



Australian Capital Territory

Animal Welfare (Factory Farming) Amendment Act 2014

A2014-3

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Australian Capital Territory

Animal Welfare (Factory Farming) Amendment Act 2014

A2014-3

An Act to amend the *Animal Welfare Act 1992*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Animal Welfare (Factory Farming) Amendment Act 2014*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Animal Welfare Act 1992](#)
- [Animal Welfare Regulation 2001](#)
- [Domestic Animals Act 2000](#).

4 Legislation repealed

The [Animal Welfare \(Amendment\) Act 1997](#) (A1997-45) is repealed.

Part 2 Animal Welfare Act 1992

5 New section 9A

insert

9A Keeping laying fowls for commercial egg production— appropriate accommodation

- (1) A person commits an offence if—
 - (a) the person keeps laying fowls for commercial egg production;
and
 - (b) the fowls are not kept in appropriate accommodation.

Maximum penalty: 50 penalty units.

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

appropriate accommodation, for laying fowls kept by a person, means accommodation that is in accordance with, or an improvement on, the conditions mentioned in any of the following provisions of the [Eggs \(Labelling and Sale\) Act 2001](#), schedule 1 (Conditions under which hens are kept):

- (a) item 2, column 3 (which is about the production of eggs in a barn on a single level);
- (b) item 3, column 3 (which is about the production of eggs in a barn that has additional levels of nesting and perching space);
- (c) item 4, column 3 (which is about the production of eggs in a free-range system).

commercial egg production does not include egg production by a person the main purpose of which is the production of eggs for the person's own consumption.

laying fowl means a female domesticated chicken (*Gallus gallus*) that is 16 weeks old or older.

6 New section 9B

insert

9B Keeping pigs—appropriate accommodation

- (1) A person commits an offence if—
 - (a) the person keeps a pig; and
 - (b) the pig is not kept in appropriate accommodation.Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) In this section:

appropriate accommodation, for a pig kept by a person, means accommodation—

- (a) that allows the pig to—
 - (i) turn around, stand up and lie down without difficulty; and
 - (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
 - (iii) maintain a comfortable temperature; and
 - (iv) have outdoor access; and
- (b) if the accommodation is for more than 1 pig—that allows each pig in the accommodation to lie down at the same time; and
- (c) if the person keeps more than 1 pig—that allows the pig to see another pig except if—
 - (i) the pig is isolated on the advice of a veterinary surgeon;
or

- (ii) it is a week before, or during, farrowing for the pig.

7 New section 9C

insert

9C Removing or trimming beak of fowl

- (1) A person commits an offence if the person removes or trims the beak of a fowl.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a veterinary surgeon who removes or trims the beak for a therapeutic purpose.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:

fowl means a female domesticated chicken (*Gallus gallus*).

**8 Exception—conduct in accordance with approved code of practice or mandatory code of practice
New section 20 (aa)**

before section 20 (a), insert

- (aa) section 9A (Keeping laying fowls for commercial egg production—appropriate accommodation);

9 New section 20 (ab)

before section 20 (a), insert

- (ab) section 9B (Keeping pigs—appropriate accommodation);

10 New section 20 (ac)

before section 20 (a), insert

(ac) section 9C (Removing or trimming beak of fowl);

11 New part 12

insert

**Part 12 Transitional—Animal Welfare
(Factory Farming) Amendment
Act 2014**

120 Existing commercial egg producer

- (1) This section applies if—
 - (a) a person and the Territory are parties to an agreement (however described) before the day this section commences; and
 - (b) the agreement includes a condition (however described) about the conversion of the person's facility for producing eggs from battery cages to a barn system.
- (2) Section 9A (Keeping laying fowls for commercial egg production—appropriate accommodation) does not apply to the person until 16 May 2016.
- (3) Also, the following provisions of the *Animal Welfare Regulation 2001* apply in relation to the person until 16 May 2016 as if they had not been repealed or amended by the *Animal Welfare (Factory Farming) Amendment Act 2014*:
 - (a) section 8, definition of *floor area*;
 - (b) division 6.2 (Laying fowl kept in cages);
 - (c) section 19 (Meaning of *trapped*—div 6.4);

- (d) section 20 (Offence—failure to carry out inspection);
- (e) section 21 (Offence—unsatisfactory inspection);
- (f) section 22 (that creates an offence about failing to act after inspection in relation to distressed or escaped fowl etc).

121 Expiry—pt 12

This part expires on 16 May 2016.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 3 Animal Welfare Regulation 2001

12 Definitions—pt 6
Section 8, definition of *floor area*

omit

13 Laying fowl kept in cages
Division 6.2

omit

14 Meaning of *trapped*—div 6.4
Section 19

omit

15 Offence—failure to carry out inspection
Section 20 (1) (b) (ii)

omit

16 Offence—unsatisfactory inspection
Section 21 (1) (c) (ii)

omit

17 Section 22 heading

substitute

22 Offence—failure to act after inspection in relation to
injured or sick fowl

18 Section 22 (1) (b)

omit

or (ii)

19 Section 22 (1) (c)

substitute

- (c) fails, or fails to arrange for another person, after the inspection is carried out, to immediately destroy the fowl, or arrange for it to be treated, if it is injured or sick.

20 Dictionary, definition of *floor area*

omit

Part 4 Domestic Animals Act 2000

21 Dictionary, definition of *animal welfare offence*, new paragraph (da)

insert

(da) section 9A (Keeping laying fowls for commercial egg production—appropriate accommodation);

22 Dictionary, definition of *animal welfare offence*, new paragraph (db)

insert

(db) section 9B (Keeping pigs—appropriate accommodation);

23 Dictionary, definition of *animal welfare offence*, new paragraph (dc)

insert

(dc) section 9C (Removing or trimming beak of fowl);

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 September 2013.

2 Notification

Notified under the [Legislation Act](#) on 6 March 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Animal Welfare (Factory Farming) Amendment Bill 2014, which originated in the Legislative Assembly as the Animal Welfare (Factory Farming) Amendment Bill 2013 and was passed by the Assembly on 25 February 2014.

Clerk of the Legislative Assembly

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