means the health, safety and welfare of—

- (a) animals in general; or
- (b) 1 or more animals in particular.

*Note 1* **Veterinary surgeon** is defined in the *Legislation Act 2001*, dict, pt 1.

*Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Animal Welfare Act 1992 No 45**

notified 1 September 1992 (Gaz 1992 No S148)  
s 1, s 2 commenced 1 September 1992 (s 2 (1))  
ss 6, 76, 78, 79 and 109 commenced 2 November 1992 (Gaz 1992 No 44)  
remainder commenced 1 March 1993 (s 2 (3))

as amended by

#### **Acts Revision (Position of Crown) Act 1993 No 44 sch 2**

notified 27 August 1993 (Gaz 1993 No S165)  
commenced 27 August 1993 (s 2)

#### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

#### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch commenced 15 December 1994 (Gaz 1994 No S293)

#### **Nature Conservation (Amendment) Act (No. 2) 1994 No 110 sch 2**

notified 22 December 1994 (Gaz 1994 No S289)  
s 1, s 2 commenced 22 December 1994 (s 2 (1))  
sch 2 commenced 8 February 1995 (Gaz 1995 No S41)

#### **Animal Welfare (Amendment) Act 1997 No 45 (as am 2001 No 44 pt 19; 2001 No 83 s 9; A2005-54 sch 1 pt 1.4)**

notified 19 September 1997 (Gaz 1997 No S264)  
ss 1-3 commenced 19 September 1997 (s 2 (1))  
s 6 commenced 19 December 1997 (s 2 (4))  
s 4, s 5 commence 6 years after the day when Eggs (Labelling and Sale) Act 2001, s 7 (1) is, or provisions of that Act that include that subsection are, described in the Mutual Recognition Act 1992 (Cwlth), sch 2



**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (Gaz 1998 No 49)

**Animal Welfare Amendment Act 2000 No 72**

notified 21 December 2000 (Gaz 2000 No S69)  
commenced 21 December 2000 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 17**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 17 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Statute Law Amendment Act 2001 (No 2) No 56 pt 3.4**

notified 5 September 2001 (Gaz 2001 No S65)  
commenced 12 September 2001 (s 2 (1))

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 1 pt 1.1, sch 2 pt 2.4**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.1, sch 2 pt 2.4 commenced 9 April 2004 (s 2 (1))

**Animal Legislation (Penalties) Amendment Act 2004 A2004-50**

notified LR 16 August 2004  
s 1, s 2 commenced 16 August 2004 (LA s 75 (1))  
remainder commenced 17 August 2004 (s 2)

**Stock Act 2005 A2005-19 sch 1 pt 1.1**

notified LR 13 April 2005  
s 1, s 2 commenced 13 April 2005 (LA s 75 (1))  
sch 1 pt 1.1 commenced 26 August 2005 (s 2 and CN2005-13)

**Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.3,  
sch 1 pt 1.4**

notified LR 27 October 2005  
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))  
sch 1 pt 1.3 commenced 24 November 2005 (s 2)  
sch 1 pt 1.4 awaiting commencement (LA s 79A and see Animal  
Welfare (Amendment) Act 1997 A1997-45)

## Endnotes

4 Amendment history

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### **Animal Welfare Amendment Act 2006 A2006-17**

notified LR 10 May 2006

s 1, s 2 commenced 10 May 2006 (LA s 75 (1))

remainder commenced 11 May 2006 (s 2)

## **4 Amendment history**

### **Name of Act**

s 1 sub 2000 No 72 amdt 1.1

### **Dictionary**

s 2 sub 2000 No 72 amdt 1.1

### **Notes**

s 3 sub 2000 No 72 amdt 1.1

### **Offences against Act—application of Criminal Code etc**

s 3A ins A2005-54 amdt 1.9

### **Animal Welfare Authority**

s 4 am 1994 No 60 sch 1; 1994 No 97 sch; 1994 No 110 sch 2 pt 2; 2000 No 72 s 4  
defs reloc to dict 2000 No 72 amdt 1.2  
om 2000 No 72 amdt 1.2  
ins 2000 No 72 amdt 1.3

