



Australian Capital Territory

Animal Welfare Act 1992 No 45

Republication No 4

Republication date: 12 September 2001

Last amendment made by Act 2001 No 56

Amendments incorporated to 12 September 2001

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Animal Welfare Act 1992* as in force on 12 September 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Animal Welfare Act 1992

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Dictionary 2
3	Notes 2
4	Animal Welfare Authority 2
6	Delegation 3
6A	Identity cards 3
Part 2	Animal welfare offences
7	Cruelty 4

Contents

	Page
8	Pain 4
9	Confined animals 5
9A	Battery hens 5
10	Alleviation of pain 5
11	Release 6
12	Administering poison 6
12A	Laying poison 7
13	Electrical devices 8
14	Spurs 8
15	Conveyance and containment 9
15A	Carriage of dogs 9
16	Working, riding and driving unfit animals 9
17	Matches, competitions and baiting 10
18	Rodeos and game parks 11
19	Medical and surgical procedures—people other than veterinary surgeons 11
19A	Medical and surgical procedures—veterinary surgeons 12
20	Defence—approved codes of practice 12
 Part 3 Codes of practice	
21	Contents 14
22	Codes of practice 15
24	Publication 15
 Part 4 Research, teaching and breeding	
Division 4.1 Licences	
25	Research, teaching and breeding 17
26	Application for licence 17
27	Further information—licence applications 18
28	Grant of licence 18
29	Rights and duties of partners—licences 19
30	Conditions of licences 19
31	Duration of licences 20
32	Renewal of licences 20
33	Variation of licences 20

	Page
34	21
35	23
36	23
Division 4.2 Authorisations	
37	23
38	24
39	24
40	24
41	25
42	25
43	26
44	26
45	26
46	27
47	28
48	29
49	29
Division 4.3 Interstate researchers	
49A	29
49B	30
Division 4.4 Animal experimentation ethics committees	
50	31
Part 5 Circuses	
51	32
52	32
53	32
54	33
55	34
56	34
57	34
58	35
59	36

	Page
Part 6	Animal trapping
Division 6.1	Offences
60	Steel-jawed traps and prohibited traps 37
61	Restricted traps 37
62	Trapping—general 37
63	Regulations—prohibited and restricted traps 38
Division 6.2	Trapping permits
64	Application for trapping permit 38
65	Grant of trapping permit 38
66	Rights and duties of partners—trapping permits 39
67	Conditions of trapping permits 39
68	Duration of trapping permits 40
69	Renewal of trapping permits 40
70	Variation of trapping permits 41
71	Suspension and cancellation of trapping permits 41
72	Surrender of trapping permits 43
73	Return of cancelled and suspended trapping permits 43
Part 7	Enforcement
Division 7.1	Preliminary
74	Definitions for pt 7 44
75	Indemnity 44
75A	Public access 45
Division 7.2	Inspectors and authorised officers
76	Inspectors 45
77	Authorised officers 45
78	Identity cards 46
Division 7.3	Powers of inspectors
80	Definitions for div 7.3 46
81	Powers of entry and search 47
82	Powers of inspectors 48

	Page
Division 7.4 Powers of authorised officers	
83 Research and educational institutions—powers of entry and search	49
84 Powers of authorised officers	50
Division 7.5 Powers of veterinary surgeons	
84A Powers of veterinary surgeons regarding seized animals and carcasses	52
Division 7.6 Alleviation of suffering—powers of inspectors, authorised officers and veterinary surgeons	
85 Inspectors and authorised officers	52
86 Veterinary surgeons	54
Division 7.7 Consent to entry, reports and search warrants	
87 Definition of <i>officer</i> for div 7.7	55
88 Consent to entry	55
89 Reports	56
90 Search warrants	57
Division 7.8 Offences in relation to investigations	
91 Obstruction	58
92 False information	59
Division 7.9 Compensation for animal injury and death	
93 Definitions for div 7.9	59
94 Right to compensation	60
95 Compensation claims	60
96 Exclusion of civil actions	61
Division 7.10 Evidence	
97 Meaning of <i>offence</i> for div 7.10	62
98 Certificate evidence	62
99 Conduct of directors, servants and agents	63
Division 7.11 Court orders and corporate penalties	
100 Meaning of <i>offence</i> in div 7.11	64
101 Animal offences—court orders (general)	64
102 Animal offences—court orders (costs and proceeds of disposal)	65

Contents

	Page
103	65
104	66
105	67
Part 8	Administrative review
107	68
108	70
Part 9	Animal welfare advisory committee
109	71
Part 10	Miscellaneous
110	72
110A	72
111	72
112	72
Dictionary	73
Endnotes	
1	79
2	79
3	80
4	81
5	88
6	88

Amendments incorporated to
12 September 2001



Australian Capital Territory

Animal Welfare Act 1992

An Act for the promotion of animal welfare, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Animal Welfare Act 1992*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*native animal*—see the *Nature Conservation Act 1980*, dictionary.' means that the expression 'native animal' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

4 Animal Welfare Authority

- (1) There is an Animal Welfare Authority (the *authority*).
- (2) The chief executive must establish a position in the public service, the duties of which include exercising the functions of the authority.
- (3) The authority is the public servant for the time being exercising the duties of the position mentioned in subsection (2).

6 Delegation

The authority may, by instrument, delegate any of his or her powers under this Act to a public servant.

6A Identity cards

- (1) The chief executive shall issue to the authority an identity card that specifies the authority's name and office, and on which appears a recent photograph of the authority.
- (2) The chief executive shall issue to a delegate of the authority with any delegated powers of an inspector an identity card that specifies the delegate's name and delegated office, and on which appears a recent photograph of the delegate.
- (3) Upon ceasing—
 - (a) to occupy, or to act in, the office of the authority; or
 - (b) to be a delegate of the authority with any delegated powers of an inspector;

a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty (subsection (3)): 1 penalty unit.

Part 2 Animal welfare offences

7 Cruelty

A person shall not, without reasonable excuse, commit an act of cruelty on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

8 Pain

- (1) A person shall not, without reasonable excuse, deliberately cause an animal unnecessary pain.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person in charge of an animal shall not, without reasonable excuse—

- (a) fail to provide it with appropriate, and adequate, food, water, shelter or exercise; or
- (b) fail to take reasonable steps (including, where appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal; or
- (c) abandon the animal, unless authorised to do so under a law of the Territory; or
- (d) neglect the animal so as to cause it pain; or
- (e) kill the animal in a manner that causes it unnecessary pain.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

9 Confined animals

- (1) A person in charge of a confined animal shall not, without reasonable excuse, fail to provide the animal with adequate exercise.

Maximum penalty: 10 penalty units.

- (2) A person shall not, without reasonable excuse, confine an animal in a manner that causes injury, pain, or undue distress to the animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

U 9A Battery hens**10 Alleviation of pain**

- (1) A person who injures an animal (not being an animal of which that person is in charge) shall not, without reasonable excuse, fail to take reasonable steps (including, where appropriate, seeking veterinary treatment) to alleviate any pain suffered by the animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person who injures an animal (not being an animal of which that person is in charge) shall not, without reasonable excuse, fail to—

- (a) take reasonable steps to inform the person in charge of the animal accordingly within 24 hours after the injury; and
- (b) if, after taking such steps, that person is unable so to inform the person in charge of the animal—accordingly inform the authority, or an inspector, within 72 hours after the injury.

Maximum penalty: 10 penalty units.

11 Release

- (1) A person shall not, without reasonable excuse, release, or cause the release of, an animal from custody or control.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person in charge of an animal shall not, without reasonable excuse, fail to take adequate precautions to prevent the release of the animal from custody or control.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) Subsections (1) and (2) do not apply in relation to—

- (a) the release of domestic cats in the course of their reasonable management and control; or
- (b) the release of animals in a manner authorised under a law of the Territory.

12 Administering poison

- (1) A person must not, without reasonable excuse, administer poison to a domestic or native animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person does not contravene subsection (1) by administering poison to a domestic or native animal if—

- (a) the administration of the poison to the animal is authorised by a Territory or Commonwealth law; and
- (b) the administration is performed in a way that does not contravene that law.

12A Laying poison

- (1) A person must not lay a poison in any place with the intention of killing or injuring a domestic or native animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person must not, with reckless indifference to causing the death of, or injury to, a domestic or native animal, lay a poison in any place if the poison results in the death of, or injury to, a domestic or native animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, lay a poison in any place if there is a reasonable likelihood that the poison will kill or injure a domestic or native animal.

Maximum penalty: 10 penalty units.

- (4) A person does not contravene subsection (1), (2) or (3) by laying a poison if—

- (a) the laying is authorised by a Territory or Commonwealth law; and
- (b) the laying is performed in a way that does not contravene that law.

- (5) It is a defence to a prosecution for a contravention of subsection (3) if the defendant establishes that the defendant took reasonable steps to avoid death or injury to domestic and native animals.

13 Electrical devices

- (1) A person shall not, without reasonable excuse, administer an electric shock to an animal, except in a manner authorised under a law of the Territory.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) Subsection (1) does not apply to the use by a person of an electrical device prescribed by the regulations on an animal prescribed by the regulations.

14 Spurs

- (1) A person shall not, knowingly, use spurs with sharpened or fixed rowels on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse, possess—

- (a) a spur or similar device with sharpened or fixed rowels; or
- (b) a cockfighting spur cap.

Maximum penalty: 5 penalty units.

- (3) Subsection (2) does not apply in relation to the possession of a spur, a cockfighting spur cap or a similar device, kept solely—

- (a) for the purpose of display; or
- (b) as a curio or as part of a collection.

15 Conveyance and containment

A person shall not, without reasonable excuse, convey or contain an animal in circumstances under which the animal is subjected to unnecessary injury, pain or suffering.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

15A Carriage of dogs

- (1) A person must not carry a dog (other than a dog being used to work livestock) in or on a moving vehicle on a road or road related area unless the dog is restrained or enclosed in a way that would prevent the dog from falling or jumping from the vehicle.

Maximum penalty: 20 penalty units.

- (2) In this section:

road—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.

road related area—see the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.

16 Working, riding and driving unfit animals

A person shall not, without reasonable excuse, knowingly or negligently—

- (a) work, ride, drive, or use an animal; or
- (b) if the person is in charge of the animal—authorise the working, riding, driving or use of the animal;

if the animal is unfit for such a purpose.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

17 Matches, competitions and baiting

- (1) A person shall not, without reasonable excuse, promote, take part in, or be present at a match, competition or any other activity in which an animal is released from captivity for the purpose of being—
- (a) killed by the use of a firearm or other weapon; or
 - (b) hunted, caught, confined, injured or killed by another animal; or
 - (c) used to train or exercise another animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse—
- (a) keep, use or assist in the management of premises for the purpose of causing an animal to fight, or for the baiting or maltreating of an animal; or
 - (b) cause, procure or permit an animal in captivity to be injured or killed by any other animal; or
 - (c) keep an animal, or have the custody, care or control of an animal—
 - (i) for use as a lure or kill for the purpose of blooding greyhounds; or
 - (ii) for any other use in connection with the training and racing of coursing dogs.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) Subsections (1) and (2) do not apply in relation to the following activities:
- (a) the rehabilitation of native animals for release into the wild in a manner authorised under a law of the Territory;

- (b) the keeping and display of animals whose normal diet includes live food;
- (c) the mustering and working of stock within the meaning of the *Stock Act 1991*.

