



Australian Capital Territory

# Animal Welfare Legislation Amendment Act 2019

A2019-35

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Australian Capital Territory

# **Animal Welfare Legislation Amendment Act 2019**

**A2019-35**

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An Act to amend legislation about animal welfare, and for other purposes

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Animal Welfare Legislation Amendment Act 2019*.

### 2 Commencement

- (1) This Act (other than the following provisions) commences on the 7th day after its notification day:
- section 25
  - section 32
  - sections 50 and 51
  - sections 53 and 54
  - section 56
  - sections 85 and 86
  - section 106
  - section 113
  - section 117
  - section 119
  - parts 4 to 6
  - section 134
  - parts 8 to 11.

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

- (2) The provisions mentioned in subsection (1) commence 6 months after this Act's notification day.

**3 Legislation amended**

This Act amends the following legislation:

- *Animal Welfare Act 1992*
- *Animal Welfare Regulation 2001*
- *Discrimination Act 1991*
- *Domestic Animals Act 2000*
- *Domestic Animals Regulation 2001*
- *Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014*
- *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*
- *Major Events Act 2014*
- *Nature Conservation Act 2014*
- *Public Pools Act 2015.*

## Part 2 Animal Welfare Act 1992

### 4 Section 4A

*substitute*

#### 4A Objects of Act

- (1) The main objects of this Act are to recognise that—
  - (a) animals are sentient beings that are able to subjectively feel and perceive the world around them; and
  - (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value; and
  - (c) people have a duty to care for the physical and mental welfare of animals.
- (2) This is to be achieved particularly by—
  - (a) promoting and protecting the welfare of animals; and
  - (b) providing for the proper and humane care, management and treatment of animals; and
  - (c) deterring and preventing animal cruelty and the abuse and neglect of animals; and
  - (d) enforcing laws about the matters mentioned in paragraphs (a), (b) and (c).

**5 Section 6**

*substitute*

**6 Delegation by authority**

- (1) The authority may delegate to a public servant or another person a function given to the authority under this Act.

*Note* For the making of delegations and the exercise of a delegated function, see the [Legislation Act](#), pt 19.4.

- (2) However, the authority must not delegate a function to a person who is not a public servant without first being satisfied that the function needs to be exercised by a person who is not a public servant.

**6 Sections 6A and 6B**

*substitute*

**6A Definitions—pt 2**

In this part:

***confine***, an animal, means—

- (a) enclose the animal in a pen, vehicle, cage, box or other container or small space; or
- (b) otherwise limit or restrict the animal's freedom of movement, including by—
- (i) tying up the animal; or
  - (ii) using a device on the animal; or
  - (iii) impairing the animal.

**Examples—device**

hood, bridle, tether

**Example—impairing animal**

clipping the feathers of a bird's wing

*cruelty*, in relation to an animal, includes the following:

- (a) doing, or not doing, something to an animal that causes, or is likely to cause, injury, pain, stress or death to the animal that is unjustifiable, unnecessary or unreasonable in the circumstances;
- (b) abusing, terrifying or tormenting the animal.

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

**6B Failure to provide appropriate care**

- (1) A person in charge of an animal commits an offence if the person fails to give the animal—
  - (a) appropriate food; or
  - (b) appropriate water; or
  - (c) appropriate treatment for illness, disease or injury; or
  - (d) appropriate shelter or accommodation; or
  - (e) a clean and hygienic living environment; or
  - (f) appropriate grooming and maintenance; or
  - (g) appropriate exercise; or
  - (h) appropriate opportunities to display behaviour that is normal for the animal; or
  - (i) care that is appropriate for the animal’s wellbeing.
- (2) Subsection (1) does not apply if the person has a reasonable excuse.

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

*Note 1* The defendant has an evidential burden in relation to the matter mentioned in s (2) (see [Criminal Code](#), s 58).

*Note 2* If an inspector or authorised officer reasonably believes s (1) applies, the inspector or authorised officer may give a written direction to the person to give appropriate care to the animal (see s 85).

- (3) In this section:

***appropriate***, in relation to an animal, means suitable for the needs of the animal having regard to the species, environment and circumstances of the animal.

***treatment*** includes veterinary treatment, including preventative treatment, if a reasonable person would expect veterinary treatment to be sought in the circumstances.

#### **6C Failure to provide animal with water or shelter**

- (1) A person in charge of an animal commits an offence if—
- (a) the person keeps the animal on premises; and
  - (b) at any time when the animal is on the premises, the animal does not have access to water or shelter.

Maximum penalty: 25 penalty units.

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

#### **6D Failure to provide animal with hygienic environment**

- (1) A person in charge of an animal commits an offence if—
- (a) the person keeps the animal on premises; and
  - (b) the place where the animal is kept is unhygienic for the animal.

Maximum penalty: 25 penalty units.

##### **Examples**

- 1 faeces not removed
- 2 vermin infestation

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

**6E Failure to properly groom and maintain animal**

- (1) A person in charge of an animal commits an offence if—
- (a) the person fails to groom or maintain the animal; and
  - (b) the failure causes, or is likely to cause, injury, pain, stress or death to the animal.

Maximum penalty: 25 penalty units.

**Examples**

- 1 eye infection caused by hair growing over eyes
- 2 impairment caused by unclipped nails
- 3 skin irritation caused by flea infestation

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

**6F Failure to exercise dog**

- (1) A person in charge of a dog commits an offence if—
- (a) the dog is confined so that it cannot exercise for a continuous period of 24 hours; and
  - (b) the dog is not exercised, or allowed to exercise itself, for—
    - (i) the next 2 hours; or
    - (ii) the next 1 hour and for another hour in the next 24 hour period.

Maximum penalty: 25 penalty units.

- (2) In deciding if a dog is confined so that it cannot exercise, regard must be had to the dog's age, physical condition and size.
- (3) Subsection (1) does not apply if—
- (a) the dog is kept in a yard or residence in a way that it can move freely; or



(b) the dog needs to be confined for the dog's welfare.

**Example—par (b)**

a dog needs to be confined, on veterinary advice, after a surgical procedure

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

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

## **6G Abandoning an animal**

(1) A person in charge of an animal commits an offence if the person—

(a) abandons the animal; and

(b) either—

(i) knows no other person is able to care for, and consents to caring for, the animal; or

(ii) is reckless about whether another person is able to care for, and consents to caring for, the animal.

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 abandons the animal.

Maximum penalty: 50 penalty units.

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

## **7 Cruelty Section 7, penalty**

*substitute*

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

**8 Aggravated cruelty  
Section 7A (1), penalty**

*substitute*

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

**9 Section 7A (2), penalty**

*substitute*

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

**10 New section 8**

*insert*

**8 Hitting or kicking animal**

- (1) A person commits an offence if—
  - (a) the person—
    - (i) hits an animal; or
    - (ii) kicks an animal; or
    - (iii) throws, or otherwise projects, something at an animal and hits the animal; and
  - (b) the action causes, or is likely to cause, the animal injury, pain, stress or death.

Maximum penalty: 25 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to—
  - (a) a jockey using a whip on a horse in accordance with a rule of racing; or

(b) a rider of a horse reasonably using a whip, or the rider's foot, on the horse as part of an equestrian activity; or

(c) an animal handling practice approved by the Minister.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

(4) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified under the [Legislation Act](#).

(5) In this section:

*rule of racing* means a rule made under the [Racing Act 1999](#), section 19 or section 25.

## 11 Section 9

*substitute*

### 9 Unlawful confinement of animal

(1) A person commits an offence if—

- (a) the person confines an animal; and
- (b) the confinement causes, or is likely to cause, the animal injury, pain or death.

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 confines the animal; and
- (b) the animal is not able to move in a way that is appropriate for the animal because of the confinement.

Maximum penalty: 50 penalty units.

**Example**

an animal in a crate that cannot stand or turn around

- (3) Subsection (2) does not apply if the person has a reasonable excuse.

**Examples**

- 1 an animal needs to be confined, on veterinary advice, after a surgical procedure
- 2 confining an injured animal before taking it to a vet
- 3 humanely clipping a chicken's wing to stop it flying out of its enclosure
- 4 tethering a goat while feeding

*Note* The defendant has an evidential burden in relation to the matter mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person in charge of an animal commits an offence if—
- (a) the person confines the animal in or on a vehicle; and
  - (b) the confinement causes, or is likely to cause, the animal injury, pain, stress or death.

Maximum penalty: 20 penalty units.

**Example**

locking an animal in a hot car

- (5) An offence against subsection (2) or (4) is a strict liability offence.

## 12 Sections 10 and 11

*substitute*

### 10 Assisting injured animal

- (1) A person commits an offence if the person—
- (a) injures an animal; and
  - (b) does not take reasonable steps to assist with the animal's injury.

**Examples**

- 1 contacting a relevant person
- 2 seeking veterinary treatment

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

- (2) A person commits an offence if—
- (a) the person injures a mammal; and
  - (b) the person knows, or ought to know because of the circumstances, the animal is injured; and
  - (c) the person is not a person in charge of the animal; and
  - (d) the person fails to tell a relevant person, within 2 hours after the injury—
    - (i) that the animal is injured; and
    - (ii) the location where the animal was injured.

Maximum penalty: 20 penalty units.