### **Animal Welfare Authority**

s 5 om 1993 No 44 sch 2  
ins 1994 No 97 sch  
om 2000 No 72 amdt 1.3

### **Delegation**

s 6 sub 1994 No 97 sch

### **Identity cards**

s 6A ins 1994 No 97 sch  
am 1998 No 54 sch; 2000 No 72 amdt 1.4  
sub A2005-54 amdt 1.10  
(6)-(8) exp 24 November 2005 (s 6A (8))

### **Animal welfare offences**

pt 2 hdg sub A2005-54 amdt 1.11

### **Cruelty**

s 7 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.11

### **Aggravated cruelty**

s 7A ins A2006-17 s 4

**Alternative verdicts—cruelty**

s 7B ins A2006-17 s 4

**Pain**

s 8 am 1998 No 54 sch; 2000 No 72 amdt 1.5, amdt 1.6  
sub A2005-54 amdt 1.11

**Confined animals**

s 9 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.47  
sub A2005-54 amdt 1.11

**Battery hens**

s 9A ins 1997 No 45 s 4 (as am A2005-54 amdt 1.30)

**Alleviation of pain**

s 10 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.47  
sub A2005-54 amdt 1.11

**Release**

s 11 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.11

**Administering poison**

s 12 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch  
sub 2000 No 72 s 5; A2005-54 amdt 1.11

**Laying poison**

s 12A ins 2000 No 72 s 5  
sub A2005-54 amdt 1.11

**Electrical devices**

s 13 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.11

**Spurs**

s 14 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.48  
sub A2005-54 amdt 1.11

**Transport and containment**

s 15 am 1998 No 54 sch; 2000 No 72 amdt 1.7, amdt 1.45  
sub A2005-54 amdt 1.11

**Transport of dogs**

s 15A ins 2000 No 72 s 6  
sub A2005-54 amdt 1.11

**Working etc unfit animals**

s 16 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.11

## Endnotes

### 4 Amendment history

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#### **Marches, competitions and baiting**

s 17 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch; 2000 No 72  
amdt 1.45; A2005-19 amdt 1.1  
sub A2005-54 amdt 1.11

#### **Rodeos and game parks**

s 18 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.11

#### **Medical and surgical procedures—people other than veterinary surgeons**

s 19 hdg sub 2000 No 72 s 7  
s 19 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch; 2000 No 72 s 7  
sub A2005-54 amdt 1.11

#### **Medical and surgical procedures—veterinary surgeons**

s 19A ins 2000 No 72 s 8  
sub A2005-54 amdt 1.11

#### **Exception—approved code of conduct**

s 20 am 1997 No 45 s 5, s 5A (as am A2005-54 amdt 1.31); 2000  
No 72 s 9  
sub A2005-54 amdt 1.11