18 Rodeos and game parks

- (1) A person shall not conduct or take part in a rodeo.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not promote or conduct a game park.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) In this section:

game park means premises where—

- (a) animals other than fish are confined; and
- (b) the taking or killing of those animals as a sport or recreation is permitted on payment of a fee or other consideration.

take, in relation to an animal, includes hunt, shoot, poison, net, snare, spear, pursue, capture and injure the animal.

19 Medical and surgical procedures—people other than veterinary surgeons

- (1) A person (other than a veterinary surgeon) shall not, without reasonable excuse, carry out a medical or surgical procedure on an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) Subsection (1) does not apply in relation to—

- (a) a medical procedure of a prophylactic or therapeutic nature carried out on the animal in accordance with directions given by a veterinary surgeon; or
- (b) a medical or surgical procedure carried out in accordance with accepted animal husbandry practice in connection with—
 - (i) farming and grazing activities; or
 - (ii) the management of a zoo; or
 - (iii) the management of native animals; or
- (c) a medical or surgical procedure carried out in accordance with a licence or authorisation, subject to any written direction of an ethics committee; or
- (d) the removal of a dog's dew claws within 10 days after its birth.

19A Medical and surgical procedures—veterinary surgeons

A veterinary surgeon must not, for a purpose other than a prophylactic or therapeutic purpose—

- (a) dock a dog's tail; or
- (b) crop a dog's ear; or
- (c) remove a dog's ear; or
- (d) remove a dog's dew claws after 10 days after its birth; or
- (e) perform a clitoridectomy on a dog; or
- (f) perform a procedure prescribed under the regulations.

Maximum penalty: 50 penalty units.

U 20 Defence—approved codes of practice

- (1) It is a defence to a prosecution for an offence against this part that the conduct or lack of conduct constituting the alleged offence was conducted in accordance with an approved code of practice.

- (2) Subsection (1) does not apply in relation to a prosecution for an offence against section 14 (1) or (2), 17 (1) or (2), 18 (1) or (2) or 19A.

Part 3 Codes of practice

21 Contents

A code of practice may deal with the following matters:

- (a) the care and use of animals for scientific purposes;
- (b) the use of animals from pounds;
- (c) the management and control of companion animals;
- (d) the management of companion animals in pounds and shelters;
- (e) the development of new breeds of companion animals;
- (f) the use of electric goads;
- (g) horse agistment establishments;
- (h) animal welfare in rural industry;
- (i) animal welfare in intensive farming;
- (j) transport of livestock;
- (k) animal welfare in the management of saleyards;
- (l) livestock and poultry slaughtering establishments;
- (m) fishing;
- (n) culling of native animals;
- (o) control of feral animals;
- (p) aerial shooting of animals;
- (q) trapping and snaring of animals;
- (r) commercial pest control;
- (s) commercial keeping and display of animals;
- (t) keeping of zoo animals;

- (u) animal welfare in the racing industry;
- (v) any other matter related to animal welfare.

22 Codes of practice

- (1) The Minister may, in writing, approve a code of practice relating to animal welfare.

Note Power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A code of practice is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a code of practice is also a disallowable instrument (see *Legislation Act 2001*, s 46 (2)).

24 Publication

- (1) The authority shall cause to be published in a newspaper published and circulating in the Territory, on or before the date of effect of an approval under section 22, notice of that approval—

- (a) specifying the date on which the approval takes effect; and
- (b) specifying a place or places at which copies of the code of practice to which the approval relates may be purchased; and
- (c) containing a statement to the effect that a copy of that code of practice may be inspected by members of the public at the office of the authority during office hours; and
- (d) containing a statement to the effect that the approval is subject to disallowance by the Legislative Assembly under the *Legislation Act 2001*.

- (2) The authority shall ensure that—

Part 3 Codes of practice

Section 24

- (a) a copy of the code of practice to which an approval under section 22 relates is made available for public inspection at the office of the authority during office hours; and
 - (b) copies of that code of practice are made available for purchase at each place specified for that purpose in the relevant notice under subsection (1).
- (3) In this section:
- code of practice* includes any document (or part of a document) the provisions of which are applied by the code.

Part 4 Research, teaching and breeding

Division 4.1 Licences

25 Research, teaching and breeding

- (1) A person must not, without a licence, use or breed an animal for research or teaching.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) This section does not apply—
- (a) to an authorised person, or to a person while assisting an authorised person; or
 - (b) to a person who uses or breeds an animal in the course of employment or engagement by a licensee; or
 - (c) to a person who uses an animal prescribed under the regulations for teaching purposes in a preschool or primary school; or
 - (d) to an interstate researcher to whom section 49B (1) applies; or
 - (e) to a person who uses or breeds an animal in the course of employment or engagement by an interstate researcher to whom section 49B (1) applies.

26 Application for licence

Application may be made to the authority for a licence to use or breed animals for research or teaching, or for both research and teaching.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

27 Further information—licence applications

The authority may, by written notice, require an applicant for a licence to furnish to the authority, either orally or in writing, such further information relating to the application as is specified in the notice.

28 Grant of licence

- (1) On application in accordance with section 26, the authority shall—
- (a) grant a licence; or
 - (b) refuse to grant a licence.

Note If a form is approved under s 110A (Approved forms) for a licence, the form must be used.

- (2) In determining whether or not to grant a licence, the authority shall consider whether the applicant is a fit and proper person to hold a licence, having regard to matters including the following:
- (a) the experience and competency of the applicant in the care and handling of animals;
 - (b) the adequacy of the applicant's premises, equipment and other facilities for the care and handling of animals;
 - (c) the adequacy of arrangements for the provision of veterinary treatment to animals in or on the premises in relation to which the licence is applied for;
 - (d) the applicant's response (or lack of response) to any request for further information issued under section 27;
 - (e) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;

- (f) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.
- (3) In subsection (2), a reference to the *applicant* includes a reference—
 - (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

29 Rights and duties of partners—licences

Where a licence is issued for the purposes of a partnership, each partner has, in relation to the licence, all the rights and duties of the licensee, whether or not the partner's name is specified in the licence.

30 Conditions of licences

- (1) The authority shall grant a licence subject to the conditions (specified in the licence) that the licensee shall —
 - (a) in accordance with the regulations, establish and maintain —
 - (i) an ethics committee; or
 - (ii) appropriate arrangements with an existing ethics committee for that committee to exercise the functions of an ethics committee in relation to the licensee's activities; and
 - (b) comply with any direction of that ethics committee issued under the regulations.
- (2) The authority may grant a licence subject to such other specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:

- (a) the welfare of animals to be used by the licensee;
- (b) the provision of facilities and equipment for the welfare of such animals;
- (c) compliance with an approved code of practice.

31 Duration of licences

A licence remains in force for a period of 3 years commencing on the date of grant of the licence (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 32.

32 Renewal of licences

On application to the authority by a licensee, the authority must renew the licence for 3 years.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

33 Variation of licences

- (1) On application by a licensee accompanied by the licence, the authority shall, if satisfied on reasonable grounds that it is desirable in the interests of animal welfare—
 - (a) vary the licence accordingly; or
 - (b) refuse to vary the licence.
- (2) Where the authority believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a licence, the authority shall give the licensee a written notice—
 - (a) specifying those interests and stating the facts and circumstances that constitute the basis for the authority's belief; and

- (b) inviting the licensee to show cause within a specified period why the licence should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the licensee, the authority shall vary the licence if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.
- (4) For the purposes of subsection (3), the authority shall, by written notice accompanying the relevant notice under section 107 (1), require the licensee to forward the licence to the authority within a specified period after the date of the notice, being a period of between 14 and 28 days.
- (5) The authority shall not vary or revoke a condition of a licence referred to in section 30 (1).

34 Suspension and cancellation of licences

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a licence are as follows:
 - (a) the contravention by the licensee of a condition specified in the licence;
 - (b) the contravention by the licensee of a requirement under section 33 (4);
 - (c) the obtaining of the licence by fraud or misrepresentation;
 - (d) the conviction of the licensee of a defined offence within the preceding 3 years;
 - (e) the unfitness or impropriety of a person to hold a licence, in consideration of matters including those referred to in section 28 (2) (a), (b), (c) and (e).
- (2) In subsection (1), a reference to a *licensee* includes a reference—

- (a) if the licensee is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the licence is held for the purposes of a partnership—to each of the partners, whether or not the partner's name is specified in the licence.
- (3) Where the authority believes on reasonable grounds that—
- (a) there exists a ground for the suspension or the cancellation of a licence; and
 - (b) it is desirable in the interests of animal welfare to suspend or cancel the licence;
- he or she shall give written notice to the licensee—
- (c) specifying the ground referred to in paragraph (a), together with the particular interests referred to in paragraph (b); and
 - (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
 - (e) inviting the licensee, within 28 days after the date of the notice, to show cause why the licence should not be suspended or cancelled (as the case may be).
- (4) After the expiration of the period specified in a notice under subsection (3), taking into consideration any representation made by the licensee, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—
- (a) in the case of a notice of intention to suspend the licence for a specified period—suspend the licence for that period, or for such shorter period as the authority thinks fit; or
 - (b) in the case of a notice of intention to cancel the licence—cancel the licence or suspend it for such period as the authority thinks fit.
- (5) The suspension or cancellation of a licence takes effect on—

- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the licensee; or
- (b) if a later date is specified in that notice—on that later date.

35 Surrender of licences

- (1) A licensee may surrender the licence to the authority by notice in writing accompanied by the licence.
- (2) The surrender of a licence takes effect on the date the notice of surrender is given in accordance with subsection (1), or on such later date as is specified in the notice.

36 Return of cancelled and suspended licences

Within 7 days after the date of effect of the cancellation or suspension of a licence, the person who was licensed shall not, without reasonable excuse, fail to return the licence to the authority.

Maximum penalty: 10 penalty units.

Division 4.2 Authorisations

37 Research and teaching using animals

- (1) A person employed or engaged by a licensee shall not, without reasonable excuse, conduct—
 - (a) a program of research using animals, except with a research authorisation; or
 - (b) a program of teaching using animals, except with a teaching authorisation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply—
 - (a) to a person providing research or teaching assistance for a program mentioned in subsection (1) (a) or (b); or

- (b) to an interstate researcher to whom section 49B (1) applies; or
- (c) to a person who uses or breeds an animal in the course of employment or engagement by an interstate researcher to whom section 49B (1) applies.

38 Application for authorisation

Application may be made to the ethics committee for a research authorisation or a teaching authorisation in relation to the use of animals on licensed premises.

Note If a form is approved under s 110A (Approved forms) for an application, the form must be used.

39 Further information—applications for authorisations

The ethics committee may, by written notice, require the applicant to furnish to the committee, either orally or in writing, such further information relating to the application as is specified in the notice.