**Example—circumstances**

if a car hits a mammal—the size of the animal, witness accounts that the driver swerved or braked to avoid the animal or stopped after hitting the animal

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

***Access Canberra*** means the business unit known as Access Canberra.

*Note* If the name of Access Canberra changes, the reference to Access Canberra is taken to be a reference to its new name (see [Legislation Act](#), s 183).

***relevant person*** means—

- (a) if a domestic animal was injured—a person in charge of the animal; or
- (b) the authority; or
- (c) an inspector; or
- (d) Access Canberra.

## 11 Unlawful release of animal

- (1) A person commits an offence if the person—
- (a) releases an animal from another person’s custody or control; and
  - (b) does not have the other person’s consent to release the animal; and
  - (c) is reckless about whether the animal will be injured or killed.

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

- (2) A person commits an offence if the person—
- (a) releases an animal from another person’s custody or control; and
  - (b) does not have the other person’s consent to release the animal.

Maximum penalty: 50 penalty units.

**Examples—par (a)**

- 1 leaves the gate for a yard of cattle open
- 2 lets an animal out of a car
- 3 takes a dog off its lead

- (3) A person in charge of an animal commits an offence if the person—
- (a) keeps the animal on premises; and
  - (b) fails to stop the animal escaping the premises.

Maximum penalty: 50 penalty units.

**Example—par (b)**

an animal is kept in a garden with an open gate

- (4) An offence against subsection (2) or (3) is a strict liability offence.
- (5) This section does not apply if the person has a reasonable excuse.

*Note* A person acting honestly and without recklessness may release an animal locked in a motor vehicle in certain circumstances (see s 109A).

- (6) This section does not apply to a domestic cat if—
- (a) the cat is not required to be contained under territory law; and
  - (b) the release of the cat is consistent with the reasonable management and control of the cat.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) and (5) (see [Criminal Code](#), s 58).

### **13 Laying poison Section 12A (3) to (5)**

*substitute*

- (3) A person commits an offence if—
- (a) the person lays a poison in a way in which the poison is not intended to be used; and
  - (b) the poison could kill or injure a domestic or native animal.
- Maximum penalty: 20 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.

### **14 Electrical devices New section 13 (2) and (3)**

*insert*

- (2) A person commits an offence if—
- (a) the person places a device on, or attaches a device to, an animal; and
  - (b) the device is able to administer an electric shock to the animal.
- Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) In this section:

**able**—a device is **able** to administer an electric shock even if something needs to happen or be done to administer the shock.

**Examples**

- 1 a collar that is able to administer an electric shock by remote control or if the collar nears a boundary fence
- 2 a collar that has a variable setting that can be turned off and on

**15 Use or possession of prohibited item  
Section 14 (1)**

*omit*

a prohibited item

*substitute*

an item prescribed by regulation (a **prohibited item**)

**16 New section 14 (2A)**

*insert*

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

**17 Section 14 (4)**

*omit*



**18 Section 15**

*substitute*

**15 Transport of animals—generally**

- (1) A person commits an offence if the person transports an animal in a way that causes, or is likely to cause, the death of or unnecessary injury, pain or stress to the animal.

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

- (2) In this section:

*transport*, an animal, includes—

- (a) carry the animal in a moving vehicle by itself or with other animals; and
- (b) confine the animal for the purpose of carrying the animal in a vehicle.

**19 Transport of dogs  
Section 15A (1)**

*substitute*

- (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 restrained in a way that—
    - (i) prevents the dog from moving around, out of or off the vehicle; and

- (ii) protects the dog from injury when in or on the vehicle.

Maximum penalty: 20 penalty units.

*Note 1* It is an offence to confine a dog in or on a vehicle if the confinement causes, or is likely to cause the dog injury, pain, stress or death (see s 9 (4)).

*Note 2* The *Road Transport (Public Passenger Services) Regulation 2002* contains offences about confining animals (other than assistance animals) travelling in light rail vehicles (see that [regulation](#), s 70AAD) and bookable vehicles (see that [regulation](#), s 221W and s 227).

(1A) This section does not apply—

(a) if the dog—

(i) is an assistance animal, or is being trained or assessed as, an assistance animal; and

(ii) is in the vehicle; or

(b) if the dog is being used to work livestock; or

(c) to a circumstance prescribed by regulation.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (1A) (see [Criminal Code](#), s 58).

## 20 Section 15A (3), new definitions

*insert*

**assistance animal**—see the *Discrimination Act 1991*, section 5AA (3).

**public passenger vehicle**—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

*restrain*, a dog in relation to a vehicle, means—

- (a) using a harness or similar device to secure the dog to the vehicle;  
or
- (b) putting the dog in an enclosure in or on the vehicle.

*vehicle* does not include a public passenger vehicle.

## **21 Intensive breeding of cats or dogs Section 15B (4) to (7)**

*substitute*

- (4) A person in charge of a female cat or dog commits an offence if the person allows the cat or dog to breed in a way that contravenes a breeding standard.

Maximum penalty: 50 penalty units.

- (5) Subsection (4) does not apply if the person allows the cat or dog to breed in accordance with the written approval of a veterinary surgeon.

*Note* The defendant has an evidential burden in relation to the matter mentioned in s (5) (see [Criminal Code](#), s 58).

- (6) An offence against subsection (4) is a strict liability offence.

## **22 Sections 16 and 17**

*substitute*

### **16 Using unfit animal**

- (1) A person commits an offence if—
  - (a) the person uses an animal; and
  - (b) the animal is unfit for the use; and

- (c) the person—
  - (i) knows the animal is unfit for the use; or
  - (ii) is 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 use of the animal; and
  - (b) the person—
    - (i) knows the animal is unfit for the use; or
    - (ii) is negligent about whether the animal is fit for the use.

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

- (3) A person commits an offence if—
  - (a) the person uses an animal; and
  - (b) the animal is unfit for the use.

Maximum penalty: 50 penalty units.

**Examples**

- 1 the animal has recently given birth
- 2 the animal is sick or injured
- 3 the animal is used in a children's petting zoo and is distressed by the contact

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

- (5) In this section:

*display*, an animal—

- (a) means to put an animal in a prominent place for the purposes of making the animal visible to people; and

(b) includes displaying an animal—

- (i) for sale; or
- (ii) in an exhibition.

*show*, an animal, means to enter the animal in a show, sport, contest or competition.

*use*, an animal, includes display, drive, ride, show or work the animal.

## **17 Violent animal activities**

- (1) A person commits an offence if the person takes part in a violent animal activity.

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

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

- (a) is at a place when a violent animal activity is happening; and
- (b) knows, or ought to know, that the activity is happening.

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

- (3) A person commits an offence if the person—

- (a) is at a place where a violent animal activity happens within 2 hours before the activity happens; and
- (b) knows, or ought to know, that the activity is happening at the place.

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

- (4) Subsections (2) and (3) do not apply if the person has a reasonable excuse.

- (5) This section does not apply 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; or
  - (d) the hunting or control of animals in a way authorised under a Commonwealth or territory law; or
  - (e) the catching of fish in a way authorised under a Commonwealth or territory law; or
  - (f) the use of a trained animal to train or exercise another animal of the same species in accordance with accepted animal husbandry practice in relation to the animal.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) and s (5) (see [Criminal Code](#), s 58).

- (6) In this section:

***live baiting*** means using an animal, whether alive or dead, to train another animal to chase real or simulated animals when racing or hunting.

***stock***—see the [Stock Act 2005](#), dictionary.

***takes part in***—a person ***takes part in*** an activity if the person does 1 or more of the following:

- (a) organises or conducts the activity;
- (b) promotes the activity;

- (c) allows the activity to happen on premises, or in a place, owned or occupied by the person;
- (d) provides an animal or thing to be used in relation to the activity;
- (e) undertakes any other activity relating to the activity.

*use*, an animal, includes capture, contain or release the animal.

*violent animal activity* means—

- (a) the use of an animal to fight, injure or kill another animal; or
- (b) live baiting.

**23 Rodeos and game parks  
Section 18 (3), new definition of *rodeo***

*insert*

*rodeo* means a public exhibition, including a competition, of activities derived from work on a cattle station including riding horses or steers bareback and roping calves.

**24 Exception—conduct in accordance with approved code of practice or mandatory code of practice  
Section 20 (e)**

*omit*

(Matches, competitions etc)

*substitute*

(Violent animal activities)

**25 Contents  
New sections 21 (ta) to (tc)**

*insert*

- (ta) the operation of pet shops and other businesses that buy or sell animals as pets;
- (tb) the operation of businesses that board animals;
- (tc) the operation of any other business that deals with pets;

**26 Failure to comply with mandatory code of practice  
Section 24B (2)**

*omit*

**27 Direction to comply with mandatory code  
Section 24C (1)**

*omit*

must

*substitute*

may

**28 Section 24C (1) (b)**

*omit*



**29 Section 24C (2) (b)**

*substitute*

- (b) if appropriate, state what must be done to rectify the breach and, if reasonable, who must do it; and
- (ba) state a reasonable time within which the person must give the inspector or authorised officer evidence that the direction has been complied with; and

**30 Section 24C (2) (c)**

*after*

section 24B

*insert*

or section 24D

**31 New section 24D**

*in part 3, insert*

**24D Failure to comply with direction to comply with mandatory code**

- (1) A person commits an offence if—
  - (a) an inspector or authorised officer gives the person a direction under section 24C; and
  - (b) the person fails to comply with the direction.Maximum penalty: 20 penalty units.
- (2) An offence against this section is a strict liability offence.

