

1992

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ANIMAL WELFARE BILL 1992

SUPPLEMENTARY EXPLANATORY MEMORANDUM

**Amendments to clause 6, subclause 11(2), paragraph 11(3)(a),
subclause 30(1), subclause 33(5), clause 41, clause 45, subclause 73(1)
and paragraph 87(3)(b)**

**Circulated by Authority of the Minister For the Environment,
Land and Planning**

Bill Wood MLA

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SUPPLEMENTARY EXPLANATORY MEMORANDUM

The following amendments are necessary as a result of comments made by the Standing Committee on the Scrutiny of Bills and Subordinate Legislation, as well as reconsideration of some matters.

Clause 6 - In its Report No 5 of 1992, the Scrutiny of Bills Committee commented that a provision should be included to enable the Animal Welfare Authority to issue an identification card to his or her delegate, given the extent of the power of delegation under subclause 6(2). New subclause 6(4) therefore provides that the Authority shall issue an identity card to his or her delegate specifying his or her name, delegation and a recent photograph.

Subclause 11(2) - this provision has been amended as the intention is that only a person in control of an animal is obliged to take adequate precautions to prevent the release of that animal. If it was not corrected, it would have an unintended outcome in that it would oblige everyone in the Territory to take precautions to prevent the release of any animal.

Paragraph 11(3)(a) - this amendment makes it clear that the exemption is confined to the normal neighborhood wanderings of domestic cats and is not intended to apply to any other form of release of domestic cats.

Subclause 30(1) - given that the activities of licensees are also to be subject to monitoring by Ethics Committees, subclause 30(1) has been recast to ensure that compliance with any directions of the Ethics Committee in accordance with the regulations, will be a mandatory condition of the licence. Thus, a sanction is available (namely possible suspension or cancellation of the licence) for non compliance with an Ethics Committee's directions.

Subclause 33(5) - this amendment is a consequential grammatical change.

Clause 41 - this amendment makes clause 41 consistent with clause 30 by making compliance with any directions of the Ethics Committee, in accordance with the regulations, a mandatory condition of the authorisation. Minor consequential amendments have also been made.

Paragraph 45(2)(b) - this amendment corrects an oversight as the clause deals with the variation of authorisations as a whole.

Clause 45 - this amendment ensures that the mandatory condition in subclause 41(1) relating to complying with the directions of an Ethics Committee, cannot be changed or removed.

Subclause 73(1) - the definition of "identity card" has to be amended as a consequence of the amendment to clause 6. The definition has been expanded to include the identity card issued to a delegate of the Authority.

Paragraph 87(3)(b) - this amendment rectifies an incorrect section cross reference.