40 Grant of authorisation

- (1) On application to it in accordance with section 38, an ethics committee shall—
 - (a) grant a research authorisation or a teaching authorisation; or
 - (b) refuse to grant such an authorisation.
- (2) In determining whether or not to grant an authorisation, the ethics committee shall consider whether the applicant is a fit and proper person to hold an authorisation, having regard to matters including the following:
 - (a) the applicant's experience and competency in the care and handling of animals;
 - (b) the applicant's response (or lack of response) to any request for further information issued under section 39;

- (c) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;
- (d) whether the applicant has, within the period of the preceding 3 years, been convicted or found guilty of a defined offence.

41 Conditions of authorisations

- (1) The ethics committee shall grant an authorisation subject to the condition (specified in the authorisation) that the authorised person shall comply with any direction of the ethics committee issued under the regulations.
- (2) The ethics committee may grant an authorisation subject to such other specified conditions as the committee considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:
 - (a) the use of animals in the particular program of research or teaching which is to be undertaken;
 - (b) the welfare of such animals;
 - (c) particular facilities and equipment relevant to the use of animals in the course of conducting that program;
 - (d) compliance with an approved code of practice.

42 Identification certificates for authorised persons

- (1) The ethics committee shall issue an authorised person with an identity certificate displaying a recent photograph of the authorised person.

Note If a form is approved under s 110A (Approved forms) for an identity certificate, the form must be used.

- (2) An authorised person shall not, without reasonable excuse, fail to produce his or her certificate upon request by an authorised officer.

Maximum penalty (subsection (2)): 5 penalty units.

43 Duration of authorisations

An authorisation remains in force for a specified period of up to 2 years commencing on the date of its issue (subject to this division), but may be renewed in accordance with section 44.

44 Renewal of authorisations

On application to the ethics committee by an authorised person, the ethics committee must renew the authorisation for the period, of no longer than 2 years, applied for.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

45 Variation of authorisations

- (1) On application by an authorised person accompanied by the authorisation, the ethics committee shall, if satisfied that it is desirable in the interests of animal welfare—
 - (a) vary the authorisation accordingly; or
 - (b) refuse to vary the authorisation.
- (2) Where the ethics committee believes on reasonable grounds that it is desirable in the interests of animal welfare to vary an authorisation, the committee shall give the authorised person a written notice—
 - (a) specifying those interests, and stating the facts and circumstances that constitute the basis for the committee's belief; and
 - (b) inviting him or her to show cause within the specified period why the authorisation should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the holder of the authorisation, the ethics committee shall vary the

authorisation if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.

- (4) For the purposes of subsection (3), the ethics committee shall, by written notice accompanying the relevant notice under section 107 (2), require the authorised person to forward the authorisation to the committee within a specified period after the date of the notice, being a period of between 14 and 28 days.
- (5) The ethics committee shall not vary or revoke the condition of an authorisation referred to in section 41(1).

46 Suspension and cancellation of authorisations

- (1) For the purposes of this section, the grounds for the suspension or cancellation of an authorisation are as follows:
 - (a) the contravention by the authorised person of a condition specified in the authorisation;
 - (b) the contravention by the authorised person of a requirement under section 45 (4);
 - (c) the conviction of the authorised person of a defined offence within the preceding 3 years;
 - (d) the unfitness or impropriety of an authorised person to hold an authorisation (of the type held), in consideration of matters including those referred to in section 40 (2) (a) and (c).
- (2) Where the ethics committee believes on reasonable grounds that—
 - (a) there exists a ground for the suspension or the cancellation of an authorisation; and
 - (b) it is desirable in the interests of animal welfare to suspend or cancel the authorisation;the committee shall give written notice to the authorised person—
 - (c) specifying the ground referred to in paragraph (a), together with the particular interests referred to in paragraph (b);

- (d) stating the facts and circumstances that, in the committee's opinion, constitute the basis for the committee's beliefs referred to in paragraphs (a) and (b); and
 - (e) inviting the person, within 28 days after the date of the notice, to show cause why the authorisation should not be suspended or cancelled (as the case may be).
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the holder, the ethics committee shall, if satisfied on reasonable grounds of the matters referred to in subsection (2) (a) and (b)—
- (a) in the case of a notice of intention to suspend the authorisation for a specified period—suspend the authorisation for that period, or for such shorter period as the committee thinks fit; or
 - (b) in the case of a notice of intention to cancel the authorisation—cancel the authorisation or suspend it for such period as the committee thinks fit.
- (4) The suspension or cancellation of an authorisation takes effect on—
- (a) the date on which notice under section 107 (2) of the suspension or cancellation is given to the authorised person; or
 - (b) if a later date is specified in that notice—on that later date.

47 Surrender of authorisations

- (1) An authorised person may surrender his or her authorisation to the ethics committee by notice in writing accompanied by the authorisation and the certificate issued under section 42 (1).
- (2) The surrender of an authorisation takes effect on the date the notice of surrender is given in accordance with subsection (1), or on such later date as is specified in the notice.

48 Cessation of effect of authorisation where licence ceases to have effect

- (1) An authorisation ceases to have effect if, and while, the relevant licence ceases to have effect.
- (2) In subsection (1):

relevant licence, in relation to an authorisation, means the licence in relation to the premises on which the authorised person is authorised to conduct a program of research or teaching using animals.

49 Return of cancelled and suspended authorisations

Within 7 days after an authorisation ceases to have effect, the person who was authorised shall not, without reasonable excuse, fail to return the authorisation, together with the certificate issued under section 42 (1), to—

- (a) the licensee; or
- (b) in the case of an authorisation which ceases to have effect under section 48—the authority.

Maximum penalty: 5 penalty units.

Division 4.3 Interstate researchers

49A Notification

An interstate researcher must, at least 7 days before using or breeding an animal for research or teaching in the ACT—

- (a) notify the authority of the researcher's intention to use or breed an animal for research or teaching; and

Note If a form is approved under s 110A (Approved forms) for a notification, the form must be used.

- (b) give to the authority a copy of—
 - (i) the researcher's interstate research authorisation; and

- (ii) any protocol and conditions with which the researcher is required to comply under the authorisation and any submission on which the grant of the authorisation is based.

49B Interstate researchers' authorisation in the ACT

- (1) An interstate researcher who has complied with section 49A may use or breed animals in the Territory in the same way, to the same extent and for the same purposes as the researcher is permitted to use or breed animals in the State where the researcher's interstate research authorisation was granted.
- (2) Subsection (1)—
 - (a) does not apply to a researcher whose interstate research authorisation is suspended; and
 - (b) ceases to apply to a researcher whose interstate research authorisation expires or is cancelled or revoked.
- (3) The authority may decide to end the application of subsection (1) to a researcher if satisfied on reasonable grounds that the researcher—
 - (a) has contravened this Act; or
 - (b) has contravened, in the Territory, an approved code of practice or a protocol or condition to which the researcher's interstate research authorisation is subject; or
 - (c) has failed to comply, in the Territory, with the proposals for carrying out the researcher's activities set out in a submission on which the grant of the authorisation is based.
- (4) When considering whether to make a decision under subsection (3) about an interstate researcher, the authority is not required to give the researcher an opportunity to make representations if satisfied that the public interest or the welfare of any animal requires that the decision be made immediately.

- (5) The authority may decide that subsection (1) should again apply to a researcher to whom the subsection has ceased to apply because of a decision under subsection (3).
- (6) Subsection (1)—
- (a) ceases to apply to a researcher about whom the authority has made a decision under subsection (3); and
 - (b) again applies to a researcher about whom the authority has made a decision under subsection (5).

Division 4.4 Animal experimentation ethics committees

50 Ethics committees

The regulations may make provision in relation to Animal Experimentation Ethics Committees, including provision relating to their establishment, constitution and functions.

Part 5 Circuses

51 Circuses

- (1) A person shall not conduct a circus without a circus permit.
Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (2) Subsection (1) does not apply in relation to a circus in which there are no performing animals, or in relation to a travelling zoo.
- (3) A person shall not conduct a circus using a prohibited circus animal.
Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (4) A person shall not import a prohibited circus animal into the Territory as part of a circus troupe, whether or not for the purpose of using the animal in the circus.
Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

52 Regulations—prohibited circus animals

The regulations may prescribe an animal for the purpose of the definition of *prohibited circus animal*, paragraph (b) in the dictionary.

53 Application for circus permit

- (1) Application may be made to the authority for a permit to conduct a circus.
- (2) An application must—
 - (a) be accompanied by a list of animals which are to form part of the circus troupe, whether or not the animals are to be used in the circus; and

- (b) be lodged no later than 4 weeks before the proposed date of opening of the circus.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

54 Grant of circus permit

- (1) On application in accordance with section 53, the authority shall—
- (a) grant a circus permit; or
 - (b) refuse to grant a circus permit.

Note If a form is approved under s 110A (Approved forms) for a permit, the form must be used.

- (2) The authority shall not grant a circus permit where a prohibited circus animal is to form part of the circus troupe, whether or not the animal is to be used in the circus.
- (3) In determining whether or not to grant a circus permit, the authority shall consider whether the applicant is a fit and proper person to hold a permit, having regard to matters including the following:
- (a) the experience and competency of the applicant, and the applicant's employees and agents, in the care and handling of animals;
 - (b) the adequacy of the conditions under which the circus animals are to be housed, trained, transported or used;
 - (c) the adequacy of the facilities to be provided for the circus animals;
 - (d) whether the applicant has obtained and maintained in force any necessary permits under the *Nature Conservation Act 1980*;
 - (e) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.

- (4) In subsection (2), a reference to an *applicant* includes a reference—
- (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

55 Rights and duties of partners—circus permits

Where a circus permit is granted for the purposes of a partnership, each partner has, in relation to the permit, all the rights and duties of the permit-holder, whether or not the partner's name is specified in the permit.

56 Conditions of circus permits

- (1) It is a condition of a circus permit (to be specified in the permit) that the permit-holder shall not include in the circus troupe a prohibited circus animal, whether or not for the purpose of using the animal in the circus.
- (2) The authority may grant a permit subject to such other specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:
- (a) the welfare of animals used by the circus;
 - (b) the provision of facilities and equipment for those animals;
 - (c) compliance with an approved code of practice.

57 Duration of circus permits

A circus permit remains in force for the period specified in the permit, unless sooner suspended or cancelled.

