

2013

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Territory and Municipal Services)

# Animal Welfare (Factory Farming) Amendment Bill 2013

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## **Animal Welfare (Factory Farming) Amendment Bill 2013**

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### **A Bill for**

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Animal Welfare (Factory Farming) Amendment*  
4 *Act 2013*.

5 **2 Commencement**

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

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

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

14 **4 Legislation repealed**

15 The [Animal Welfare \(Amendment\) Act 1997](#) (A1997-45) is repealed.

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1 **Part 2**                                      **Animal Welfare Act 1992**

2 **5**                      **New section 9A**

3                                      *insert*

4 **9A**                      **Battery cages for commercial egg production**

5                      (1) A person commits an offence if the person keeps a laying fowl for  
6                                      commercial egg production in a battery cage.

7                                      Maximum penalty: 50 penalty units.

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

9                      (3) In this section:

10                                      *battery cage* means a cage for housing a laying fowl that does not  
11                                      allow the fowl to do all of the following, whether because of the  
12                                      cage itself (including its dimensions) or things in the cage (including  
13                                      another laying fowl):

14                                      (a) fully stretch;

15                                      (b) perch;

16                                      (c) access litter;

17                                      (d) lay eggs in a nest.

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

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

**6 New section 9B***insert***9B Keeping pigs—appropriate accommodation**

(1) A person commits an offence if—

- (a) the person keeps a pig; and
- (b) the pig is not kept in appropriate accommodation.

Maximum penalty: 50 penalty units.

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

(3) In this section:

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

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

- 
- 1 **7 New section 9C**
- 2 *insert*
- 3 **9C Removing or trimming beak of fowl**
- 4 (1) A person commits an offence if the person removes or trims the
- 5 beak of a fowl.
- 6 Maximum penalty: 50 penalty units.
- 7 (2) This section does not apply to a veterinary surgeon who removes or
- 8 trims the beak for a therapeutic purpose.
- 9 (3) An offence against this section is a strict liability offence.
- 10 (4) In this section:
- 11 *fowl* means a female domesticated chicken (*Gallus gallus*).
- 12 **8 Exception—conduct in accordance with approved code**
- 13 **of practice or mandatory code of practice**
- 14 **New section 20 (aa)**
- 15 *before section 20 (a), insert*
- 16 (aa) section 9A (Battery cages for commercial egg production);
- 17 **9 New section 20 (ab)**
- 18 *before section 20 (a), insert*
- 19 (ab) section 9B (Keeping pigs—appropriate accommodation);
- 20 **10 New section 20 (ac)**
- 21 *before section 20 (a), insert*
- 22 (ac) section 9C (Removing or trimming beak of fowl);

1 **11 New part 12**

2 *insert*

3 **Part 12 Transitional—Animal Welfare**  
4 **(Factory Farming) Amendment**  
5 **Act 2013**

6 **120 Existing commercial egg producer**

- 7 (1) This section applies if—
- 8 (a) a person and the Territory are parties to an agreement (however
- 9 described) before the day this section commences; and
- 10 (b) the agreement includes a condition (however described) about
- 11 the conversion of the person’s facility for producing eggs from
- 12 battery cages to a barn system.
- 13 (2) Section 9A (Battery cages for commercial egg production) does not
- 14 apply to the person until 16 May 2016.
- 15 (3) Also, the following provisions of the *Animal Welfare*
- 16 *Regulation 2001* apply to the person until 16 May 2016 as if they
- 17 had not been repealed:
- 18 (a) section 8, definition of *floor area*;
- 19 (b) section 11 (Offence—failure to comply with multi-deck
- 20 structure requirements);
- 21 (c) section 13 (Offence—failure to comply with cage height
- 22 requirements);
- 23 (d) section 15 (Offence—failure to provide minimum cage floor
- 24 area for 1 laying fowl);
- 25 (e) section 16 (Offence—failure to provide minimum cage floor
- 26 area for 2 laying fowl);



1 (f) section 17 (Offences—failure to provide minimum cage floor  
2 area for 3 or more laying fowl);

3 (g) the dictionary, definition of *floor area*.

4 **121 Expiry—pt 12**

5 This part expires on 16 May 2016.

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

1 **Part 3 Animal Welfare Regulation 2001**

2 **12 Definitions—pt 6**  
3 **Section 8, definition of *floor area***

4 *omit*

5 **13 Sections 11, 13, 15, 16 and 17**

6 *omit*

7 **14 Dictionary, definition of *floor area***

8 *omit*

1 **Part 4** **Domestic Animals Act 2000**

2 **15** **Dictionary, definition of *animal welfare offence*, new**  
3 **paragraph (da)**

4 *insert*

5 (da) section 9A (Battery cages for commercial egg production);

6 **16** **Dictionary, definition of *animal welfare offence*, new**  
7 **paragraph (db)**

8 *insert*

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

10 **17** **Dictionary, definition of *animal welfare offence*, new**  
11 **paragraph (dc)**

12 *insert*

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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) on 2013.

**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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