

AUSTRALIAN CAPITAL TERRITORY

PREVENTION OF CRUELTY TO ANIMALS ORDINANCE 1959.

EXPLANATORY MEMORANDUM

No. 16 of 1959

This Ordinance consolidates and amends the law relating to the prevention of cruelty to animals, at present contained in Part V of the Police Offences Ordinance 1930-1953, the Prevention of Cruelty to Animals (Trap Shooting) Ordinance 1953 and the Homing Pigeons Protection Act 1909 of the State of New South Wales.

The principle additions to the existing law are –

- (a) The definition of “cruelty” has been extended to include –
 - (i) using a battery on a racehorse,
 - (ii) giving an animal or bird a poisonous or injurious substance,
 - (iii) abandoning an animal or bird, and
 - (iv) any wilful or negligent act or omission which results in pain, suffering or distress to an animal or bird.
- (b) A new offence of aggravated cruelty has been created to cover cases where death, deformity or serious disablement to the animal or bird results. A heavier penalty is provided.
- (c) The Court is empowered to deprive a convicted person of the ownership of an animal or bird, and make an order prohibiting him from keeping any animals or birds, or any specific animals or birds.
- (d) The Court may direct a convicted person to pay the reasonable cost of veterinary or other treatment.
- (e) Mechanical traps may not be set without the consent of the occupier of the land. This is primarily designed to prevent the setting of rabbit traps where they may injure domestic pets or children.

- (e) A general defence is provided if the person charged can satisfy the Court that the act or omission constituting the offence was reasonable in the circumstances.