58 Suspension and cancellation of circus permits

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a circus permit are as follows:
 - (a) the obtaining of the permit through fraud or misrepresentation;
 - (b) the contravention by the permit-holder, or an employee or agent of the permit-holder, of a condition specified in the permit;
 - (c) the conviction of the permit-holder of a defined offence within the preceding 3 years;
 - (d) the unfitness or impropriety of the permit-holder to hold a circus permit, in consideration of matters including those referred to in section 54 (3) (a), (b), (c) and (d).
- (2) In subsection (1), a reference to a *permit-holder* includes a reference—
 - (a) if the permit-holder is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the permit-holder holds the permit for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the permit.
- (3) Where the authority believes on reasonable grounds that—
 - (a) there exists a ground for the suspension or the cancellation of a circus permit; and
 - (b) it is desirable in the interests of animal welfare to suspend or cancel the permit;he or she shall give written notice to the permit-holder—
 - (c) specifying the ground referred to in paragraph (a) together with the particular interests referred to in paragraph (b); and

- (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
 - (e) inviting the permit-holder, within 12 hours after the time the notice is given, to show cause why the permit should not be suspended or cancelled (as the case may be).
- (4) After the expiration of 12 hours after a notice under subsection (3) is given, taking into consideration any representation made by the permit-holder, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—
- (a) in the case of a notice of intention to suspend the permit for a specified period—suspend the permit for that period, or for such shorter period as the authority thinks fit; or
 - (b) in the case of a notice of intention to cancel the permit—cancel the permit or suspend it for such period as the authority thinks fit.
- (5) The suspension or cancellation of a permit takes effect on—
- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the permit-holder; or
 - (b) if a later date is specified in that notice—on that later date.

59 Return of cancelled and suspended circus permits

Within 7 days after the date of effect of the cancellation or suspension of a circus permit, the former permit-holder shall not, without reasonable excuse, fail to return the permit to the authority.

Maximum penalty: 5 penalty units.

Part 6 Animal trapping

Division 6.1 Offences

60 Steel-jawed traps and prohibited traps

- (1) A person shall not, without reasonable excuse, set a steel-jawed trap or a prohibited trap to catch an animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not, without reasonable excuse, possess a steel-jawed trap or a prohibited trap.

Maximum penalty: 5 penalty units.

- (3) Subsection (2) does not apply in relation to the possession of a trap kept solely—

- (a) for the purpose of display; or
- (b) as a curio or as part of a collection.

61 Restricted traps

A person shall not, without reasonable excuse, set a restricted trap to catch an animal, unless the person holds a trapping permit.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

62 Trapping—general

- (1) A person shall not, without reasonable excuse, set a trap to catch an animal.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply in relation to a trap set on premises—

- (a) by the occupier of the premises; or
 - (b) with the express permission of that occupier; or
 - (c) in a manner otherwise authorised under a law of the Territory.
- (3) In subsection (2):
- occupier* includes—
- (a) a servant or agent of the occupier; and
 - (b) a person related by blood or adoption to the occupier.

63 Regulations—prohibited and restricted traps

The regulations may prescribe a trap—

- (a) as a prohibited trap for the purposes of section 60; or
- (b) as a restricted trap for the purposes of section 61.

Division 6.2 Trapping permits

64 Application for trapping permit

Application may be made to the authority for—

- (a) a commercial trapping permit, for the purposes of a commercial trapping operation; or
- (b) a private trapping permit, for domestic or private purposes.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

65 Grant of trapping permit

- (1) On application in accordance with section 64, the authority shall—
 - (a) grant a trapping permit of the type applied for; or
 - (b) refuse to grant a trapping permit.

Note If a form is approved under s 110A (Approved forms) for a permit, the form must be used.

- (2) In determining whether or not to grant a trapping permit, the authority shall consider whether the applicant is a fit and proper person to hold a permit of the type applied for, having regard to matters including the following:
- (a) the species of animals to be trapped;
 - (b) the experience and competency of the applicant, and the applicant's employees and agents, in trapping such animals;
 - (c) the adequacy of the applicant's traps and other trapping equipment;
 - (d) whether the applicant has, within the period of 3 years preceding the date of the application, been convicted or found guilty of a defined offence.
- (3) In subsection (2), a reference to an *applicant* includes a reference—
- (a) if the applicant is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the application is made for the purposes of a partnership—to each of the partners, whether or not the partner's name appears on the application.

66 Rights and duties of partners—trapping permits

Where a trapping permit is issued for the purposes of a partnership, each partner has, in relation to the permit, all the rights and duties of the permit-holder, whether or not the partner's name is specified in the permit.

67 Conditions of trapping permits

The authority may grant a trapping permit subject to such specified conditions as he or she considers, on reasonable grounds, to be desirable in the interests of animal welfare, including conditions in relation to the following matters:

- (a) the species of animals to be trapped;
- (b) the areas in which traps are to be set;
- (c) the traps and other trapping equipment to be used;
- (d) the welfare of any animals which may be affected by the proposed trapping activities;
- (e) compliance with an approved code of practice.

68 Duration of trapping permits

- (1) A commercial trapping permit remains in force for the period of 3 years commencing on the date of grant of the permit (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 69.
- (2) A private trapping permit remains in force for the period specified in the permit (subject to its suspension, cancellation or surrender), but may be renewed in accordance with section 69.

69 Renewal of trapping permits

On application to the authority by the holder of a trapping permit, the authority must renew the permit—

- (a) for a commercial trapping permit—for 3 years; or
- (b) for a private trapping permit—for the period the authority considers, on reasonable grounds, to be desirable in the interests of animal welfare.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for an application, the form must be used.

70 Variation of trapping permits

- (1) On application by the holder of a trapping permit accompanied by the permit, the authority shall, if it is satisfied on reasonable grounds that it is desirable in the interests of animal welfare—
 - (a) vary the permit accordingly; or
 - (b) refuse to vary the permit.
- (2) Where the authority believes on reasonable grounds that it is desirable in the interests of animal welfare to vary a trapping permit, the authority shall give the permit-holder a written notice—
 - (a) specifying those interests and stating the facts and circumstances that constitute the basis for the authority's belief; and
 - (b) inviting the permit-holder to show cause within the specified period why the permit should not be varied in the manner specified in the notice.
- (3) After the expiration of the period specified in a notice under subsection (2), taking into consideration any representation made by the permit-holder, the authority shall vary the permit if satisfied on reasonable grounds that it is desirable in the interests of animal welfare.
- (4) For the purposes of subsection (3), the authority shall, by written notice accompanying the relevant notice under section 107 (1), require the permit-holder to forward the permit to the authority within a specified period after the date of the notice, being a period of between 14 and 28 days.

71 Suspension and cancellation of trapping permits

- (1) For the purposes of this section, the grounds for the suspension or cancellation of a trapping permit are as follows:
 - (a) the contravention by the permit-holder of a condition specified in the permit;

- (b) the contravention by the permit-holder of a requirement under section 70 (4);
 - (c) the obtaining of the permit by fraud or misrepresentation;
 - (d) the conviction of the permit-holder of a defined offence within the preceding 3 years;
 - (e) the unfitness or impropriety of the permit-holder to hold a trapping permit (of the type held), in consideration of matters including those referred to in section 65 (2) (a), (b) and (c).
- (2) In subsection (1), a reference to a *permit-holder* includes a reference—
- (a) if the permit-holder is a body corporate—to a director, secretary or manager of the body; or
 - (b) if the permit is held for the purposes of a partnership—to each of the partners, whether or not the partner's name is specified in the permit.
- (3) Where the authority believes on reasonable grounds that—
- (a) there exists a ground for the suspension or the cancellation of a trapping permit; and
 - (b) it is desirable in the interests of animal welfare to suspend or cancel the permit;
- he or she shall give written notice to the permit-holder—
- (c) specifying the ground referred to in paragraph (a) together with the particular interests referred to in paragraph (b); and
 - (d) stating the facts and circumstances that, in the authority's opinion, constitute the basis for the authority's beliefs referred to in paragraphs (a) and (b); and
 - (e) inviting the permit-holder, within 28 days after the date of the notice, to show cause why the permit should not be suspended or cancelled (as the case may be).

- (4) After the expiration of the period specified in a notice under subsection (3), taking into consideration any representation made by the permit-holder, the authority shall, if satisfied on reasonable grounds of the matters referred to in subsection (3) (a) and (b)—
- (a) in the case of a notice of intention to suspend the permit for a specified period—suspend the permit for that period, or for such shorter period as the authority thinks fit; or
 - (b) in the case of a notice of intention to cancel the permit—cancel the permit or suspend it for such period as the authority thinks fit.
- (5) The suspension or cancellation of a permit takes effect on—
- (a) the date on which notice under section 107 (1) of the suspension or cancellation is given to the permit-holder; or
 - (b) if a later date is specified in that notice—on that later date.

72 Surrender of trapping permits

- (1) The holder of a trapping permit may surrender the permit to the authority by notice in writing accompanied by the permit.
- (2) The surrender of a trapping permit takes effect on the date the notice of surrender is given in accordance with subsection (1), or such later date as is specified in the notice.

73 Return of cancelled and suspended trapping permits

Within 7 days after the date of effect of the cancellation or suspension of a trapping permit, the former permit-holder shall not, without reasonable excuse, fail to return the permit to the authority.

Maximum penalty: 5 penalty units.

Part 7 Enforcement

Division 7.1 Preliminary

74 Definitions for pt 7

In this part:

connected—an animal or thing is *connected* with a particular offence if—

- (a) it is an animal or thing in relation to which the offence has been committed; or
- (b) it will provide evidence of the offence; or
- (c) it was used, or is or was intended to be used, to commit the offence.

occupier, of premises that an inspector or authorised officer is authorised to enter under this part, includes a person the inspector or officer believes on reasonable grounds to be the occupier, or to be in charge, of the premises.

offence means—

- (a) any conduct engaged in, whether by an act or omission, that there are reasonable grounds for believing is an offence; or
- (b) an offence (within the meaning of paragraph (a)) that there are reasonable grounds for believing has been, or will be, committed.

75 Indemnity

- (1) The Territory shall indemnify a person against liability for damage or personal injury caused (either directly or indirectly) by that person's performance or purported performance, in good faith, of a function under this part.

- (2) In subsection (1), a reference to the performance (or purported performance) of a function by a person includes a reference to the assistance of another person in such a performance (or purported performance).

75A Public access

The authority shall ensure that a copy of any report received by him or her under section 89 (1) is available for public inspection free of charge at the office of the authority.

Division 7.2 Inspectors and authorised officers

76 Inspectors

- (1) The chief executive must establish 1 or more positions in the public service, the duties of which include exercising the functions of an inspector.
- (2) The following people are inspectors:
- (a) any public servant for the time being exercising the duties of a position mentioned in subsection (1);
 - (b) the authority, including a delegate of the authority with any delegated powers of an inspector;
 - (c) a police officer;
 - (d) anyone else appointed in writing by the chief executive.

77 Authorised officers

- (1) The chief executive must establish 1 or more positions in the public service, the duties of which include exercising the functions of an authorised officer.
- (2) Only a public servant who is a veterinary surgeon may be an authorised officer.

- (3) Subject to subsection (2), an authorised officer is any public servant performing the duties of a position mentioned in subsection (1).

78 Identity cards

- (1) The chief executive shall issue to an inspector an identity card that specifies the inspector's name and office, and on which appears a recent photograph of the inspector.
- (2) The chief executive shall issue to an authorised officer an identity card that specifies the officer's name and office, and on which appears a recent photograph of the officer.
- (3) Upon ceasing—
- (a) to occupy, or to act in, an office of inspector; or
 - (b) to be appointed as an inspector under section 76 (3) (d); or
 - (c) to occupy, or to act in, an office of authorised officer;
- a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty: 1 penalty unit.

- (4) In this section:

inspector does not include a police officer.