**32 New part 3A**

*insert*

**Part 3A Pet businesses**

**Division 3A.1 Preliminary**

**24E Definitions—pt 3A**

In this part:

*board*, an animal, includes board the animal during the day or overnight.

*breeding licence*—see the [Domestic Animals Act 2000](#), section 72A.

*pet business*—

(a) means—

- (i) a pet shop; or
- (ii) a business that boards an animal; or
- (iii) a business prescribed by regulation; but

(b) does not include—

- (i) a veterinary practice that boards an animal; or
- (ii) an entity that sells or boards an animal for an animal welfare or benevolent purpose; or
- (iii) an entity prescribed by regulation.

**Examples—par (b) (ii)**

- 1 a foster carer for guide dogs
- 2 the RSPCA

***pet shop***—

- (a) means a business that buys or sells animals to be kept as pets; but
- (b) does not include a business that buys or sells animals in accordance with a breeding licence.

**Division 3A.2 Pet business licensing****24F Pet business licence application**

- (1) A person may apply to the authority for a licence to operate a pet business.
- (2) The application must—
  - (a) be in writing; and
  - (b) state—
    - (i) the applicant's name; and
    - (ii) the applicant's contact details; and
    - (iii) the applicant's trading name; and
    - (iv) the applicant's proposed trading address or addresses; and
    - (v) the nature of the pet business; and
  - (c) describe the premises from which the business will operate; and
  - (d) include any information prescribed by regulation.

*Note* A fee may be determined under s 110 for this provision.

**24G Issue of pet business licence**

- (1) If a person applies for a pet business licence, the authority must, within 30 days—
  - (a) issue the licence; or

(b) refuse to issue the licence.

*Note* A pet business licence may be issued subject to a condition (see s 24I).

(2) The authority may issue the pet business licence to the person only if the authority is satisfied—

(a) about the identity of the applicant or, if the applicant is a corporation, of each relevant person; and

(b) that the person—

(i) intends to carry out the business on suitable premises; and

(ii) meets any requirements for a pet business prescribed by regulation.

(3) In this section:

***related corporation*** means a related body corporate under the [Corporations Act](#).

***relevant person***, for a corporation, means any of the following:

(a) an executive officer (however described) of the corporation;

(b) a person who may exercise a relevant power in relation to the corporation;

(c) a related corporation;

(d) an executive officer (however described) of a related corporation.

***relevant power***, for a corporation, means a power—

(a) to take part in a directorial, managerial or executive decision for the corporation; or

(b) to elect or appoint a person as an executive officer (however described) in the corporation; or

(c) to exercise a significant influence in relation to the conduct of the corporation.

**24H Pet business licence term and form**

- (1) A pet business licence may be issued for up to 5 years.
- (2) A pet business licence must state, in writing—
  - (a) a unique identifying number for the licence; and
  - (b) the licensed pet business's name; and
  - (c) the licensed pet business's trading name; and
  - (d) the nature of the pet business; and
  - (e) the date the licence expires; and
  - (f) any condition that applies to the licence.

**24I Conditions for pet business licence**

- (1) A pet business licence is subject to—
  - (a) any condition imposed by the authority when issuing the licence; and
  - (b) any condition imposed by written notice given to the licensed pet business at any other time; and
  - (c) any condition prescribed by regulation.
- (2) It is also a condition of a pet business licence that the pet business comply with any relevant mandatory code of practice.
- (3) The authority may only impose a condition on a licence if satisfied on reasonable grounds the condition is in the interest of animal welfare.

**24J Transfer application**

- (1) A licensed pet business may apply to the authority to transfer a pet business licence to another person (the *transferee*).
- (2) An application must—
  - (a) be in writing; and
  - (b) include evidence to show that the licensed pet business and transferee agree to the transfer; and
  - (c) state—
    - (i) the transferee's name; and
    - (ii) the transferee's trading name; and
    - (iii) the transferee's proposed trading address or addresses; and
    - (iv) the applicant's proposed trading address or addresses; and
    - (v) the nature of the pet business; and
  - (d) describe the premises from which the business will operate; and
  - (e) include any information prescribed by regulation.

**24K Transfer decision**

- (1) If a licensed pet business applies to transfer a pet business licence, the authority must, within 30 days—
  - (a) approve the transfer; or
  - (b) refuse to approve the transfer.
- (2) The authority may approve the transfer to the transferee only if the authority is satisfied—
  - (a) about the identity of the applicant or, if the applicant is a corporation, of each relevant person; and

- (b) that the person—
  - (i) intends to carry out the business on suitable premises; and
  - (ii) meets any requirement for a pet business prescribed by regulation.
- (3) A transfer is subject to any condition imposed by the authority when approving the transfer.
- (4) The authority may only impose a condition on a licence if satisfied on reasonable grounds the condition is in the interest of animal welfare.
- (5) In this section:  
*relevant person*—see section 24G (3).

#### **24L Renewal application**

- (1) A licensed pet business may apply, in writing, to the authority to renew the pet business licence up to 6 months before the licence expires.
- (2) The application must—
  - (a) be in writing; and
  - (b) state—
    - (i) the applicant's name; and
    - (ii) the applicant's contact details; and
    - (iii) the applicant's trading name; and
    - (iv) the applicant's proposed trading address or addresses; and
    - (v) the nature of the pet business; and
  - (c) describe the premises from which the business will operate; and
  - (d) include any information prescribed by regulation.

- (3) If a licensed pet business applies to renew a licence, the licence remains in force until the application is decided.

**24M Renewal decision**

- (1) If a licensed pet business applies to renew a licence, the authority must, within 30 days—
- (a) renew the licence; or
  - (b) refuse to renew the licence.
- (2) However, if the authority has asked the licensed pet business to do a thing in relation to being a licensed pet business, and the licensed pet business has not yet done the thing, the authority must not renew the licence until the thing is done.

**Examples—thing to be done**

- 1 meet condition of licence
- 2 pay a fee
- 3 provide information

- (3) A licence may be renewed for up to 5 years.
- (4) The renewal of a licence—
- (a) starts immediately after the licence would have expired if it had not been renewed; and
  - (b) if there is a condition imposed on the licence—does not affect the condition.
- (5) A renewal is subject to any condition imposed by the authority when approving the renewal.
- (6) The authority may only impose a condition on a licence if satisfied on reasonable grounds the condition is in the interest of animal welfare.



**24N Amendment of pet business licence**

The authority may amend a licensed pet business's pet business licence if—

- (a) the authority believes on reasonable grounds that the amendment is in the interest of animal welfare; or
- (b) to reflect a change to any of the following:
  - (i) the licensed pet business's name;
  - (ii) the licensed pet business's trading name;
  - (iii) the nature of the pet business;
  - (iv) a trading address for the licensed pet business;
  - (v) a condition that applies to the licence.

**24O Authority may request more information**

- (1) This section applies to—
  - (a) an application for a licence under section 24F; and
  - (b) an application to transfer a licence under section 24J; and
  - (c) an application to renew a licence under section 24L.
- (2) The authority may ask the applicant to give the authority, within a stated reasonable period, information about the application that the authority reasonably needs to decide the application.
- (3) The period within which the authority must make a decision under the provisions mentioned in subsection (1) is extended by the period mentioned in subsection (2).
- (4) If the applicant does not comply with a requirement in the request, the authority may refuse to consider the application further.

### **Division 3A.3 Pet business offences**

#### **24P Pet shops—failure to keep records**

- (1) A person commits an offence if the person—
  - (a) operates a pet shop; and
  - (b) buys an animal in the course of operating the pet shop; and
  - (c) does not keep a record of—
    - (i) the full name and contact details of the person who sold the animal; and
    - (ii) for an animal bought from the holder of a breeding licence—the breeding licence number.

Maximum penalty: 25 penalty units.

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

#### **24Q Pet shops—failure to share records**

- (1) A person commits an offence if—
  - (a) the person operates a pet shop; and
  - (b) the authority asks to inspect a record required under section 24P (1) (c); and
  - (c) within 7 days after the day the request is made, the person does not allow the authority to inspect the record.

Maximum penalty: 25 penalty units.

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

#### **24R Operating pet business without pet business licence**

- (1) A person commits an offence if the person—
  - (a) operates a pet business; and

(b) the person is not licensed to operate the pet business.

Maximum penalty: 50 penalty units.

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

(3) In this section:

*not licensed*—a person is also *not licensed* if the person's pet business licence is suspended, cancelled or expired.

#### **24S Breach of pet business licence**

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

(a) is a licensed pet business; and

(b) fails to comply with a condition of the person's pet business licence.

Maximum penalty: 50 penalty units.

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

#### **33 Licence conditions New section 28 (2) and (3)**

*after the notes, insert*

(2) A licensee commits an offence if the licensee fails to comply with a condition of the licence.

Maximum penalty: 50 penalty units.

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

**34 New section 35A**

*in division 4.2, insert*

**35A Meaning of *authorised staff member*—div 4.2**

In this division:

*authorised staff member*, of a corporation—see section 37 (1A).

