

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment)

Animal Welfare Amendment Bill 2006

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(Minister for the Environment)

Animal Welfare Amendment Bill 2006

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Animal Welfare Amendment Act 2006*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Animal Welfare Act 1992*.

9 *Note* This Act also amends the following legislation:

- 10 • *Domestic Animals Act 2000* (see s 5)
11 • *Domestic Violence and Protection Orders Act 2001* (see s 6).

12 **4 New sections 7A and 7B**

13 *insert*

14 **7A Aggravated cruelty**

15 (1) A person commits an offence if—

- 16 (a) the person commits an act of cruelty on an animal; and
17 (b) the act causes the death of the animal; and
18 (c) the person intends to cause, or is reckless about causing, the
19 death of, or serious injury to, the animal.

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

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

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

- 8 (3) In this section:
9 *causes* death or serious injury—a person's act *causes* death or
10 serious injury if it substantially contributes to the death or injury.
11 *serious injury*, to an animal, means any injury (including the
12 cumulative effect of more than 1 injury) that—
13 (a) endangers, or is likely to endanger, the animal's life; or
14 (b) is, or is likely to be, significant and longstanding.

15 **7B Alternative verdicts—cruelty**

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

1 **5 Domestic Animals Act 2000, dictionary, definition of**
2 ***animal welfare offence***

3 *substitute*

4 ***animal welfare offence*** means an offence against any of the
5 following provisions of the *Animal Welfare Act 1992*:

- 6 (a) section 7 (Cruelty);
7 (b) section 7A (Aggravated cruelty);
8 (c) section 8 (Pain);
9 (d) section 9 (Confined animals);
10 (e) section 10 (Alleviation of pain);
11 (f) section 11 (Release);
12 (g) section 12 (Administering poison);
13 (h) section 12A (Laying poison);
14 (i) section 13 (Electrical devices);
15 (j) section 14 (Spurs);
16 (k) section 15 (Transport and containment);
17 (l) section 15A (Transport of dogs);
18 (m) section 16 (Working etc unfit animals);
19 (n) section 17 (Matches, competitions and baiting);
20 (o) section 19 (Medical and surgical procedures—people other
21 than veterinary surgeons).

1 **6 Domestic Violence and Protection Orders Act 2001,**
2 **section 9 (3), definition of *animal violence offence***

3 *substitute*

4 *animal violence offence* means an offence against any of the
5 following provisions of the *Animal Welfare Act 1992*:

- 6 (a) section 7 (Cruelty);
7 (b) section 7A (Aggravated cruelty);
8 (c) section 8 (Pain);
9 (d) section 12 (Administering poison);
10 (e) section 12A (Laying poison);
11 (f) section 13 (Electrical devices).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2006.

2 Notification

Notified under the Legislation Act on 2006.

3 Republications of amended laws

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