Division 7.3 Powers of inspectors

80 Definitions for div 7.3

In this division:

business premises means premises used for business or professional purposes, other than a part used for residential purposes.

premises, in relation to the exercise of an inspector's powers, means any premises except those which the inspector believes on reasonable grounds are being used for—

- (a) the purposes of research, or teaching, using animals; or
- (b) the acquisition, breeding or keeping of animals for such purposes.

81 Powers of entry and search

- (1) Subject to this section, where an inspector believes on reasonable grounds that it is necessary to do so for the purposes of this Act, the inspector may—
 - (a) enter any premises; and
 - (b) exercise any power—
 - (i) under section 82; or
 - (ii) for the purposes of section 85.
- (2) For subsection (1), an inspector may—
 - (a) enter any premises at any time with the consent of the occupier of the premises; or
 - Note* The procedures for obtaining consent are set out in s 88.
 - (b) enter business premises during business hours at the premises; or
 - (c) enter premises in accordance with a warrant under section 90; or
 - (d) enter premises at any time if the inspector believes on reasonable grounds that serious and urgent circumstances require the immediate exercise of any of the inspector's powers without a warrant.
- (3) An inspector who enters premises under subsection (2) (d) may have reasonable assistance and use reasonable force to enter the premises.
- (4) An inspector who enters premises under this section may take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this Act.

- (5) This section does not authorise an inspector to enter an abattoir unless—
- (a) the inspector is a veterinary surgeon; or
 - (b) if the inspector is not a veterinary surgeon—the inspector enters those premises with a veterinary surgeon.
- (6) Where a power is exercised in accordance with subsection (1) in relation to a vehicle, the relevant inspector may stop and detain the vehicle for the purpose of the exercise of that power.

82 Powers of inspectors

- (1) Subject to subsection (2), an inspector who enters premises in accordance with section 81 may, if he or she believes it on reasonable grounds to be necessary for the purposes of this Act—
- (a) examine any animal in or on the premises; or
 - (b) give assistance to any animal on the premises; or
 - (c) inspect the premises and anything in or on the premises (including a document); or
 - (d) take copies of, or extracts from, any document in or on the premises; or
 - (e) take photographs or make films or videotapes of the premises or any animal or thing in or on the premises; or
 - (f) seize any animal, or anything (including a document), that the inspector believes on reasonable grounds to be connected with an offence; or
 - (g) require any person in or on the premises to give the inspector such assistance as is reasonable to enable the inspector to exercise his or her powers under this section; or
 - (h) ask questions of any person in or on the premises where the inspector considers it reasonable to enable him or her to exercise powers under this section.

- (2) An inspector shall not, without reasonable excuse—
- (a) give a document seized under subsection (1) to another person;
or
 - (b) give a copy of a document inspected or seized under subsection (1) to another person; or
 - (c) communicate to another person the contents of a document inspected or seized under subsection (1);
- except where the document or copy is given, or the communication is made—
- (d) to the authority; or
 - (e) for the purposes of the investigation or prosecution of an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 7.4 Powers of authorised officers

83 Research and educational institutions—powers of entry and search

- (1) Subject to this section, where an authorised officer believes on reasonable grounds that it is necessary to do so for the purposes of this Act, the officer may—
- (a) enter any premises he or she believes on reasonable grounds is being used for—
 - (i) the purposes of research, or teaching, using animals; or
 - (ii) the acquisition, breeding or keeping of animals for such purposes; and
 - (b) exercise any power—
 - (i) under section 84; or

(ii) for the purposes of section 85.

- (2) For subsection (1), an authorised officer may enter premises mentioned in subsection (1) (a)—
- (a) at any time with the consent of the occupier of the premises; or
- Note* The procedures for obtaining consent are set out in s 88.
- (b) in accordance with a warrant under section 90; or
 - (c) at any time if the officer believes on reasonable grounds that serious and urgent circumstances require the immediate exercise of any of the officer's powers without a warrant.
- (3) An authorised officer who enters premises under subsection (2) (c) may have reasonable assistance and use reasonable force to enter the premises.
- (4) An authorised officer who enters premises under this section may take into the premises any people, equipment or material the officer reasonably needs for exercising a power under this Act.
- (5) Where a power is exercised in accordance with subsection (1) in relation to a vehicle, the relevant officer may stop and detain the vehicle for the purpose of the exercise of that power.

84 Powers of authorised officers

- (1) Subject to subsection (2), an authorised officer who enters premises in accordance with section 83 may, if he or she believes it on reasonable grounds to be necessary for the purposes of this Act—
- (a) examine any animal in or on the premises; or
 - (b) give assistance to any animal on the premises; or
 - (c) take a sample of tissue, blood, urine or other bodily material from an animal or carcass on the premises; or
 - (d) inspect the premises and anything in or on the premises (including a document); or

- (e) take copies of, or extracts from, any document in or on the premises; or
 - (f) take photographs or make films or videotapes of the premises or any animal or thing in or on the premises; or
 - (g) seize any animal, or anything (including a document), that the officer believes on reasonable grounds to be connected with an offence; or
 - (h) require any person in or on the premises to give the officer such assistance as is reasonable to enable the officer to exercise his or her powers under this section; or
 - (i) ask questions of any person in or on the premises where the officer considers it reasonable to enable him or her to exercise powers under this section.
- (2) An authorised officer shall not, without reasonable excuse—
- (a) give a document seized under subsection (1) to another person; or
 - (b) give a copy of a document inspected or seized under subsection (1) to another person; or
 - (c) communicate to another person the contents of a document inspected or seized under subsection (1);
- except where the document or copy is given, or the communication is made—
- (d) to the authority; or
 - (e) for the purposes of the investigation or prosecution of an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 7.5 Powers of veterinary surgeons

84A Powers of veterinary surgeons regarding seized animals and carcasses

- (1) A veterinary surgeon may take a sample of tissue, blood, urine or other bodily material from—
 - (a) an animal that has been seized under section 82 (1) (f) or 84 (1) (g) (a *seized animal*); or
 - (b) a carcass seized under section 82 (1) (f) or 84 (1) (g) (a *seized carcass*).
- (2) A veterinary surgeon may perform a post-mortem on—
 - (a) a dead seized animal; or
 - (b) a seized carcass.

Division 7.6 Alleviation of suffering—powers of inspectors, authorised officers and veterinary surgeons

85 Inspectors and authorised officers

- (1) This section applies where an inspector or an authorised officer believes on reasonable grounds—
 - (a) that an animal has not been provided with proper or sufficient food or drink during the previous 24 hours; or
 - (b) that an animal is so severely injured, so overworked, so diseased or in such a physical condition that it is necessary that the animal be provided with veterinary treatment; or
 - (c) that—
 - (i) an animal is so severely injured or diseased, or in such a poor physical condition, that it is cruel to keep it alive; and

- (ii) the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal.
- (2) Where this section applies, the relevant inspector or authorised officer may—
 - (a) seize the animal; and
 - (b) give assistance to the animal; and
 - (c) remove the animal to such place as he or she thinks fit; and
 - (d) in the case of an animal referred to in subsection (1) (c)—destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.
- (3) An inspector shall only exercise a power referred to in subsection (2) (d) with the written consent of a person in charge of the relevant animal, unless—
 - (a) the inspector, after making reasonable enquiries, is unable to locate such a person; or
 - (b) the inspector is a veterinary surgeon.
- (4) The reasonable expenses incurred by an inspector or authorised officer in the exercise of a power under subsection (2) in respect of an animal may be recovered by the Territory from the owner of the animal as a debt in a court of competent jurisdiction.
- (5) Where subsection (1) (a) or (b) applies, the relevant inspector or authorised officer may, instead of exercising the powers referred to in subsection (2) (a), (b) or (c), give a person in charge of the relevant animal directions in writing requiring that person—
 - (a) to provide the animal with such specified rest, food, water, shelter or treatment as is necessary in the interests of the animal's welfare; and

- (b) where necessary, to consult a veterinary surgeon about the condition of the animal within such a specified period as is reasonable in the circumstances.
- (6) A person to whom a direction is given under subsection (5) shall not, without reasonable excuse, contravene the direction.

Maximum penalty (subsection (6)): 50 penalty units.

86 Veterinary surgeons

- (1) Where, in the opinion of a veterinary surgeon—
 - (a) an animal is so severely injured, so diseased or in such a physical condition that it is cruel to keep it alive; and
 - (b) the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal;the veterinary surgeon may—
 - (c) seize the animal; and
 - (d) give assistance to the animal; and
 - (e) remove the animal to such place as the veterinary surgeon thinks fit; and
 - (f) destroy the animal, or cause it to be destroyed, in a manner that causes it to die quickly and without unnecessary pain.
- (2) The reasonable expenses incurred by a veterinary surgeon in the exercise of a power conferred by subsection (1) in respect of an animal may be recovered from the owner of the animal as a debt in a court of competent jurisdiction.

Division 7.7 Consent to entry, reports and search warrants

87 Definition of *officer* for div 7.7

In this division:

officer means an inspector or an authorised officer.

88 Consent to entry

- (1) This section applies where the consent of the occupier of premises is sought by an inspector or an authorised officer for entry to the premises for the purposes of section 81 or 83, as the case requires.
- (2) Where this section applies, before seeking the consent of the occupier of premises for the purposes of entering premises, an officer shall inform the occupier that he or she may refuse to give that consent.
- (3) Where this section applies and an officer obtains consent from an occupier to enter premises, the officer shall ask the occupier to sign an acknowledgment—
 - (a) that the occupier has been informed that he or she may refuse to give that consent; and
 - (b) that the occupier has given the officer consent, for the purposes of that provision, to enter the premises and to exercise the powers of an officer under section 82, 84 or 85; and
 - (c) of the day on which, and the time at which, that consent was given.
- (4) Where this section applies, an officer is not authorised to remain on the premises if, on request by or on behalf of the occupier of the premises, the officer does not show his or her identity card to the occupier.

- (5) Where a police officer exercises the power of an inspector to enter premises, subsection (4) only applies where the police officer is not in uniform.
- (6) Where it is material, in any proceedings, for a court to be satisfied, for the purposes of this section, of the consent of an occupier, and an acknowledgment in accordance with subsection (3) is not produced in evidence, it shall be presumed that the occupier did not consent unless the contrary is established.

89 Reports

- (1) Where, for the purposes of an inspection under this part—
 - (a) an inspector enters commercial premises; or
 - (b) an authorised officer enters licensed premises;with the occupier’s consent, the inspector or authorised officer must, within 30 days after that entry, provide the occupier with a written report of the inspection.
- (2) A report under subsection (1) shall contain—
 - (a) a description of the inspection, and of any action taken by the officer or the authority as a result of the inspection; and
 - (b) comments about such other matters connected with the welfare of animals kept on the premises as are reasonably requested by the occupier; and
 - (c) such other comments connected with the welfare of the animals kept on the premises as the officer thinks fit.
- (3) In subsection (1):
commercial premises means premises used for the sale or transport of animals, or for other commercial purposes in relation to animals.