**35 Application for authorisation  
Section 37 (1)**

*omit*

An individual may

*substitute*

A person may

**36 New section 37 (1A)**

*insert*

- (1A) If the applicant is a corporation, the application must include the name and contact details of each individual employed or engaged by the corporation to conduct a program of research or teaching using or breeding animals on behalf of the corporation (an *authorised staff member*).

**37 Decision about authorisation application  
Section 38 (2) (a)**

*substitute*

- (a) the experience and competency in caring for and handling animals of—
- (i) for an applicant that is an individual—the applicant; or

- (ii) for an applicant that is a corporation—each authorised staff member; and

**38 Section 38 (2) (d)**

*substitute*

- (d) within the 3 years immediately before the date of the application, whether—
  - (i) for an applicant that is an individual—the applicant has been convicted or found guilty of a defined offence; or
  - (ii) for an applicant that is a corporation—an authorised staff member has been convicted or found guilty of a defined offence; and

**39 Authorisation conditions  
New section 39 (2) and (3)**

*after the notes, insert*

- (2) A person commits an offence if the person—
  - (a) is an authorisation holder; and
  - (b) fails to comply with a condition of the authorisation.Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

**40 Form of authorisation  
New section 40 (aa)**

*insert*

- (aa) state why the authorisation is required; and

**41 Section 42**

*substitute*

**42 Identity card for authorisation holders**

- (1) If the animal ethics committee grants an authorisation, the committee must give—
  - (a) if the authorisation holder is an individual—the individual an identity card stating the individual’s name; or
  - (b) if the authorisation holder is a corporation—each authorised staff member an identity card stating the staff member’s name and the corporation’s name.
- (2) The identity card must show—
  - (a) if the authorisation holder is an individual—a recent photograph of the individual; and
  - (b) if the authorisation holder is a corporation—a recent photograph of the authorised staff member; and
  - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
  - (a) the person is given an identity card under subsection (1); and
  - (b) an authorised officer asks to see the person’s identity card; and
  - (c) the person does not show the officer the card.

Maximum penalty: 5 penalty units.

- (4) A person commits an offence if—
  - (a) the person is given an identity card under subsection (1); and
  - (b) either—
    - (i) the relevant authorisation ends; or

- (ii) if the identity card relates to more than 1 authorisation—  
all authorisations end; and
- (c) the person does not return the person's identity card to the animal ethics committee within 7 days after the day the authorisation ends.

Maximum penalty: 5 penalty units.

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

#### **42 Interstate researchers' authorisation in the ACT Section 49B (3)**

*substitute*

- (3) The authority may decide to end the application of subsection (1) to an interstate researcher if satisfied on reasonable grounds—
  - (a) the researcher has contravened this Act; or
  - (b) the researcher has contravened, in the ACT, an approved code of practice, a mandatory code of practice or a protocol or condition which applies to the researcher's interstate research authorisation; or
  - (c) the researcher has failed to comply, in the ACT, with the proposal for carrying out the researcher's activities set out in a submission on which the grant of the authorisation is based; or
  - (d) it is not appropriate for the researcher to use or breed animals in the ACT 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 is granted.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**43 Circus or travelling zoo permit conditions  
New section 56 (2) to (4)**

*after the notes, insert*

- (2) A person commits an offence if the person—
- (a) is a circus permit-holder; and
  - (b) fails to comply with a condition of the permit.
- Maximum penalty: 50 penalty units.
- (3) A person commits an offence if the person—
- (a) is a travelling zoo permit-holder; and
  - (b) fails to comply with a condition of the permit.
- Maximum penalty: 50 penalty units.
- (4) An offence against subsection (2) or (3) is a strict liability offence.

**44 Steel-jawed traps and prohibited traps  
Section 60 (1)**

*substitute*

- (1) A person commits an offence if—
- (a) the person sets a steel-jawed trap or a prohibited trap; and
  - (b) an animal is killed or injured by the trap.
- Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (1A) A person commits an offence if the person sets a steel-jawed trap or a prohibited trap.
- Maximum penalty: 50 penalty units.



**45 Section 60 (2), penalty**

*substitute*

Maximum penalty: 15 penalty units.

**46 Section 60 (5), new definition of *steel-jawed trap***

*insert*

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

**47 Restricted traps  
Section 61**

*omit*

**48 Section 62**

*substitute*

**62 Trapping—general**

- (1) A person commits an offence if the person sets a trap.

Maximum penalty: 50 penalty units.

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

- (3) This section does not apply to—

- (a) a trapping permit-holder; or  
(b) a person holding a nature conservation licence that authorises the person to set a trap.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

(4) In this section:

*trap*—

- (a) means a device used or designed to catch an animal; but
- (b) does not include a trap set to catch—
  - (i) an animal, other than a domestic animal, on premises—
    - (A) by the occupier of the premises; or
    - (B) by an employee, agent or relative of the occupier of the premises; or
    - (C) by another person, in accordance with the written approval of a person mentioned in sub-subparagraph (A) or (B); or
  - (ii) a fish or crustacean for non-commercial human consumption.

**49 Trapping permit conditions  
New section 65 (2) and (3)**

*after the notes, insert*

- (2) A person commits an offence if the person—
  - (a) is a trapping permit-holder; and
  - (b) fails to comply with a condition of the trapping permit.Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

**50 Definitions—pt 6A  
Section 73A, definition of *approval*, new paragraph (ca)**

*insert*

- (ca) a pet business licence; or

**51 Section 73A, definition of *regulatory body*, paragraph (b)**

*after*

licensee,

*insert*

licensed pet business,

**52 Grounds for regulatory action  
New section 73B (1) (aa)**

*insert*

- (aa) the regulatory body becomes aware of a circumstance that, if the regulatory body had been aware of it when the application for approval was decided, would have resulted in the application being refused;

**53 Section 73B (2), definition of *relevant provision*, new paragraph (aa)**

*before paragraph (a), insert*

- (aa) for a licensed pet business—section 24N (Amendment of pet business licence); or

**54 Section 73B (2), definition of *relevant section*, new paragraph (aa)**

*before paragraph (a), insert*

- (aa) for a licensed pet business—section 24G (2) (Issue of pet business licence); or

**55 Return of amended, suspended or cancelled approvals  
New section 73G (3)**

*insert*

- (3) An approved person may return an approval by giving the regulatory body—
- (a) for an approval given electronically—a written statement that the approved person surrenders the approval; or
  - (b) in any other case—the approval.

**56 Action by regulatory body in relation to amended or suspended approval  
Section 73H (4), definition of *relevant section*, new paragraph (aa)**

*before paragraph (a), insert*

- (aa) for a licensed pet business—section 24N (Amendment of pet business licence); or

**57 Public access  
Section 75A**

*omit*

him or her

*substitute*

the authority

**58 Section 77**

*substitute*

**77 Authorised officers**

- (1) The director-general may appoint a public servant who is a veterinary practitioner as an authorised officer.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207)

- (2) The authority is also an authorised officer if the authority is—
- (a) accompanied by a veterinary practitioner; or
  - (b) following the written advice of a veterinary practitioner.

**59 Identity cards  
Section 78 (4), penalty**

*substitute*

Maximum penalty: 5 penalty units.

**60 New section 81A**

*insert*

**81A Power to seize animals—inspectors**

An inspector may—

- (a) seize any animal that the inspector believes on reasonable grounds to be connected with an offence; or
- (b) seize any dependant offspring of an animal seized under paragraph (a); or

- (c) seize any animal that the inspector believes on reasonable grounds is kept by, or in the care or control of, a person in contravention of—
  - (i) a temporary prohibition order under section 86E (2) (Temporary prohibition on animal ownership etc); or
  - (ii) an interim order under section 100A (2) (Animal offences—court orders (interim)); or
  - (iii) an order under section 101 (3) (Animal offences—court orders (general)); or
  - (iv) an order under section 101A (2) (Animal offences—permanent prohibition on animal ownership etc); or
  - (v) an order under section 101C (Prohibition order in special circumstances).

**61 Powers of inspectors  
Section 82 (1)**

*omit*

he or she

*substitute*

the inspector

**62 Section 82 (1) (f) to (h)**

*substitute*

- (f) seize anything (including a document), that the inspector believes on reasonable grounds to be connected with an offence; or

**63 Section 82 (1) (i)**

*omit*

his or her

*substitute*

the inspector's

**64 Section 82 (1) (j)**

*omit*

him or her

*substitute*

the inspector

**65 New section 82 (2) (d)**

*insert*

(d) give any information obtained under subsection (1) to someone else (other than the authority).

**66 Section 82A heading**

*substitute*

**82A Direction to give personal details—inspector****67 New section 82A (2) (c)**

*before the note, insert*

(c) the person's date of birth.

**68 Section 82A (3)**

*substitute*

- (3) However, before asking the person for any personal details under subsection (2), the inspector must show the person the inspector's identity card.

**69 New section 82A (6) and (7)**

*insert*

- (6) A person commits an offence if—
- (a) an inspector shows the person the inspector's identity card; and
  - (b) the inspector directs the person under subsection (2) to give the inspector the person's personal details; and
  - (c) the person does not give the inspector the personal details.

Maximum penalty: 15 penalty units.