#### **Contents**

s 21 am 1994 No 110 sch 2 pt 2

#### **Codes of practice**

s 22 sub 2001 No 44 amdt 1.175

#### **Disallowance**

s 23 am 2000 No 72 amdt 1.8  
om 2001 No 44 amdt 1.175

#### **Publication**

s 24 am 2001 No 44 amdt 1.176

#### **Licences**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Research, teaching and breeding**

s 25 am 1998 No 54 sch  
sub 2000 No 72 s 10; A2005-54 amdt 1.12

#### **Application of licence**

s 26 am 2000 No 72 amdt 1.9; 2001 No 44 amdt 1.177-1.179

#### **Grant of licence**

s 28 am 2000 No 72 amdt 1.10, 1.11; 2001 No 44 amdt 1.180

#### **Renewal of licences**

s 32 sub 2000 No 72 amdt 1.12  
am 2001 No 44 amdt 1.181, amdt 1.182

**Return of cancelled and suspended licences**

s 36 am 1998 No 54 sch; 2000 No 72 amdt 1.47  
sub A2005-54 amdt 1.13

**Authorisations**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

**Research and teaching using animals**

s 37 am 1998 No 54 sch; 2000 No 72 s 11  
sub A2005-54 amdt 1.14

**Application for authorisation**

s 38 am 2000 No 72 amdt 1.13, 1.14; 2001 No 44 amdt 1.183

**Grant of authorisation**

s 40 am 2000 No 72 amdt 1.15

**Identity certificate for authorised people**

s 42 am 1998 No 54 sch; 2000 No 72 amdt 1.16, amdt 1.17; 2001  
No 44 amdt 1.184  
sub A2005-54 amdt 1.15

**Renewal of authorisations**

s 44 sub 2000 No 72 amdt 1.18  
am 2001 No 44 amdt 1.185, amdt 1.186

**Return of cancelled and suspended authorisations**

s 49 am 1998 No 54 sch; 2000 No 72 amdt 1.48  
sub A2005-54 amdt 1.16

**Interstate researchers**

div 4.3 hdg (prev pt 4 div 2A hdg) ins 2000 No 72 s 12  
renum R4 LA (see 2000 No 72 amdt 1.49)

**Notification**

s 49A ins 2000 No 72 s 12  
am 2001 No 44 amdt 1.187

**Interstate researchers' authorisation in the ACT**

s 49B ins 2000 No 72 s 12

**Animal experimentation ethics committee**

div 4.4 hdg (prev pt 4 div 3 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

**Circuses**

s 51 am 1998 No 54 sch; 2000 No 72 amdt 1.45  
sub A2005-54 amdt 1.17

**Regulations—prohibited circus animals**

s 52 am 2000 No 72 amdt 1.19

**Application for circus permit**

s 53 am 2000 No 72 amdt 1.20; 2001 No 44 amdts 1.188-1.190

## Endnotes

### 4 Amendment history

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#### **Grant of circus permit**

s 54 am 2000 No 72 amdt 1.21, 1.22; 2001 No 44 amdt 1.191

#### **Return of cancelled and suspended circus permits**

s 59 am 1998 No 54 sch; 2000 No 72 amdt 1.48  
sub A2005-54 amdt 1.18

#### **Trapping offences**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)  
sub A2005-54 amdt 1.19

#### **Steel-jawed traps and prohibited traps**

s 60 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.48  
sub A2005-54 amdt 1.19

#### **Restricted traps**

s 61 am 1998 No 54 sch; 2000 No 72 amdt 1.46  
sub A2005-54 amdt 1.19

#### **Trapping—general**

s 62 am 1998 No 54 sch; 2000 No 72 amdt 1.23, amdt 1.24  
sub A2005-54 amdt 1.19

#### **Regulations—prohibited and restricted traps**

s 63 om A2005-54 amdt 1.19

#### **Trapping permits**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Application for trapping permit**

s 64 am 2000 No 72 amdt 1.25; 2001 No 44 amdt 1.192-1.194

#### **Grant of trapping permit**

s 65 am 2000 No 72 amdt 1.26, 1.27; 2001 No 44 amdt 1.195

#### **Renewal of trapping permits**

s 69 sub 2000 No 72 amdt 1.28  
am 2001 No 44 amdt 1.196, amdt 1.197

#### **Return of cancelled and suspended trapping permits**

s 73 am 1998 No 54 sch; 2000 No 72 amdt 1.48  
sub A2005-54 amdt 1.20

#### **Preliminary**

div 7.1 hdg (prev pt 7 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Definitions for pt 7**

s 74 am 1994 No 97 sch  
sub 2000 No 72 amdt 1.29

#### **Public access**

s 75A ins 1997 No 45 s 6

**Inspectors and authorised officers**

div 7.2 hdg (prev pt 7 div 2 hdg) sub 1994 No 97 s 3 sch  
renum R4 LA (see 2000 No 72 amdt 1.49)

