



Australian Capital Territory

# **Animal Welfare Act 1992**

**A1992-45**

**Republication No 30**

**Effective: 17 October 2019 – 9 April 2020**

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Last amendment made by [A2019-35](#)

## About this republication

### The republished law

This is a republication of the *Animal Welfare Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 17 October 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 17 October 2019.

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](http://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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Animal Welfare Act 1992

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Australian Capital Territory

# **Animal Welfare Act 1992**

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

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## 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 terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*native animal*—see the [Nature Conservation Act 2014](#), section 12.’ means that the term ‘native animal’ is defined in that section 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](#), 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 the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### 4A Objects of Act

- (1) The main objects of this Act are to recognise that—
  - (a) animals are sentient beings that are able to subjectively feel and perceive the world around them; and
  - (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value; and
  - (c) people have a duty to care for the physical and mental welfare of animals.
- (2) This is to be achieved particularly by—
  - (a) promoting and protecting the welfare of animals; and
  - (b) providing for the proper and humane care, management and treatment of animals; and
  - (c) deterring and preventing animal cruelty and the abuse and neglect of animals; and
  - (d) enforcing laws about the matters mentioned in paragraphs (a), (b) and (c).

## 5 Animal Welfare Authority

The director-general must appoint a public servant as the Animal Welfare Authority.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

## 6 Delegation by authority

- (1) The authority may delegate to a public servant or another person a function given to the authority under this Act.

*Note* For the making of delegations and the exercise of a delegated function, see the [Legislation Act](#), pt 19.4.

- (2) However, the authority must not delegate a function to a person who is not a public servant without first being satisfied that the function needs to be exercised by a person who is not a public servant.

## Part 2 Animal welfare offences

### 6A Definitions—pt 2

In this part:

*confine*, an animal, means—

- (a) enclose the animal in a pen, vehicle, cage, box or other container or small space; or
- (b) otherwise limit or restrict the animal's freedom of movement, including by—
  - (i) tying up the animal; or
  - (ii) using a device on the animal; or
  - (iii) impairing the animal.

**Examples—device**

hood, bridle, tether

**Example—impairing animal**

clipping the feathers of a bird's wing

*cruelty*, in relation to an animal, includes the following:

- (a) doing, or not doing, something to an animal that causes, or is likely to cause, injury, pain, stress or death to the animal that is unjustifiable, unnecessary or unreasonable in the circumstances;
- (b) abusing, terrifying or tormenting the animal.

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

**6B Failure to provide appropriate care**

- (1) A person in charge of an animal commits an offence if the person fails to give the animal—
- (a) appropriate food; or
  - (b) appropriate water; or
  - (c) appropriate treatment for illness, disease or injury; or
  - (d) appropriate shelter or accommodation; or
  - (e) a clean and hygienic living environment; or
  - (f) appropriate grooming and maintenance; or
  - (g) appropriate exercise; or
  - (h) appropriate opportunities to display behaviour that is normal for the animal; or
  - (i) care that is appropriate for the animal’s wellbeing.

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

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

*Note 1* The defendant has an evidential burden in relation to the matter mentioned in s (2) (see [Criminal Code](#), s 58).

*Note 2* If an inspector or authorised officer reasonably believes s (1) applies, the inspector or authorised officer may give a written direction to the person to give appropriate care to the animal (see s 85).

- (3) In this section:

***appropriate***, in relation to an animal, means suitable for the needs of the animal having regard to the species, environment and circumstances of the animal.



*treatment* includes veterinary treatment, including preventative treatment, if a reasonable person would expect veterinary treatment to be sought in the circumstances.

**6C Failure to provide animal with water or shelter**

- (1) A person in charge of an animal commits an offence if—
- (a) the person keeps the animal on premises; and
  - (b) at any time when the animal is on the premises, the animal does not have access to water or shelter.

Maximum penalty: 25 penalty units.

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

**6D Failure to provide animal with hygienic environment**

- (1) A person in charge of an animal commits an offence if—
- (a) the person keeps the animal on premises; and
  - (b) the place where the animal is kept is unhygienic for the animal.

Maximum penalty: 25 penalty units.

**Examples**

- 1 faeces not removed
- 2 vermin infestation

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

**6E Failure to properly groom and maintain animal**

- (1) A person in charge of an animal commits an offence if—
- (a) the person fails to groom or maintain the animal; and
  - (b) the failure causes, or is likely to cause, injury, pain, stress or death to the animal.

Maximum penalty: 25 penalty units.

**Examples**

- 1 eye infection caused by hair growing over eyes
- 2 impairment caused by unclipped nails
- 3 skin irritation caused by flea infestation

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

**6F Failure to exercise dog**

- (1) A person in charge of a dog commits an offence if—
- (a) the dog is confined so that it cannot exercise for a continuous period of 24 hours; and
  - (b) the dog is not exercised, or allowed to exercise itself, for—
    - (i) the next 2 hours; or
    - (ii) the next 1 hour and for another hour in the next 24 hour period.