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

**70 Research and educational institutions—powers of entry and search  
Section 83 (1) (a)**

*omit*

he or she

*substitute*

the officer



**71 New section 83A***insert***83A Power to seize animals—authorised officers**

An authorised officer may—

- (a) seize any animal that the officer believes on reasonable grounds to be connected with an offence; or
- (b) seize any dependant offspring of an animal seized under paragraph (a); or
- (c) seize any animal that the officer believes on reasonable grounds is kept by, or in the care or control of, a person in contravention of—
  - (i) a temporary prohibition order under section 86E (2) (Temporary prohibition on animal ownership etc); or
  - (ii) an interim order under section 100A (2) (Animal offences—court orders (interim)); or
  - (iii) an order under section 101 (3) (Animal offences—court orders (general)); or
  - (iv) an order under section 101A (2) (Animal offences—permanent prohibition on animal ownership etc); or
  - (v) an order under section 101C (Prohibition order in special circumstances).

**72 Powers of authorised officers  
Section 84 (1)**

*omit*

he or she

*substitute*

the officer

**73 Section 84 (1) (g) to (j)**

*substitute*

(g) seize anything (including a document), that the officer believes on reasonable grounds to be connected with an offence; or

**74 Section 84 (1) (k)**

*omit*

him or her

*substitute*

the officer

**75 Powers of veterinary practitioners regarding seized animals and carcasses  
Section 84A (1)**

*substitute*

(1) A veterinary practitioner may take a sample of tissue, blood, urine or other bodily material from an animal or carcass seized under this Act.

**76 Inspectors and authorised officers  
Section 85 (1) (a)**

*substitute*

- (a) that an animal has not been given a thing mentioned in section 6B (Failure to provide appropriate care); or

**77 Section 85 (2) (c)**

*omit*

he or she

*substitute*

the inspector or officer

**78 Section 85 (5) (a)**

*omit*

or treatment

*substitute*

, treatment or care

**79 New section 85 (5) (c)**

*insert*

- (c) state a reasonable time within which the person must give the inspector or authorised officer evidence that the direction has been complied with.

**80 Section 85 (6)**

*substitute*

- (6) A direction under subsection (5) must be—  
(a) personally served on the person; and

- (b) when served, explained to the person.
  - (6A) A person commits an offence if the person—
    - (a) is given a direction under subsection (5); and
    - (b) fails to comply with the direction.
- Maximum penalty: 50 penalty units.

**81 New division 7.6A**

*insert*

**Division 7.6A Dealing with seized animals**

**86A Animal welfare entities**

- (1) In this Act:
  - animal welfare entity* means—
    - (a) the RSPCA; or
    - (b) an entity declared by the Minister.
- (2) The Minister may make guidelines about the way an animal welfare entity may deal with a seized animal under this division.
- (3) A declaration of an animal welfare entity or a guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (4) In this section:
  - RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (ACT) Inc ABN 35 730 738 037.

**86B Accommodation of seized animals**

- (1) The authority must accommodate a seized animal by—
  - (a) if the authority is reasonably satisfied that the animal can be kept under suitable care by the person in charge of the animal—returning the animal to the care of the person under stated written conditions; or
  - (b) if the authority is not satisfied that the animal can be kept under suitable care by the person in charge of the animal—placing the animal in the care of an animal welfare entity; or
  - (c) if the animal cannot be placed in the care of an animal welfare entity—impounding the animal.
- (2) A condition mentioned in subsection (1) (a) may include—
  - (a) a condition prescribed by regulation; and
  - (b) any other condition the authority considers appropriate to ensure the welfare and appropriate care of the animal.
- (3) A person commits an offence if—
  - (a) an animal is returned to the person's care under stated written conditions; and
  - (b) the person fails to comply with a condition.

Maximum penalty: 50 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.

**86C Selling or rehoming seized animals**

- (1) The authority may—
  - (a) sell a seized animal; or
  - (b) give a seized animal to an animal welfare entity for selling or rehoming.

- (2) Before selling or rehoming an animal, the authority must—
  - (a) if the identity of the person in charge of the animal is not known—make reasonable enquires to find out who the person in charge is; or
  - (b) if the identity of the person in charge of the animal is known—give the person written notice of the authority’s intention to sell or rehome the animal.
- (3) The authority may only sell or rehome an animal if—
  - (a) the authority is satisfied on reasonable grounds it is in the best interest of the welfare of the seized animal; and
  - (b) the authority knows the identity of the person in charge of the animal and has given notice to the person under subsection (2) (b); and
  - (c) the person—
    - (i) does not, within 14 days after the day the notice is given (the *application period*), apply to the ACAT under section 108 for review of the decision; or
    - (ii) applies to the ACAT under section 108 for review of the decision within the application period and the authority’s decision to sell or rehome the animal is confirmed.

## **86D Destroying seized animals**

- (1) This section applies if the authority believes on reasonable grounds that a seized animal is so severely injured or diseased, or in such poor physical condition, that it is cruel to keep the animal alive.
- (2) The authority may—
  - (a) with the written consent of the person in charge of the animal, destroy the animal or cause it to be destroyed, in a way that causes it to die quickly and without unnecessary pain; or

- (b) give the animal to a veterinary practitioner so that the practitioner may destroy the animal in a way that causes it to die quickly and without unnecessary pain.
- (3) The reasonable expenses incurred by the authority in the exercise of a power under subsection (2) in relation to an animal may be recovered by the Territory from the owner of the animal as a debt in a court of competent jurisdiction.

### **86E Temporary prohibition on animal ownership etc**

- (1) This section applies if—
  - (a) a domestic animal is seized under this Act; and
  - (b) a proceeding (a *relevant proceeding*) has not been started in a court against a person in charge of the animal for an offence against part 2 (Animal welfare offences); and
  - (c) the authority reasonably believes that an animal's welfare is, or would be, at serious risk if the person were to own, keep, care for or control the animal.
- (2) The authority may, in writing, prohibit (a *prohibition order*) the person individually or jointly with another person from—
  - (a) purchasing or acquiring an animal within the period stated in the order; or
  - (b) keeping, caring for or controlling an animal within the period stated in the order.
- (3) In making a prohibition order, the authority—
  - (a) must consider—
    - (i) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
    - (ii) the likelihood the person has, or will, commit an offence against this Act; and

- (iii) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare; and

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (b) may state that the order ends if stated conditions are met by the person.
- (4) The prohibition order ends on the earlier of—
- (a) the day a relevant proceeding starts; or
  - (b) the day stated by the authority in the prohibition order; or
  - (c) if a condition is stated under subsection (3) (b)—the day the authority confirms in writing that the condition has been met; or
  - (d) 6 months after the day the prohibition is made.
- (5) A person commits an offence if the person fails to comply with a prohibition order.
- Maximum penalty: 100 penalty units.
- (6) Subsection (3) does not limit the matters the authority may consider.

**82** **Consent to entry**  
**Section 88 (2) and (3)**

*omit*

he or she

*substitute*

the occupier



**83 Section 88 (4)**

*omit*

his or her

*substitute*

the officer's

**84 Definitions—div 7.9  
Section 93, definition of *officer*, paragraph (d)**

*omit*

veterinary officer

*substitute*

veterinary practitioner

**85 Certificate evidence  
Section 98 (1) (a)**

*before*

licensee

*insert*

licensed pet business,

**86 Section 98 (1) (b) to (d)**

*before*

licence

*insert*

pet business licence,

**87 Animal offences—court orders (interim)  
Section 100A (1) (a)**

*omit*

section 82 (1) (f) or section 84 (1) (g)

*substitute*

this Act

**88 Section 100A (2)**

*after*

must not

*insert*

, individually or jointly with another person

**89 New section 100A (2A)**

*insert*

(2A) In making an interim order, the court must consider—

- (a) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
- (b) the likelihood the person has, or will, commit an offence against this Act; and
- (c) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**90 Section 100A (3) (b)**

*omit*

6 months

*substitute*

12 months

**91 New section 100A (3A)**

*insert*

- (3A) The interim order ends if a seized animal is returned to the person in charge of the animal and the proceeding for an offence against the person is withdrawn.

**92 Section 100A (4)**

*after*

about to end

*insert*

(other than under subsection (3A)),

**93 New section 100A (6)**

*insert*

- (6) Subsection (2A) does not limit the matters the court may consider.

**94 Animal offences—court orders (general)  
Section 101 (1)**

*substitute*

- (1) This section applies if a court has convicted or found guilty a person in charge of an animal of an offence against—
- (a) part 2 (Animal welfare offences); or

- (b) section 86E (Temporary prohibition on animal ownership etc);  
or
- (c) section 100A (Animal offences—court orders (interim)); or
- (d) section 101A (Animal offences—permanent prohibition on animal ownership etc); or
- (e) section 101C (Prohibition order in special circumstances).

**95 Section 101 (2) (b)**

*omit everything before subparagraph (i), substitute*

- (b) payment to the Territory, an animal welfare entity or another person of expenses incurred in the care of—

**96 New section 101 (2A)**

*insert*

- (2A) An order under subsection (2) (b) may be made at any time and for any stated period of care.

**97 New section 101 (3A)**

*insert*

- (3A) In making an order under subsection (3), the court must consider—
  - (a) the offence committed by the person; and
  - (b) any other conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

**98 New section 101 (4A)**

*insert*

- (4A) Subsection (3A) does not limit the matters the court may consider.