**Inspectors**

s 76 sub 1994 No 97 sch; 2000 No 72 amdt 1.30

**Authorised officers**

s 77 sub 1994 No 97 sch; 2000 No 72 amdt 1.30

**Identity cards**

s 78 sub 1984 No 97 sch  
am 1998 No 54 sch; 2000 No 72 amdt 1.31  
sub A2005-54 amdt 1.21  
(6)-(8) exp 24 November 2005 (s 78 (8))

**Identity cards**

s 79 om 1994 No 97 sch

**Powers of inspectors**

div 7.3 hdg (prev pt 7 div 3 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

**Definitions for div 3**

s 80 hdg sub 2000 No 72 s 13  
s 80 def **business premises** ins 2000 No 72 s 13

**Powers of entry and search**

s 81 am 2000 No 72 s 14

**Powers of inspectors**

s 82 hdg sub 2000 No 72 s 15  
s 82 am 1998 No 54 sch; 2000 No 72 s 15; A2005-54 amdt 1.22

**Powers of authorised officers**

div 7.4 hdg (prev pt 7 div 4 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

**Research and educational institutions—powers of entry and search**

s 83 am 2000 No 72 s 16

**Powers of authorised officers**

s 84 am 1998 No 54 sch; 2000 No 72 s 17; A2005-54 amdt 1.23

**Powers of veterinary surgeons**

div 7.5 hdg (prev pt 7 div 4A hdg) ins 2000 No 72 s 18  
renum R4 LA (see 2000 No 72 amdt 1.49)

**Powers of veterinary surgeons regarding seized animals and carcasses**

s 84A ins 2000 No 72 s 18

**Alleviation of suffering—powers of inspectors, authorised officers and veterinary surgeons**

div 7.6 hdg (prev pt 7 div 5 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

## Endnotes

### 4 Amendment history

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#### **Inspectors and authorised officers**

s 85 am 1998 No 54 sch; 2000 No 72 s 19; A2005-54 amdt 1.24

#### **Veterinary surgeons**

s 86 am 2000 No 72 s 20

#### **Consent to entry, reports and search warrants**

div 7.7 hdg (prev pt 7 div 6 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Reports**

s 89 am 2000 No 72 s 21

#### **Offences in relation to veterinary surgeons**

div 7.8 hdg (prev pt 7 div 7 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)  
sub A2005-54 amdt 1.25

#### **Obstructing etc veterinary surgeon**

s 91 am 1998 No 54 sch; 2000 No 72 amdt 1.32; A2004-15  
amdt 2.12  
sub A2005-54 amdt 1.25

#### **False information**

s 92 am 1998 No 54 sch; 2000 No 72 amdt 1.46  
om A2005-54 amdt 1.25

#### **Compensation for animal injury and death**

div 7.9 hdg (prev pt 7 div 8 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Definitions for div 8**

s 93 sub 2000 No 72 s 22

#### **Compensation claims**

s 95 am 2000 No 72 amdt 1.33; 2001 No 44 amdt 1.198, amdt  
1.199

#### **Evidence**

div 7.10 hdg (prev p 7 div 9 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

#### **Acts and omissions of representatives**

s 99 sub A2004-15 amdt 1.1

#### **Court orders and corporate penalties**

div 7.11 hdg (prev pt 7 div 10 hdg) renum R4 LA (see 2000 No 72  
amdt 1.49)

