

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

**Animal Welfare Amendment Bill 2006**

**EXPLANATORY STATEMENT**

Circulated with the authority of  
Mr Jon Stanhope MLA,  
Minister for the Environment

## EXPLANATORY STATEMENT

This Explanatory Statement relates to the *Animal Welfare Amendment Bill 2006* (the Bill) as introduced into the Legislative Assembly.

### Overview

The purpose of the Bill is to create an offence under the *Animal Welfare Act 1992* where a person's reckless conduct causes serious harm or death to an animal.

The amendment to the *Animal Welfare Act 1992* will also address the concerns of the RSPCA and the Animal Welfare Advisory Committee (AWAC) by recognising and distinguishing reckless and negligent conduct that causes serious harm or death to an animal as a serious offence. Conviction for an offence under this provision would demonstrate a more overt recognition of its seriousness and would be an effective mechanism for addressing the acts of cruelty.

The Bill will ensure that penalties given for reckless or negligent behaviour that causes serious harm or death to an animal meet the communities expectation and are used as a mechanism to guide Magistrates in the exercise of their sentencing.

### Revenue/Cost Implications

The legislation will be implemented within existing financial resources.

### Clauses

#### **Clauses 1      Name of Act**

Provides that this Act is the *Animal Welfare Amendment Act 2006*.

#### **Clause 2      Commencement**

Provides that this Act commences on the day after its notification day.

#### **Clause 3      Legislation amended**

Provides that this Act amends the *Animal Welfare Act 1992*.

#### **Clause 4      New sections 7A and 7B**

Section 7A provides that a person commits an offence if the person commits an act of cruelty on an animal and the act causes the death of the animal or serious injury to the animal and the person intends to cause or is reckless about causing the death of or serious injury to the animal. The maximum penalty is 200 penalty units, imprisonment for 2 years or both.

Section 7B provides for alternative verdicts of cruelty. It applies if in a prosecution for an offence against section 7A (Aggravated cruelty) the trier of fact is not satisfied that the defendant committed the offence, but is satisfied beyond reasonable doubt that the defendant committed an offence against section 7 (Cruelty). The trier of fact may find the defendant guilty of the offence against section 7, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

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

Provides that *animal welfare offence* means an offence against section 7 to section 19 of the *Animal Welfare Act 1992*.

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

Provides that *animal violence offence* means an offence against section 7 to section 13 of the *Animal Welfare Act 1992*.