**99 Section 101 (5), definition of *expenses incurred***

*omit*

by, or on behalf of, the Territory

**100 New sections 101A to 101C**

*insert*

**101A Animal offences—permanent prohibition on animal ownership etc**

- (1) This section applies if—
  - (a) a court has convicted or found guilty a person of an offence against section 7A (Aggravated cruelty); and
  - (b) the court believes that it is reasonably likely the person will contravene part 2 (Animal welfare offences) if the person were to own, keep, care for or control an animal.
- (2) The court may, in addition to any penalty which it may otherwise impose, make an order that the person must not, either individually or jointly with another person—
  - (a) purchase or acquire an animal; or
  - (b) keep, care for or control an animal.
- (3) In making an order the court must consider—
  - (a) the offence committed by the person; and

- (b) any other conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (4) A person commits an offence if the person fails to comply with an order made under subsection (2).

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

- (5) Subsection (3) does not limit the matters the court may consider.

#### **101B Animal offences—setting aside permanent prohibition order**

- (1) On application by a person against whom an order under section 101A is made, the court may set aside the order.
- (2) An application may only be made if the person has not made an application under this section in the previous 12-month period.
- (3) Before making an order, the court must—
  - (a) notify the authority, in writing, about the person’s application; and
  - (b) allow the authority to make a written or oral submission to the court about the application.
- (4) In making an order, the court must consider—
  - (a) any submission made by the authority; and
  - (b) the public interest; and
  - (c) the length of time since the order under section 101A was made; and;
  - (d) any relevant rehabilitation or remedial action undertaken by the person; and

- (e) the risk to the welfare of animals; and
  - (f) the matters considered by the court when making the order under section 101A.
- (5) Subsection (4) does not limit the matters the court may consider.

### **101C Prohibition order in special circumstances**

- (1) This section applies if—
- (a) an animal has been seized under this Act; and
  - (b) the authority believes—
    - (i) either the person in charge of the animal—
      - (A) has committed an offence in relation to an animal against part 2 (Animal welfare offences); or
      - (B) is the subject of an order of a court of a State that prohibits the person purchasing, acquiring, keeping, caring for or controlling an animal for a stated period; and
- Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
- (ii) it is not in the public interest to bring proceedings against the person; and
  - (iii) the person is likely to engage in conduct in relation to an animal that requires the seizure of an animal under this Act.
- (2) The authority may apply to the court for an order that the person must not, individually or jointly with another person—
- (a) purchase or acquire any animal within the period stated in the order; or
  - (b) keep, care for or control any animal within the period stated in the order.

- (3) The court may make an order after considering—
- (a) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
  - (b) the likelihood the person has, or will, commit an offence against this Act; and
  - (c) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare; and
- Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
- (d) anything else the court considers relevant.
- (4) The duration of an order under subsection (2) must be stated in the order.
- (5) If an order made under this section has ended or is about to end, the court may make a further order if satisfied the person remains likely to engage in conduct in relation to an animal that requires the seizure of an animal under this Act.
- (6) A person must not engage in conduct that contravenes an order under this section.

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

**101 Establishment and functions**  
**New section 109 (3) (aa)**

*insert*

- (aa) to advise the authority about matters in relation to animal welfare, including animal welfare legislation;



**102 Section 109 (4) and note**

*substitute*

- (4) The instrument of establishment is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**103 New section 109A**

*in part 10, insert*

**109A Rescuing animal at risk in locked vehicle**

- (1) This section applies if—
- (a) an animal is locked in a motor vehicle; and
  - (b) the animal appears to be at risk of serious injury or death.
- (2) A person does not incur criminal or civil liability if the person forcibly enters the motor vehicle, or assists another person to forcibly enter the motor vehicle, to release the animal.
- (3) However, subsection (2) applies only if—
- (a) the person is acting honestly and without recklessness; and
  - (b) there are no other reasonable options available to the person to avoid the serious injury or death of the animal; and
  - (c) the person's capacity to exercise appropriate care and skill is not significantly impaired by a recreational drug.

**Example—par (b)**

contacting the police or Access Canberra

- (4) In this section:

***recreational drug*** means a drug consumed voluntarily for non-medicinal purposes, and includes alcohol.

**104 Regulation-making power  
New section 112 (2) (i)**

*insert*

- (i) a qualification a person must hold, or experience a person must have, to do a thing mentioned in paragraphs (a) to (h).

**105 New section 113**

*insert*

**113 Review of amendments made by Animal Welfare  
Legislation Amendment Act 2019**

- (1) The Minister must review the operation of the amendments made by the *Animal Welfare Legislation Amendment Act 2019* as soon as practicable 3 years after the commencement of that Act, section 32.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 6 years after the day it commences.

## 106 Reviewable decisions Schedule 1

*before item 1, insert*

1A	24G (1) (b)	refuse to issue licence	applicant for licence
1B	24I (1) (a) and (b)	put condition on licence	licensee
1C	24K (1) (b)	refuse to approve transfer	<ul style="list-style-type: none"> <li>• licensee</li> <li>• transferee</li> </ul>
1D	24K (3)	put condition on transfer	transferee
1E	24M (1) (b)	refuse to renew licence	licensee
1F	24M (5)	put condition on renewal	licensee
1G	24N	amend licence	licensee
1H	24O (4)	refuse further consideration	<ul style="list-style-type: none"> <li>• applicant</li> <li>• licensee</li> <li>• transferee</li> </ul>

## 107 Schedule 1, new items 26A to 26C

*insert*

26A	86B	condition on accommodation of seized animal	person in charge of animal
26B	86C	sell or rehome seized animal	person in charge of animal
26C	86E	prohibit animal ownership	person prohibited

**108 Dictionary, note 2**

*insert*

- Corporations Act
- fail
- public servant

**109 Dictionary, definition of *animal welfare***

*omit*

**110 Dictionary, new definition of *animal welfare entity***

*insert*

*animal welfare entity*—see section 86A.

**111 Dictionary, definition of *authorisation holder***

*substitute*

*authorisation holder* means a person granted a research authorisation or a teaching authorisation under section 38 (1) (a).

**112 Dictionary, new definition of *authorised staff member***

*insert*

*authorised staff member*, of a corporation, for division 4.2 (Authorisations)—see section 37 (1A).

**113 Dictionary, new definitions**

*insert*

*board*, an animal, for part 3A (Pet businesses)—see section 24E.

*breeding licence*, for part 3A (Pet businesses)—see section 24E.

**114 Dictionary, definition of *circus permit-holder***

*substitute*

***circus permit-holder*** means a person granted a circus permit under section 55 (1) (a).

**115 Dictionary, definition of *commercial trapping permit***

*omit*

**116 Dictionary, definition of *confine***

*substitute*

***confine***, an animal, for part 2 (Animal welfare offences)—see section 6A.

**117 Dictionary, new definition of *licensed pet business***

*insert*

***licensed pet business*** means a person issued a pet business licence under section 24G (1) (a).

**118 Dictionary, definition of *licensee***

*substitute*

***licensee*** means a person granted a licence under section 27 (1) (a).

**119 Dictionary, new definitions**

*insert*

***pet business***, for part 3A (Pet businesses)—see section 24E.

***pet business licence*** means a licence issued under section 24G (1) (a).

***pet shop***, for part 3A (Pet businesses)—see section 24E.

**120 Dictionary, definition of *poison***

*substitute*

*poison*, for part 2 (Animal welfare offences)—see section 6A.

**121 Dictionary, definitions of *private trapping permit* and *steel-jawed trap***

*omit*

**122 Dictionary, definitions of *trapping permit* etc**

*substitute*

*trapping permit* means a permit granted under section 64 (Decision about trapping permit application) for—

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

*trapping permit-holder* means a person granted a trapping permit under section 64 (1) (a).

*travelling zoo permit-holder* means a person granted a travelling zoo permit under section 55 (1) (a).

## Part 3                      Animal Welfare Regulation 2001

### 123      New section 5A

*in part 2, insert*

#### 5A              Prescribed prohibited items—Act, s 14

- (1) The following items are prescribed:
  - (a) a soft-jaw trap;
  - (b) a shock collar;
  - (c) a spur with a sharpened or fixed rowel;
  - (d) a cockfighting spur;
  - (e) any other device or other thing made or adapted to be attached to an animal for a violent animal activity.
- (2) In this section:

***violent animal activity***—see the [Act](#), section 17 (6).

## Part 4 Discrimination Act 1991

### 124 Meaning of *disability* Section 5AA (3), definition of *assistance animal*

*after*

the effect of the disability

*insert*

(including by guiding a person who is blind or vision impaired or alerting a person who is deaf or hearing impaired to sounds)



## Part 5 Domestic Animals Act 2000

### 125 Part 5

*substitute*

## Part 5 Assistance animals

### Division 5.1 Preliminary—pt 5

#### 94 Definitions—pt 5

In this part:

***accredited assistance animal*** means an animal that is accredited—

- (a) under section 96; or
- (b) under a law of a State, substantially corresponding to this part, as an assistance animal.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

***assistance animal assessor*** means a person registered as an assistance animal assessor under section 104.

***assistance animal standard*** means a standard determined under section 95.

***assistance animal trainer*** means a person registered as an assistance animal trainer under section 100.

***welfare***, in relation to animals—see the [Animal Welfare Act 1992](#), dictionary.

## 95 Assistance animal standard and accreditation guidelines

- (1) The Minister may determine the minimum standard of—
  - (a) training and behaviour an assistance animal must have to effectively assist a person with disability to alleviate the effect of the disability; and
  - (b) hygiene and behaviour an assistance animal must have in a public place or public premises.
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (3) The Minister may make guidelines about the accreditation of assistance animals.
- (4) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).
- (5) In this section:

*public premises*—see section 106B.