#### **Animal offences—court orders (general)**

s 101 am 1998 No 54 sch; 2000 No 72 amdt 1.34, amdt 1.46;  
A2005-54 amdt 1.26

#### **Animal offences—court orders (costs and proceeds of disposal)**

s 102 am 2000 No 72 amdt 1.35



**Spur and trap offences—court orders (general)**

s 103 am 1998 No 54 sch; 2000 No 72 amdt 1.36, amdt 1.46;  
A2005-54 amdt 1.27

**Spur and trap offences—court orders (costs and proceeds of disposal)**

s 104 am 2000 No 72 amdt 1.37

**Court orders—offences involving violence**

s 104A ins A2004-50 s 4

**Corporations—penalties**

s 106 om 1998 No 54 sch

**Notice of decisions**

s 107 am 1994 No 60 sch 1; 2000 No 72 s 23

**Review by Administrative Appeals Tribunal**

s 108 am 1994 No 60 sch 1

**Determination of fees**

s 110 sub 2000 No 72 amdt 1.38; 2001 No 44 amdt 1.200

**Approved forms**

s 110A ins 2000 No 72 amdt 1.38  
sub 2001 No 44 amdt 1.200

**Exemptions by regulations**

s 111 am 2001 No 44 amdt 1.201, amdt 1.202

**Regulation-making power**

hdg to s 112 sub 2000 No 72 amdt 1.39  
s 112 am 1998 No 54 sch; 2000 No 72 amdt 1.39-1.41; 2001 No 44  
amdt 1.203-1.205

**Consequential provisions**

pt 11 om 2000 No 72 amdt 1.42

**Permits under repealed Act**

s 113 om 2000 No 72 amdt 1.42

**Amendment of Dog Control Act 1975**

s 114 om 2000 No 72 amdt 1.42

**Schedule**

sch om 2000 No 72 amdt 1.43

**Dictionary**

dict ins 2000 No 72 amdt 1.44  
defs reloc from s 4 2000 No 72 amdt 1.2  
am 2001 No 44 amdt 1.207, amdt 1.208  
def **animal** sub 2000 No 72 s 4  
def **authorised officer** am 1994 No 97 sch  
def **authority** am 1994 No 97 sch; 2000 No 72 s 4

## Endnotes

### 5 Earlier republications

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def **defined offence** sub 2000 No 72 s 4  
def **director** sub 2000 No 72 s 4  
def **engage in conduct** ins A2005-54 amdt 1.28  
def **ethics committee** am 2001 No 56 amdt 3.4  
def **feral animal** am 1994 No 110 sch 2  
def **inspector** am 1994 No 97 sch  
def **interstate research authorisation** ins 2000 No 72 s 4  
def **interstate researcher** ins 2000 No 72 s 4  
def **licensee** ins 2000 No 72 s 4  
def **native animal** ins 1994 No 110 sch 2  
sub 2000 No 72 s 4  
def **offence** om 2000 No 72 s 4  
def **pest** am 1994 No 110 sch 2  
def **poison** ins 2000 No 72 s 4  
def **prohibited trap** om A2005-54 amdt 1.29  
def **repealed Act** om 2000 No 72 s 4  
def **restricted trap** om A2005-54 amdt 1.29  
def **this Act** om 2001 No 44 amdt 1.206  
def **Tribunal** om 1994 No 6 sch 1  
def **Veterinary Surgeon** om 2000 No 72 s 4  
def **wildlife** am 1994 No 110 sch 2

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1993 No 44	31 January 1994
2	Act 1994 No 110	31 January 1996
3	Act 1998 No 54	31 January 1999
4	A2001-56	12 September 2001
5	A2004-15	9 April 2004
6	A2004-50	17 August 2004
7	A2005-19	26 August 2005

Republication No	Amendments to	Republication date
8	A2005-54	24 November 2005
9	A2005-54	25 November 2005

## 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Animal Welfare (Amendment) Act 1997 A1997-45 s 4, s 5, s 5A (as am by A2005-54 sch 1 pt 1.4)**

### 4 New section 9A

*insert*

### 9A Battery hens

A person commits an offence if—

- (a) the person keeps hens for egg production; and
- (b) the hens are kept in a battery cage system.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

### 5 New section 20 (a)

*before section 20 (a), insert*

- (a) section 9A (Battery hens)

### 5A Section 20 (a) to (d) (as amended)

*renumber as section 20 (a) to (e)*

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