90 Search warrants

- (1) This section applies where an information on oath is laid before a magistrate alleging that there are reasonable grounds for suspecting that there is, on any premises—
 - (a) an animal or thing of a particular kind that is connected with a particular offence against this Act; or
 - (b) an animal or thing of a particular kind that is connected with the contravention of a requirement imposed by or under this Act; or
 - (c) an animal referred to in section 85;and the information sets out those grounds.
- (2) Where this section applies, a magistrate may issue a search warrant authorising an officer named in the warrant, with such assistance and by such force as is necessary and reasonable—
 - (a) to enter the premises; and
 - (b) to search the premises for the relevant animal or thing; and
 - (c) to exercise the powers of an officer under section 82, 84 or 85 in relation to the premises, animal or thing.
- (3) A magistrate shall not issue a warrant unless—
 - (a) the informant or another person has given the magistrate, either orally or by affidavit, any information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
 - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (4) A magistrate shall not—
 - (a) issue a warrant in relation to the search by an authorised officer of premises within the meaning of division 7.3; or

- (b) issue a warrant in relation to the search by an inspector of premises, being premises referred to in section 83 (1) (a) (i) or (ii).
- (5) A warrant shall—
- (a) state the purpose for which it is issued; and
 - (b) specify the nature of the offence or contravention, or the circumstances referred to in section 85 (1), as the case requires, in relation to which the entry is authorised; and
 - (c) specify particular hours during which entry to the premises is authorised, or state that such entry is authorised at any time of the day or night; and
 - (d) include a description of the kinds of things or animals in relation to which the powers of the officer may be exercised; and
 - (e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.

Division 7.8 Offences in relation to investigations

91 Obstruction

A person shall not, without reasonable excuse, hinder or obstruct—

- (a) an inspector; or
- (b) an authorised officer; or
- (c) a veterinary surgeon; or
- (d) the authority; or

(e) a police officer;

in the exercise of his or her powers under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

92 False information

A person shall not knowingly provide false information in relation to an offence to—

- (a) an inspector; or
- (b) an authorised officer; or
- (c) a veterinary surgeon; or
- (d) the authority; or
- (e) a police officer.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 7.9 Compensation for animal injury and death

93 Definitions for div 7.9

In this division:

officer means—

- (a) an inspector; or
- (b) an authorised officer; or
- (c) any other person who enters premises under section 81 (4) or 83 (4) while the person is on the premises; or
- (d) in relation to a function under section 86—a veterinary officer.

owner, of an injured or dead animal, means the owner of the animal immediately before its injury or death.

94 Right to compensation

- (1) Where an animal is injured, or dies, in the course of the performance of an officer's functions under this part, the owner of the animal is entitled to compensation under this division, subject to subsection (2).
- (2) Subsection (1) only applies where an officer's malice or negligence—
 - (a) significantly contributed to the injury or death of the animal; or
 - (b) in the case of an animal which is destroyed—significantly contributed to, or significantly exacerbated, the condition of the animal which necessitated the animal's destruction.

95 Compensation claims

- (1) A claim for compensation under this division shall be—
 - (a) made by or on behalf of the owner of the animal; and
 - (b) made within 1 year of the injury or death of the animal.

Note 1 A fee may be determined under s 110 (Determination of fees) for this section.

Note 2 If a form is approved under s 110A (Approved forms) for this section, the form must be used.
- (2) On a claim for compensation made in accordance with subsection (1), the authority shall—
 - (a) approve the claim; or
 - (b) refuse to approve the claim.
- (3) The authority shall only approve a claim if satisfied, on reasonable grounds, that the owner of the relevant animal is entitled to compensation under section 94.

- (4) The authority shall only approve the payment of such an amount of compensation under this section as is reasonable in the circumstances, in consideration of matters including the following:
- (a) the value of the animal, in the authority's opinion based on reasonable grounds, immediately before the malice or negligence referred to in section 94 (2);
 - (b) any malice or negligence of the owner of the animal, or of other persons (not being officers), which, in the authority's opinion based on reasonable grounds—
 - (i) significantly contributed to the injury or death of the animal; or
 - (ii) in the case of an animal which is destroyed—significantly contributed to, or significantly exacerbated, the condition of the animal which necessitated the animal's destruction;
 - (c) the amount of such costs incurred by the owner as a result of the injury or death of the animal as the authority considers reasonable.
- (5) Where the authority approves a claim for compensation, the Territory shall pay the owner of the relevant animal accordingly.

96 Exclusion of civil actions

Where a person is entitled to compensation under this division for the injury or death of an animal, no amount—

- (a) by way of compensation for the value of the animal; or
- (b) for any costs incurred by the owner of the animal as a result of that injury or death;

is payable to any person except under this division.

Division 7.10 Evidence

97 Meaning of *offence* for div 7.10

In this division:

offence means an offence against this Act.

98 Certificate evidence

(1) In proceedings for an offence, a certificate purporting to be signed by the authority stating—

- (a) whether or not a person was, during a specified period, a licensee, or the holder of a circus permit or a trapping permit; or
- (b) whether or not a licence, circus permit or trapping permit was in force on a specified day or days; or
- (c) the conditions subject to which a licence, circus permit or trapping permit was granted, as in force on a specified day or days; or
- (d) whether or not a licence, circus permit or trapping permit was varied, suspended or cancelled on a specified day, and (in the case of a suspension) for a specified period;

is evidence of the matters stated in the certificate and the facts on which they are based.

(2) In proceedings for an offence, a certificate purporting to be signed by the chairperson of an ethics committee in relation to an authorisation stating—

- (a) whether or not a person was, during a specified period, the holder of an authorisation granted by that committee; or
- (b) whether or not an authorisation granted by that committee was in force on a specified day or days; or

- (c) the conditions subject to which an authorisation was granted by that committee, as in force on a specified day or days; or
- (d) whether or not an authorisation was varied, suspended or cancelled by that committee on a specified day, and (in the case of a suspension) for a specified period;

is evidence of the matters stated in the certificate and the facts on which they are based.

99 Conduct of directors, servants and agents

- (1) Where, for the purposes of this Act, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show—
 - (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and
 - (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.
- (2) A reference in subsection (1) to the *state of mind* of a body corporate or person includes a reference to—
 - (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
 - (b) the body's or person's reasons for the intention, opinion, belief or purpose.
- (3) Any conduct engaged in on behalf of a body corporate or a natural person by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority, is to be taken, for the purposes of this Act, to have been engaged in also by the body or person unless the body or person establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct.
- (4) Where—

- (a) a natural person is convicted of an offence; and
 - (b) the person would not have been convicted of the offence if subsections (1) and (3) had not been enacted;
- the person is not liable to be punished by imprisonment for that offence.
- (5) A reference in this section to *engaging* in conduct is to be read as including a reference to failing or refusing to engage in conduct.

Division 7.11 Court orders and corporate penalties

100 Meaning of *offence* in div 7.11

In this division:

offence means an offence against this Act.

101 Animal offences—court orders (general)

- (1) This section applies where—
 - (a) a court has convicted or found guilty a person in charge of an animal of an offence in respect of the animal; and
 - (b) the court is satisfied that, unless an appropriate order under this section is made, the person would be likely to commit a further offence in respect of the animal, or any other animal.
- (2) Where this section applies, the court may, in addition to any penalty which it may otherwise impose, make such order as it thinks fit in respect of the disposal of—
 - (a) the animal in respect of which the offence was committed; and
 - (b) any other animal of which the person is in charge.
- (3) Where a court makes an order under subsection (2), it may make a further order that the person shall not—
 - (a) purchase or acquire; or

(b) take possession or custody of;
any animal within such period as is specified in the order.

- (4) A person shall not, without reasonable excuse, contravene an order under subsection (2) or (3).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

102 Animal offences—court orders (costs and proceeds of disposal)

- (1) Where a court makes an order under section 101 (2), it may make a further order that the person convicted or found guilty of the offence pay to a specified person such costs in respect of the disposal of the animal as are specified in the further order.
- (2) Where a court makes an order under section 101 (2), it may make a further order specifying the distribution of the proceeds from the disposal of the relevant animal pursuant to the firstmentioned order.
- (3) The costs or proceeds specified in an order under subsection (1) or (2) (as the case requires) may be recovered pursuant to the relevant order as a debt due in a court of competent jurisdiction.

103 Spur and trap offences—court orders (general)

- (1) This section applies where—
- (a) a court has convicted or found guilty a person of an offence—
- (i) under section 14 in relation to a spur or a cockfighting spur cap; or
- (ii) under division 6.1 in relation to an animal trap; and
- (b) the court is satisfied that, unless an appropriate order under this section is made, the person would be likely to commit a further offence in respect of a spur, cockfighting spur cap or animal trap (as the case may be).

- (2) Where this section applies, the court may, in addition to any penalty which it may otherwise impose, make such order as it thinks fit in respect of the disposal of—
- (a) the relevant spur, cockfighting spur cap or animal trap, as the case requires; and
 - (b) any other spur, cockfighting spur cap or animal trap (whether of the same or of a different type of trap), as the case requires.
- (3) Where a court makes an order under subsection (2), it may make a further order that the person shall not (for any purpose) within a specified period—
- (a) purchase or acquire; or
 - (b) take possession or custody of;
- any—
- (c) animal trap (in general or of any specified type); or
 - (d) spur or cockfighting spur cap;
- as the case requires.
- (4) A person shall not, without reasonable excuse, contravene an order under subsection (2) or (3).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

104 Spur and trap offences—court orders (costs and proceeds of disposal)

- (1) Where a court makes an order under section 103 (2), it may make a further order that the person convicted or found guilty pay to a specified person specified costs in respect of the disposal of the relevant spur, cockfighting spur cap or animal trap.
- (2) Where a court makes an order under section 103 (2), it may make a further order specifying the distribution of the proceeds from the

disposal of the relevant spur, cockfighting spur cap or animal trap pursuant to the firstmentioned order.

- (3) The costs or proceeds specified in an order under subsection (1) or (2) (as the case requires) may be recovered pursuant to the relevant order as a debt due in a court of competent jurisdiction.

105 Court orders—procedure and appeals

- (1) For the purposes of proceedings for an order under this division—
- (a) the court may require notice of the proceedings to be given to such persons as the court thinks fit; and
 - (b) the court may hear a person to whom such notice has been given.
- (2) Without affecting any other right of appeal, an order under this division is appellable in the same manner as if it were, or were part of, a sentence imposed in respect of the relevant offence.