## Division 5.2 Accreditation of assistance animals

### 96 Accreditation of assistance animals

An animal may be accredited as an assistance animal—

- (a) by an assistance animal trainer—if the assistance animal trainer is satisfied the animal has completed training required under the assistance animal standard; or
- (b) by the registrar or an assistance animal assessor—if the registrar or an assistance animal assessor is satisfied the animal has the training, hygiene and behaviour that meets the assistance animal standard.

**97 Register of registered accredited assistance animals**

The registrar must set up and keep a register of registered accredited assistance animals for this Act.

**98 Registration of accredited assistance animals**

- (1) A person may apply to the registrar for registration of an accredited assistance animal.
- (2) The application must include—
  - (a) evidence that the animal is an accredited assistance animal; and
  - (b) the name of the person assisted by the accredited assistance animal; and
  - (c) anything else prescribed by regulation.
- (3) The registrar must register an accredited assistance animal if the application for registration includes the information mentioned in subsection (2).
- (4) If the registrar registers an accredited assistance animal, the registrar must—
  - (a) give the applicant written notice that the accredited assistance animal has been registered; and
  - (b) record in the register of accredited assistance animals the information prescribed by regulation.
- (5) The applicant must tell the registrar if the animal is no longer working as an accredited assistance animal.

Maximum penalty: 25 penalty units.

- (6) An offence against subsection (5) is a strict liability offence.

**99 Registration numbers and certificates**

- (1) If the registrar registers an accredited assistance animal, the registrar—
  - (a) must—
    - (i) give a registration number to the accredited assistance animal; and
    - (ii) give to the applicant for registration a registration certificate for the animal; and
  - (b) may give the applicant another form of identification for the animal.
- (2) A registration certificate or other form of identification for an accredited assistance animal must include any information prescribed by regulation.

**Division 5.3 Assistance animal trainers and assessors**

**100 Registrar may register assistance animal trainer**

- (1) A person may apply to the registrar—
  - (a) to be registered as an assistance animal trainer; or
  - (b) for a registered assistance animal trainer—to renew the assistance animal trainer’s registration.
- (2) An application must—
  - (a) be in writing; and
  - (b) include any information prescribed by regulation.
- (3) Within 30 days of receiving the application, the registrar must—
  - (a) register the applicant for a stated period; or

(b) register the applicant for a stated period subject to stated conditions; or

(c) refuse to register the applicant.

*Note* Failure to register the applicant within the required time is taken to be a decision not to register the applicant (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

(4) The registrar may only register the applicant if satisfied the applicant—

(a) has the skills and experience to train an animal to meet the assistance animal standard; and

(b) has not, within 2 years before the application was made, been convicted or found guilty of an offence under—

(i) this Act; or

(ii) the *Animal Welfare Act 1992*; or

(iii) a law of a State substantially corresponding to this Act or the *Animal Welfare Act 1992*; and

*Note* *State* includes the Northern Territory (see *Legislation Act*, dict, pt 1).

(c) meets any requirement prescribed by regulation.

(5) The registrar must, as soon as practicable after deciding whether to register the applicant, give the applicant written notice of the decision under subsection (3).

## **101 Registrar may suspend registration of assistance animal trainer**

(1) The registrar may suspend a person's registration as an assistance animal trainer if satisfied on reasonable grounds—

(a) the person no longer has the skills and experience to train an animal to meet the assistance animal standard; or

- (b) if the person is registered to engage in the provision of a disability service under the *Working with Vulnerable People (Background Checking) Act 2011*—the person’s registration under that Act is suspended, cancelled or expired; or
  - (c) if the person’s registration under this part is subject to a condition—the person fails to comply with the condition; or
  - (d) the suspension is otherwise necessary for animal welfare.
- (2) If the registrar suspends a person’s registration, the registrar must give the person written notice—
- (a) directing the person to do a stated thing within a stated time; and
  - (b) stating that if the person does not do the stated thing within the stated time the registrar may cancel the person’s registration.

**102 Registrar may cancel registration of assistance animal trainer**

The registrar may cancel a person’s registration as an assistance animal trainer if satisfied on reasonable grounds—

- (a) the person was given written notice under section 101 (2) and failed to comply with the notice; or
- (b) the person is convicted or found guilty of an offence under—
  - (i) this Act; or
  - (ii) the *Animal Welfare Act 1992*; or
  - (iii) a law of a State substantially corresponding to this Act or the *Animal Welfare Act 1992*; or

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (c) the cancellation is otherwise necessary for animal welfare.

**103 Unregistered assistance animal trainers**

- (1) A person commits an offence if the person—
  - (a) carries on a business as an assistance animal trainer; and
  - (b) is not registered as an assistance animal trainer.Maximum penalty: 50 penalty units.
- (2) A person commits an offence if the person—
  - (a) accredits an animal as having been trained to meet the assistance animal standard; and
  - (b) is not registered as an assistance animal trainer.Maximum penalty: 50 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:  
*not registered*—a person is also *not registered* as an assistance animal trainer if the person's registration is suspended, cancelled or expired.

**104 Registrar may register assistance animal assessor**

- (1) A person may apply to the registrar—
  - (a) to be registered as an assistance animal assessor; or
  - (b) for a registered assistance animal assessor—to renew the assistance animal assessor's registration.
- (2) An application must—
  - (a) be in writing; and
  - (b) include any information prescribed by regulation.
- (3) Within 30 days of receiving the application, the registrar must—
  - (a) register the applicant for a stated period; or

(b) register the applicant for a stated period subject to stated conditions; or

(c) refuse to register the applicant.

*Note* Failure to register the applicant within the required time is taken to be a decision not to register the applicant (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

(4) The registrar may only register the applicant if satisfied the applicant—

(a) has the skills and experience to assess whether an animal meets the assistance animal standard; and

(b) has not, within 2 years before the application was made, been convicted or found guilty of an offence under—

(i) this Act; or

(ii) the *Animal Welfare Act 1992*; or

(iii) a law of a State substantially corresponding to this Act or the *Animal Welfare Act 1992*; and

*Note* *State* includes the Northern Territory (see *Legislation Act*, dict, pt 1).

(c) meets any requirement prescribed by regulation.

(5) The registrar must, as soon as practicable after deciding whether to register the applicant, give the applicant written notice of the decision under subsection (3).

## **105 Registrar may suspend registration of assistance animal assessor**

(1) The registrar may suspend a person's registration as an assistance animal assessor if satisfied on reasonable grounds—

(a) the person no longer has the skills and experience to assess whether an animal meets the assistance animal standard; or



- (b) if the person is registered to engage in the provision of a disability service under the *Working with Vulnerable People (Background Checking) Act 2011*—the person’s registration under that Act is suspended, cancelled or expired; or
  - (c) if the person’s registration under this part is subject to a condition—the person fails to comply with the condition; or
  - (d) the suspension is otherwise necessary for animal welfare.
- (2) If the registrar suspends a person’s registration, the registrar must give the person written notice—
- (a) directing the person to do a stated thing within a stated time; and
  - (b) stating that if the person does not do the stated thing within the stated time the registrar may cancel the person’s registration.

## **106 Registrar may cancel registration of assistance animal assessor**

The registrar may cancel a person’s registration as an assistance animal assessor if satisfied on reasonable grounds—

- (a) the person was given written notice under section 105 (2) and failed to comply with the notice; or
- (b) the person is convicted, or found guilty of, an offence under—
  - (i) this Act; or
  - (ii) the *Animal Welfare Act 1992*; or
  - (iii) a law of a State substantially corresponding to this Act or the *Animal Welfare Act 1992*; or

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (c) the suspension is otherwise necessary for animal welfare.

**106A Unregistered assistance animal assessor**

- (1) A person commits an offence if the person—
  - (a) carries on a business as an assistance animal assessor; and
  - (b) is not registered as an assistance animal assessor.Maximum penalty: 50 penalty units.
- (2) A person commits an offence if the person—
  - (a) accredits an animal as having met the assistance animal standard; and
  - (b) is not registered as an assistance animal assessor.Maximum penalty: 50 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:

*not registered*—a person is also *not registered* as an assistance animal assessor if the person’s registration is suspended, cancelled or expired.

**Division 5.4 Using an assistance animal**

**106B Definitions—div 5.4**

In this division:

*accompanied by an assistance animal*—a person is *accompanied by an assistance animal* if the person—

- (a) is a person with disability and is accompanied by an assistance animal that is assisting the person to alleviate the effect of the disability; or
- (b) is an assistance animal trainer and is accompanied by an animal that is being trained as an assistance animal; or

- (c) is an assistance animal assessor and is accompanied by an animal that is being assessed as an assistance animal.

*public premises* means any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not).

**Examples**

business premises, including professional, trade and commercial premises; cinema or theatre; club, hotel or motel; community centre, hall or public library; government premises; hospital; hostel or nursing home; place of worship; playground; public passenger vehicle; restaurant or cafeteria; school, college or university; shopping centre, mall or plaza; sporting or recreational premises

**106C Rights of people accompanied by assistance animals**

A person does not commit an offence only because the person—

- (a) is accompanied by an assistance animal; and
- (b) takes the animal onto or into, or allows the animal to enter, a public place or public premises.

**106D Liability of people accompanied by assistance animal**

Nothing in this Act affects the liability of a person accompanied by an assistance animal for any injury, loss or damage caused by the person's assistance animal.

**106E Assistance animal allowed in public places and premises**

- (1) A person commits an offence if the person—
  - (a) stops a person accompanied by an assistance animal entering or using a public place or public premises because of the animal; or
  - (b) stops an assistance animal entering a public place or public premises; or

- (c) removes an assistance animal from a public place or public premises.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

*Note* The defendant has an evidential burden in relation to the matter mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) A person commits an offence if—

- (a) a person accompanied by an accredited assistance animal (the ***accompanied person***) shows the person evidence the animal is an accredited assistance animal; and

- (b) the person either—

- (i) stops the accompanied person entering or using a public place or public premises because of the animal; or
- (ii) stops the animal entering a public place or public premises; or
- (iii) removes the animal from a public place or public premises.

Maximum penalty: 50 penalty units.

- (4) A person commits an offence if the person imposes a fee or charge on the accompanied person for bringing the assistance animal onto or into a public place or public premises.

Maximum penalty: 50 penalty units.

- (5) An offence against subsection (3) or (4) is a strict liability offence.

## **106F Falsely claiming animal is assistance animal**

- (1) A person commits an offence if—

- (a) the person is accompanied by an animal in a public place or public premises; and

(b) the person represents (orally or in some other way) that the animal is an assistance animal; and

(c) the animal is not an assistance animal.

Maximum penalty: 20 penalty units.

**Example—par (b)**

the animal is wearing assistance animal identification

(2) A person commits an offence if—

(a) the person is accompanied by an animal in a public place or public premises; and

(b) the person represents (orally or in some other way) that the animal is an accredited assistance animal; and

(c) the animal is not an accredited assistance animal.

Maximum penalty: 20 penalty units.

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

## 126 Dictionary, new definitions

*insert*

*accompanied by an assistance animal*, for division 5.4 (Using an assistance animal)—see section 106B.

*accredited assistance animal*, for part 5 (Assistance animals)—see section 94.

## 127 Dictionary, definition of *assistance animal*

*substitute*

*assistance animal*—see the *Discrimination Act 1991*, section 5AA (3).

**128 Dictionary, new definitions**

*insert*

*assistance animal assessor*, for part 5 (Assistance animals)—see section 94.

*assistance animal standard*, for part 5 (Assistance animals)—see section 94.

*assistance animal trainer*, for part 5 (Assistance animals)—see section 94.

**129 Dictionary, definition of *disability***

*substitute*

*disability*—see the [Discrimination Act 1991](#), section 5AA.

**130 Dictionary, definition of *excluded offence*, paragraph (b) (iii) and (iv)**

*substitute*

(iii) section 106E (Assistance animal allowed in public places and premises);

**131 Dictionary, new definitions**

*insert*

*public premises*, for division 5.4 (Using an assistance animal)—see section 106B.

*welfare*, in relation to animals, for part 5 (Assistance animals)—see section 94.

## Part 6 Domestic Animals Regulation 2001

### 132 Reviewable decisions Schedule 1, new items 34A to 34I

*insert*

34A	<a href="#">Act, s 98</a>	not register accredited assistance animal	applicant for registration
34B	<a href="#">Act, s 100 (3) (b)</a>	register assistance animal trainer on conditions	applicant for registration
34C	<a href="#">Act, s 100 (3) (c)</a>	refuse to register assistance animal trainer	applicant for registration
34D	<a href="#">Act, s 101 (1)</a>	suspend assistance animal trainer registration	assistance animal trainer
34E	<a href="#">Act, s 102</a>	cancel assistance animal trainer registration	assistance animal trainer
34F	<a href="#">Act, s 104 (3) (b)</a>	register assistance animal assessor on conditions	applicant for registration
34G	<a href="#">Act, s 104 (3) (c)</a>	refuse to register assistance animal assessor	applicant for registration
34H	<a href="#">Act, s 105 (1)</a>	suspend assistance animal trainer assessor	assistance animal assessor
34I	<a href="#">Act, s 106</a>	cancel assistance animal assessor registration	assistance animal assessor

## Part 7 Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

### 133 Schedule 1

*substitute*

## Schedule 1 Animal Welfare Act 1992 infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	6C (1)	25	500
2	6D (1)	25	500
3	6E (1)	25	500
4	6F (1)	25	500
5	6G (2)	50	500
6	8 (1)	25	500
7	9 (2)	50	500
8	9 (4)	20	500
9	9A (1)	50	1 400
10	9B (1)	50	1 400
11	9C (1)	50	1 400
12	10 (2)	20	200
13	11 (2)	50	500



column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
14	11 (3)	50	500
15	12A (3)	20	500
16	14 (2)	20	500
17	15A (1)	20	500
18	15B (4)	50	750
19	16 (3)	50	500
20	19A (1)	50	1 400
21	19A (2)	50	1 400
22	19A (3)	50	1 400
23	24D (1)	20	500
24	28 (2)	50	500
25	33 (1)	10	280
26	39 (2)	50	500
27	42 (3)	5	150
28	42 (4)	5	150
29	45 (1)	10	280
30	56 (2)	50	500
31	56 (3)	50	500
32	59 (1)	10	280
33	60 (1A)	50	500
34	60 (2)	15	250
35	62 (1)	50	500
36	65 (2)	50	500
37	70 (1)	10	280
38	73G (1)	10	280

**Part 7** Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

Section 134

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
39	78 (4)	5	150
40	82A (6)	15	300
41	86B (3)	50	500

**134 Schedule 1, new items 23A to 23D**

*insert*

23A	24P (1)	25	250
23B	24Q (1)	25	250
23C	24R (1)	50	500
23D	24S (1)	50	500

## Part 8 Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

### 135 Domestic Animals Act 2000 Schedule 1, part 1.1, new items 50A to 50E

*insert*

50A	106E (3) (b) (i)	stop person accompanied by accredited assistance animal entering public place/public premises	50	500
50B	106E (3) (b) (ii)	stop accredited assistance animal entering public place/public premises	50	500
50C	106E (3) (b) (iii)	remove accredited assistance animal from public place/public premises	50	500
50D	106E (4)	impose fee or charge for accredited assistance animal in public place/public premises	50	500

**Part 8** Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

Section 135

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50E	106F (2)	falsely claiming animal is accredited assistance animal	20	500
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## Part 9 Major Events Act 2014

### 136 Meaning of *prohibited item* Section 12 (1), definition of *prohibited item*, paragraph (a) (xviii) (A)

*substitute*

- (A) if a person is accompanied by an assistance animal—the animal; or

### 137 Section 12 (2), new definitions

*insert*

*accompanied by an assistance animal*—a person is *accompanied by an assistance animal* if the person—

- (a) is a person with disability and is accompanied by an assistance animal that is assisting the person to alleviate the effect of the disability; or
- (b) is an assistance animal trainer and is accompanied by an animal that is being trained as an assistance animal; or
- (c) is an assistance animal assessor and is accompanied by an animal that is being assessed as an assistance animal.

*assistance animal*—see the [Discrimination Act 1991](#), section 5AA (3).

*assistance animal assessor*—see the [Domestic Animals Act 2000](#), section 94.

*assistance animal trainer*—see the [Domestic Animals Act 2000](#), section 94.

## Part 10 Nature Conservation Act 2014

### 138 Offence—take animal into reserve Section 214 (3)

*substitute*

*Note* A person does not commit an offence only because the person is accompanied by an assistance animal and takes the animal into a reserve (see [Domestic Animals Act 2000](#), s 106C).

### 139 Section 214 (5)

*omit*

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**Part 11** **Public Pools Act 2015****140** **Disability—assistance animals**  
**Section 29 (1)**

*substitute*

- (1) This section applies to a person if the person is accompanied by an assistance animal.

**141** **Section 29 (2), (3) and (4)**

*omit*

assistance

**142** **New section 29 (9)**

*insert*

- (9) In this section:

***accompanied by an assistance animal***—a person is ***accompanied by an assistance animal*** if the person—

- (a) is a person with disability and is accompanied by an assistance animal that is assisting the person to alleviate the effect of the disability; or
- (b) is an assistance animal trainer and is accompanied by an animal that is being trained as an assistance animal; or
- (c) is an assistance animal assessor and is accompanied by an animal that is being assessed as an assistance animal.

***assistance animal assessor***—see the *Domestic Animals Act 2000*, section 94.

***assistance animal trainer***—see the *Domestic Animals Act 2000*, section 94.

**143 Dictionary, definition of *assistance animal***

*substitute*

*assistance animal*—see the *Discrimination Act 1991*, section 5AA (3).

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 16 May 2019.

**2 Notification**

Notified under the [Legislation Act](#) on 10 October 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Animal Welfare Legislation Amendment Bill 2019, which was passed by the Legislative Assembly on 26 September 2019.

Clerk of the Legislative Assembly