Part 8 Administrative review

107 Notice of decisions

- (1) Where the authority makes a decision—
- (a) under section 28 to refuse to grant a licence; or
 - (b) under section 30 to grant a licence subject to a condition; or
 - (c) under section 33 (1) to refuse to vary a licence; or
 - (d) under section 33 (3) to vary a licence; or
 - (e) under section 34 to suspend a licence; or
 - (f) under section 34 to cancel a licence; or
 - (g) under section 49B (3) to end the application of section 49B (1) to a researcher; or
 - (h) under section 54 to refuse to grant a circus permit; or
 - (i) under section 56 to grant a circus permit subject to a condition; or
 - (j) under section 57 to grant a circus permit for a particular period; or
 - (k) under section 58 to suspend a circus permit; or
 - (l) under section 58 to cancel a circus permit; or
 - (m) under section 65 to refuse to grant a trapping permit; or
 - (n) under section 67 to grant a trapping permit subject to a condition; or
 - (o) under section 68 to grant a private trapping permit for a particular period; or
 - (p) under section 69 to renew a private trapping permit for a particular period; or

- (q) under section 70 (1) to refuse to vary a trapping permit; or
- (r) under section 70 (3) to vary a trapping permit; or
- (s) under section 71 to suspend a trapping permit; or
- (t) under section 71 to cancel a trapping permit; or
- (u) under section 95 to refuse to approve a claim for compensation; or
- (w) under section 95 to approve a claim for compensation for a particular amount;

the authority shall cause notice in writing of the decision to be given to the relevant applicant, licensee or permit-holder.

(2) Where an ethics committee makes a decision—

- (a) under section 40 to refuse to grant an authorisation; or
- (b) under section 41 to grant an authorisation subject to a condition; or
- (c) under section 43 to grant an authorisation for a particular period; or
- (d) under section 44 to renew an authorisation for a particular period; or
- (e) under section 45 (1) to refuse to vary an authorisation; or
- (f) under section 45 (3) to vary an authorisation; or
- (g) under section 46 to suspend an authorisation; or
- (h) under section 46 to cancel an authorisation;

the ethics committee shall cause notice in writing of the decision to be given to the relevant applicant or authorised person.

(3) A notice under subsection (1) or (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

108 Review by administrative appeals tribunal

A person entitled under section 107 (1) or (2) to be given notice of a decision may apply to the administrative appeals tribunal for a review of the decision.

Part 9 **Animal welfare advisory committee**

109 Establishment and functions

- (1) The Minister shall, by instrument, establish an Animal Welfare Advisory Committee.
- (2) The committee is to be constituted in accordance with its instrument of establishment.
- (3) The functions of the committee are as follows:
 - (a) to advise the Minister about animal welfare legislation;
 - (b) to participate in the development of approved codes of practice;
 - (c) to provide advice to other Territory authorities, and to community bodies, about programs for the improvement of community awareness about animal welfare;
 - (d) to advise the Minister about any other matter relating to animal welfare;
 - (e) to report annually to the Minister on the activities of the committee.

Part 10 **Miscellaneous**

110 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

110A Approved forms

- (1) The authority may, in writing, approve forms for this Act.
- (2) If the authority approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

111 Exemptions by regulations

The regulations may—

- (a) exempt a person from the requirements of all or any of the provisions of this Act; or
- (b) provide for all or any of the provisions of this Act to apply, or not to apply, in relation to an animal.

112 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) the confining, housing or transport of animals; and
 - (b) the slaughtering, trapping, snaring, catching or poisoning of animals; and
 - (c) the hiring out, boarding, sale or trade of animals; and
 - (d) the breeding, husbandry or training of animals; and
 - (e) the use of animals for entertainment; and
 - (f) the conditions under which animals may be kept or used for the purpose of the production of films, television programs or photographs, or of film, television, or photographic advertisements; and
 - (g) the use of animals for teaching or research, or medical or surgical procedures.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) The regulations may incorporate (with or without modification) an approved code of practice as in force from time to time.

Dictionary

(see s 2)

animal means—

- (a) a live member of a vertebrate species, including—
 - (i) an amphibian; and
 - (ii) a bird; and
 - (iii) a fish; and
 - (iv) a mammal (other than a human being); and
 - (v) a reptile; or

- (b) a live cephalopod; or
- (c) a live crustacean intended for human consumption.

animal welfare means the health, safety and welfare of—

- (a) animals in general; or
- (b) 1 or more animals in particular.

approved code of practice means a code of practice approved under section 22, as in force under this Act.

authorisation means a research authorisation or a teaching authorisation.

authorised officer means an authorised officer under section 77.

authorised person means the holder of an authorisation.

authority means the Animal Welfare Authority under section 4.

circus permit means a permit granted under section 54, as in force under this Act.

commercial trapping permit means a permit granted under section 65 for the purposes of a commercial trapping operation, as in force under this Act.

confine, in relation to an animal, includes—

- (a) pinion, mutilate or maim the animal for the purpose of hindering, impeding or preventing the freedom of movement of the animal; and
- (b) subject the animal to a device or contrivance for the purpose of hindering, impeding or preventing freedom of movement of the animal; and
- (c) tether the animal.

defined offence means—

- (a) an offence against this Act; or

-
- (b) an offence in relation to animal welfare under another Territory law or a Commonwealth or State law.

director, of a corporation incorporated for a public purpose under a Territory, Commonwealth or State law, includes a member of the corporation.

domestic, in relation to an animal, includes captive.

ethics committee means an animal experimentation ethics committee established in accordance with the regulations—

- (a) in relation to a licence—which exercises the functions of such a committee for the purposes of the licence; or
- (b) in relation to an application for an authorisation—to which the application is made; or
- (c) in relation to an authorisation or an authorised person—which granted the authorisation.

feral animal means an animal (other than a native animal) that does not live in a domestic state.

identity card means—

- (a) in relation to the authority or a delegate of the authority—the identity card issued to him or her under section 6A; or
- (b) in relation to an inspector or an authorised officer—the identity card issued to him or her under section 78; or
- (c) in relation to a police officer—proof of identification of a type approved for general purposes by the commissioner of police.

injury, in relation to an animal, includes—

- (a) the aggravation, acceleration or recurrence of any physical injury; and
- (b) the contraction, aggravation, acceleration or recurrence of a disease.

inspector means an inspector under section 76.

interstate research authorisation means an authorisation (however described) to conduct research, or teach, using animals that—

- (a) has been granted under a State law; and
- (b) has not been suspended.

interstate researcher means a person who holds an interstate research authorisation.

licence means a licence granted under section 28, as in force under this Act.

licensed premises means premises in relation to which a licence is in force.

licensee means the holder of a licence.

native animal—see the *Nature Conservation Act 1980*, dictionary.

pain includes suffering and distress.

person in charge, in relation to an animal, means—

- (a) the owner of the animal; or
- (b) a person having the custody or control of the animal; or
- (c) if a person referred to in paragraph (b) is acting as the servant or agent of another person—that other person; or
- (d) if the animal is confined in a saleyard—the occupier of the saleyard.

pest does not include a domestic animal or a native animal.

poison includes glass or anything else that, if ingested, is likely to kill or injure an animal.

premises includes—

- (a) a building or part of a building; and
- (b) a tent, stall or other structure, whether permanent or temporary; and

(c) land (including water on land) whether or not appurtenant to a building; and

(d) a vehicle.

private trapping permit means a permit granted under section 65 for domestic or private purposes, as in force under this Act.

prohibited circus animal means—

(a) a bear, cheetah, elephant, giraffe, leopard, lion, puma or tiger; or

(b) an animal prescribed under section 52.

prohibited trap means an animal trap prescribed under section 63 (a).

research authorisation means an authorisation granted under section 40 to conduct a program of research, as in force under this Act.

restricted trap means an animal trap prescribed under section 63 (b).

steel-jawed trap means an animal trap fitted with metal jaws, a pressure plate and a spring-operated mechanism, designed so that the metal jaws close against each other when the trap is activated by the application of weight to the pressure plate.

teaching authorisation means an authorisation granted under section 40 to conduct a program of teaching, as in force under this Act.

trapping permit means a commercial trapping permit or a private trapping permit.

vary, in relation to a licence, authorisation or trapping permit, means—

(a) vary or revoke a condition specified in that licence, authorisation or permit; or

(b) impose a condition on that licence, authorisation or permit.

vehicle includes a caravan, trailer or vessel.

veterinary treatment, in relation to an animal, means—

- (a) a medical procedure of a prophylactic or therapeutic nature carried out on the animal—
 - (i) by a veterinary surgeon; or
 - (ii) in accordance with directions given by a veterinary surgeon; or
- (b) a surgical procedure of a prophylactic or therapeutic nature, or sterilisation, carried out on the animal by a veterinary surgeon; or
- (c) any other medical or surgical procedure carried out on the animal by a veterinary surgeon.

welfare, in relation to animals, means the health, safety and welfare of—

- (a) animals in general; or
- (b) 1 or more animals in particular.

Note 1 **Veterinary surgeon** is defined in the *Legislation Act 2001*, dict, pt 1.

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

Animal Welfare Act 1992 No 45

notified 1 September 1992 (Gaz 1992 No S148)
s 1, s 2 commenced 1 September 1992 (s 2 (1))
ss 6, 76, 78, 79 and 109 commenced 2 November 1992 (Gaz 1992 No 44)
remainder commenced 1 March 1993 (s 2 (3))

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch commenced 15 December 1994 (Gaz 1994 No S293)

Nature Conservation (Amendment) Act (No. 2) 1994 No 110 sch 2

notified 22 December 1994 (Gaz 1994 No S289)
s 1, s 2 commenced 22 December 1994 (s 2 (1))
sch 2 commenced 8 February 1995 (Gaz 1995 No S41)

Animal Welfare (Amendment) Act 1997 No 45 (as am 2001 No 44 pt 19; 2001 No 83 s 9)

notified 19 September 1997 (Gaz 1997 No S264)
ss 1-3 commenced 19 September 1997 (s 2 (1))
s 6 commenced 19 December 1997 (s 2 (4))
s 4, s 5 commence 6 years after the day when Eggs (Labelling and Sale) Act 2001, s 7 (1) is, or provisions of that Act that include that subsection are, described in the Mutual Recognition Act 1992 (Cwlth), sch 2

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (Gaz 1998 No 49)

Animal Welfare Amendment Act 2000 No 72

notified 21 December 2000 (Gaz 2000 No S69)
 commenced 21 December 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 17

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 17 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) No 56 pt 3.4

notified 5 September 2001 (Gaz 2001 No S65)
 commenced 12 September 2001 (s 2 (1))

4 Amendment history**Name of Act**

s 1 sub 2000 No 72 amdt 1.1

Dictionary

s 2 sub 2000 No 72 amdt 1.1

Notes

s 3 sub 2000 No 72 amdt 1.1

Animal Welfare Authority

s 4 am 1994 No 60 sch 1; 1994 No 97 sch; 1994 No 110 sch 2 pt 2;
 2000 No 72 s 4
 defs reloc to dict 2000 No 72 amdt 1.2
 om 2000 No 72 amdt 1.2
 ins 2000 No 72 amdt 1.3

Animal Welfare Authority

s 5 om 1993 No 44 sch 2
 ins 1994 No 97 sch
 om 2000 No 72 amdt 1.3

Delegation

s 6 sub 1994 No 97 sch

Identity cards

s 6A ins 1994 No 97 sch
 am 1998 No 54 sch; 2000 No 72 amdt 1.4

Cruelty

s 7 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Pain

s 8 am 1998 No 54 sch; 2000 No 72 amdt 1.5, amdt 1.6

Confined animals

s 9 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.47

Endnotes

4 Amendment history

Battery hens

s 9A [ins 1997 No 45 s 4](#)

Alleviation of pain

s 10 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.47

Release

s 11 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Administering poison

s 12 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch
sub 2000 No 72 s 5

Laying poison

s 12A ins 2000 No 72 s 5

Electrical devices

s 13 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Spurs

s 14 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.48

Conveyance and containment

s 15 am 1998 No 54 sch; 2000 No 72 amdt 1.7, amdt 1.45

Carriage of dogs

s 15A ins 2000 No 72 s 6

Working, riding and driving unfit animals

s 16 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Marches, competitions and baiting

s 17 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch; 2000 No 72
amdt 1.45

Rodeos and game parks

s 18 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Medical and surgical procedures—people other than veterinary surgeons

s 19 hdg sub 2000 No 72 s 7

s 19 am 1994 No 110 sch 2 pt 2; 1998 No 54 sch; 2000 No 72 s 7

Medical and surgical procedures—veterinary surgeons

s 19A ins 2000 No 72 s 8

Defence—approved codes of practice

s 20 [am 1997 No 45 s 5](#); 2000 No 72 s 9

Contents

s 21 am 1994 No 110 sch 2 pt 2

Codes of practice

s 22 sub 2001 No 44 amdt 1.175

Disallowance

s 23 am 2000 No 72 amdt 1.8
om 2001 No 44 amdt 1.175

Publication

s 24 am 2001 No 44 amdt 1.176

Licences

div 4.1 hdg (prev pt 4 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Research, teaching and breeding

s 25 am 1998 No 54 sch
sub 2000 No 72 s 10

Application of licence

s 26 am 2000 No 72 amdt 1.9; 2001 No 44 amdt 1.177-1.179

Grant of licence

s 28 am 2000 No 72 amdt 1.10, 1.11; 2001 No 44 amdt 1.180

Renewal of licences

s 32 sub 2000 No 72 amdt 1.12
am 2001 No 44 amdt 1.181, amdt 1.182

Return of cancelled and suspended licences

s 36 am 1998 No 54 sch; 2000 No 72 amdt 1.47

Authorisations

div 4.2 hdg (prev pt 4 div 2 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Research and teaching using animals

s 37 am 1998 No 54 sch; 2000 No 72 s 11

Application for authorisation

s 38 am 2000 No 72 amdt 1.13, 1.14; 2001 No 44 amdt 1.183

Grant of authorisation

s 40 am 2000 No 72 amdt 1.15

Identification certificates for authorised persons

s 42 am 1998 No 54 sch; 2000 No 72 amdt 1.16, amdt 1.17; 2001
No 44 amdt 1.184

Renewal of authorisations

s 44 sub 2000 No 72 amdt 1.18
am 2001 No 44 amdt 1.185, amdt 1.186

Return of cancelled and suspended authorisations

s 49 am 1998 No 54 sch; 2000 No 72 amdt 1.48

Interstate researchers

div 4.3 hdg (prev pt 4 div 2A hdg) ins 2000 No 72 s 12
renum R4 LA (see 2000 No 72 amdt 1.49)

Endnotes

4 Amendment history

Notification

s 49A ins 2000 No 72 s 12
am 2001 No 44 amdt 1.187

Interstate researchers' authorisation in the ACT

s 49B ins 2000 No 72 s 12

Animal experimentation ethics committee

div 4.4 hdg (prev pt 4 div 3 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Circuses

s 51 am 1998 No 54 sch; 2000 No 72 amdt 1.45

Regulations—prohibited circus animals

s 52 am 2000 No 72 amdt 1.19

Application for circus permit

s 53 am 2000 No 72 amdt 1.20; 2001 No 44 amdts 1.188-1.190

Grant of circus permit

s 54 am 2000 No 72 amdt 1.21, 1.22; 2001 No 44 amdt 1.191

Return of cancelled and suspended circus permits

s 59 am 1998 No 54 sch; 2000 No 72 amdt 1.48

Offences

div 6.1 hdg (prev pt 6 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Steel-jawed traps and prohibited traps

s 60 am 1998 No 54 sch; 2000 No 72 amdt 1.45, amdt 1.48

Restricted traps

s 61 am 1998 No 54 sch; 2000 No 72 amdt 1.46

Trapping—general

s 62 am 1998 No 54 sch; 2000 No 72 amdt 1.23, amdt 1.24

Trapping permits

div 6.2 hdg (prev pt 6 div 2 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Application for trapping permit

s 64 am 2000 No 72 amdt 1.25; 2001 No 44 amdts 1.192-1.194

Grant of trapping permit

s 65 am 2000 No 72 amdt 1.26, 1.27; 2001 No 44 amdt 1.195

Renewal of trapping permits

s 69 sub 2000 No 72 amdt 1.28
am 2001 No 44 amdt 1.196, amdt 1.197

Return of cancelled and suspended trapping permits

s 73 am 1998 No 54 sch; 2000 No 72 amdt 1.48

Preliminary

div 7.1 hdg (prev pt 7 div 1 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Definitions for pt 7

s 74 am 1994 No 97 sch
sub 2000 No 72 amdt 1.29

Public access

s 75A ins 1997 No 45 s 6

Inspectors and authorised officers

div 7.2 hdg (prev pt 7 div 2 hdg) sub 1994 No 97 s 3 sch
renum R4 LA (see 2000 No 72 amdt 1.49)

Inspectors

s 76 sub 1994 No 97 sch; 2000 No 72 amdt 1.30

Authorised officers

s 77 sub 1994 No 97 sch; 2000 No 72 amdt 1.30

Identity cards

s 78 sub 1984 No 97 sch
am 1998 No 54 sch; 2000 No 72 amdt 1.31

Identity cards

s 79 om 1994 No 97 sch

Powers of inspectors

div 7.3 hdg (prev pt 7 div 3 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Definitions for div 3

s 80 hdg sub 2000 No 72 s 13
s 80 def **business premises** ins 2000 No 72 s 13

Powers of entry and search

s 81 am 2000 No 72 s 14

Powers of inspectors

s 82 hdg sub 2000 No 72 s 15
s 82 am 1998 No 54 sch; 2000 No 72 s 15

Powers of authorised officers

div 7.4 hdg (prev pt 7 div 4 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Research and educational institutions—powers of entry and search

s 83 am 2000 No 72 s 16

Powers of authorised officers

s 84 am 1998 No 54 sch; 2000 No 72 s 17

Powers of veterinary surgeons

div 7.5 hdg (prev pt 7 div 4A hdg) ins 2000 No 72 s 18
renum R4 LA (see 2000 No 72 amdt 1.49)

Powers of veterinary surgeons regarding seized animals and carcasses

s 84A ins 2000 No 72 s 18

Endnotes

4 Amendment history

Alleviation of suffering—powers of inspectors, authorised officers and veterinary surgeons

div 7.6 hdg (prev pt 7 div 5 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Inspectors and authorised officers

s 85 am 1998 No 54 sch; 2000 No 72 s 19

Veterinary surgeons

s 86 am 2000 No 72 s 20

Consent to entry, reports and search warrants

div 7.7 hdg (prev pt 7 div 6 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Reports

s 89 am 2000 No 72 s 21

Offences in relation to investigations

div 7.8 hdg (prev pt 7 div 7 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Obstruction

s 91 am 1998 No 54 sch; 2000 No 72 amdt 1.32

False information

s 92 am 1998 No 54 sch; 2000 No 72 amdt 1.46

Compensation for animal injury and death

div 7.9 hdg (prev pt 7 div 8 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Definitions for div 8

s 93 sub 2000 No 72 s 22

Compensation claims

s 95 am 2000 No 72 amdt 1.33; 2001 No 44 amdt 1.198, amdt 1.199

Evidence

div 7.10 hdg (prev p 7 div 9 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Court orders and corporate penalties

div 7.11 hdg (prev pt 7 div 10 hdg) renum R4 LA (see 2000 No 72 amdt 1.49)

Animal offences—court orders (general)

s 101 am 1998 No 54 sch; 2000 No 72 amdt 1.34, amdt 1.46

Animal offences—court orders (costs and proceeds of disposal)

s 102 am 2000 No 72 amdt 1.35

Spur and trap offences—court orders (general)

s 103 am 1998 No 54 sch; 2000 No 72 amdt 1.36, amdt 1.46

Spur and trap offences—court orders (costs and proceeds of disposal)

s 104 am 2000 No 72 amdt 1.37

Corporations—penalties

s 106 om 1998 No 54 sch

Notice of decisions

s 107 am 1994 No 60 sch 1; 2000 No 72 s 23

Review by Administrative Appeals Tribunal

s 108 am 1994 No 60 sch 1

Determination of fees

s 110 sub 2000 No 72 amdt 1.38; 2001 No 44 amdt 1.200

Approved forms

s 110A ins 2000 No 72 amdt 1.38
sub 2001 No 44 amdt 1.200

Exemptions by regulations

s 111 am 2001 No 44 amdt 1.201, amdt 1.202

Regulation-making power

hdg to s 112 sub 2000 No 72 amdt 1.39
s 112 am 1998 No 54 sch; 2000 No 72 amdts 1.39-1.41; 2001 No 44
amdts 1.203-1.205

Consequential provisions

pt 11 om 2000 No 72 amdt 1.42

Permits under repealed Act

s 113 om 2000 No 72 amdt 1.42

Amendment of Dog Control Act 1975

s 114 om 2000 No 72 amdt 1.42

Schedule

sch om 2000 No 72 amdt 1.43

Dictionary

dict ins 2000 No 72 amdt 1.44
defs reloc from s 4 2000 No 72 amdt 1.2
am 2001 No 44 amdt 1.207, amdt 1.208
def **animal** sub 2000 No 72 s 4
def **authorised officer** am 1994 No 97 sch
def **authority** am 1994 No 97 sch; 2000 No 72 s 4
def **defined offence** sub 2000 No 72 s 4
def **director** sub 2000 No 72 s 4
def **ethics committee** am 2001 No 56 amdt 3.4
def **feral animal** am 1994 No 110 sch 2
def **inspector** am 1994 No 97 sch
def **interstate research authorisation** ins 2000 No 72 s 4
def **interstate researcher** ins 2000 No 72 s 4
def **licensee** ins 2000 No 72 s 4
def **native animal** ins 1994 No 110 sch 2
sub 2000 No 72 s 4
def **offence** om 2000 No 72 s 4
def **pest** am 1994 No 110 sch 2
def **poison** ins 2000 No 72 s 4

Endnotes

6 Uncommenced amendments

def **repealed Act** om 2000 No 72 s 4
def **this Act** om 2001 No 44 amdt 1.206
def **Tribunal** om 1994 No 6 sch 1
def **Veterinary Surgeon** om 2000 No 72 s 4
def **wildlife** am 1994 No 110 ash 2

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	Act 1993 No 44	31 January 1994
2	Act 1994 No 110	31 January 1996
3	Act 1998 No 54	31 January 1999

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date—

Animal Welfare (Amendment) Act 1997 No 45 (s 4 and s 5)

4 New section 9A

insert

9A Battery hens

A person shall not keep hens for the purpose of egg production in a battery cage system.

Penalty: 100 penalty units, imprisonment for 1 year or both.

5 Section 20 (2)

after

under

insert

section 9A,

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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