Maximum penalty: 25 penalty units.

- (2) In deciding if a dog is confined so that it cannot exercise, regard must be had to the dog's age, physical condition and size.
- (3) Subsection (1) does not apply if—
- (a) the dog is kept in a yard or residence in a way that it can move freely; or

(b) the dog needs to be confined for the dog's welfare.

**Example—par (b)**

a dog needs to be confined, on veterinary advice, after a surgical procedure

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

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

## **6G Abandoning an animal**

- (1) A person in charge of an animal commits an offence if the person—
- (a) abandons the animal; and
  - (b) either—
    - (i) knows no other person is able to care for, and consents to caring for, the animal; or
    - (ii) is reckless about whether another person is able to care for, and consents to caring for, the animal.

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

(2) A person in charge of an animal commits an offence if the person abandons the animal.

Maximum penalty: 50 penalty units.

(3) An offence against subsection (2) is a strict liability offence.

## **7 Cruelty**

A person commits an offence if the person commits an act of cruelty on an animal.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

## 7A Aggravated cruelty

- (1) A person commits an offence if—
- (a) the person commits an act of cruelty on an animal; and
  - (b) the act causes the death of the animal; and
  - (c) the person intends to cause, or is reckless about causing, the death of, or serious injury to, the animal.

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

- (2) A person commits an offence if—
- (a) the person commits an act of cruelty on an animal; and
  - (b) the act causes serious injury to the animal; and
  - (c) the person intends to cause, or is reckless about causing, the death of, or serious injury to, the animal.

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

- (3) In this section:

**causes** death or serious injury—a person’s act **causes** death or serious injury if it substantially contributes to the death or injury.

**serious injury**, to an animal, means any injury (including the cumulative effect of more than 1 injury) that—

- (a) endangers, or is likely to endanger, the animal’s life; or
- (b) is, or is likely to be, significant and longstanding.

**7B Alternative verdicts—cruelty**

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

**8 Hitting or kicking animal**

- (1) A person commits an offence if—
  - (a) the person—
    - (i) hits an animal; or
    - (ii) kicks an animal; or
    - (iii) throws, or otherwise projects, something at an animal and hits the animal; and
  - (b) the action causes, or is likely to cause, the animal injury, pain, stress or death.

Maximum penalty: 25 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to—
  - (a) a jockey using a whip on a horse in accordance with a rule of racing; or
  - (b) a rider of a horse reasonably using a whip, or the rider's foot, on the horse as part of an equestrian activity; or

(c) an animal handling practice approved by the Minister.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

(4) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified under the [Legislation Act](#).

(5) In this section:

*rule of racing* means a rule made under the [Racing Act 1999](#), section 19 or section 25.

## 9 Unlawful confinement of animal

(1) A person commits an offence if—

- (a) the person confines an animal; and
- (b) the confinement causes, or is likely to cause, the animal injury, pain or death.

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

(2) A person in charge of an animal commits an offence if—

- (a) the person confines the animal; and
- (b) the animal is not able to move in a way that is appropriate for the animal because of the confinement.

Maximum penalty: 50 penalty units.

### Example

an animal in a crate that cannot stand or turn around

- (3) Subsection (2) does not apply if the person has a reasonable excuse.

**Examples**

- 1 an animal needs to be confined, on veterinary advice, after a surgical procedure
- 2 confining an injured animal before taking it to a vet
- 3 humanely clipping a chicken's wing to stop it flying out of its enclosure
- 4 tethering a goat while feeding

*Note* The defendant has an evidential burden in relation to the matter mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A person in charge of an animal commits an offence if—
- (a) the person confines the animal in or on a vehicle; and
  - (b) the confinement causes, or is likely to cause, the animal injury, pain, stress or death.

Maximum penalty: 20 penalty units.

**Example**

locking an animal in a hot car

- (5) An offence against subsection (2) or (4) is a strict liability offence.

**9A Keeping laying fowls for commercial egg production—appropriate accommodation**

- (1) A person commits an offence if—
- (a) the person keeps laying fowls for commercial egg production; and
  - (b) the fowls are not kept in appropriate accommodation.

Maximum penalty: 50 penalty units.

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

(3) In this section:

**appropriate accommodation**, for laying fowls kept by a person, means accommodation that is in accordance with, or an improvement on, the conditions stated in the *Eggs (Labelling and Sale) Regulation 2019* in relation to—

- (a) aviary eggs; or
- (b) barn eggs; or
- (c) free-range eggs.

*Note* Aviary eggs, barn eggs and free-range eggs are defined in the *Eggs (Labelling and Sale) Act 2001* as eggs laid by hens kept in conditions stated in the *Eggs (Labelling and Sale) Regulation 2019*.

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

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

## 9B Keeping pigs—appropriate accommodation

(1) A person commits an offence if—

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

Maximum penalty: 50 penalty units.

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

(3) In this section:

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

- (a) that allows the pig to—
  - (i) turn around, stand up and lie down without difficulty; and



- (ii) have a clean, comfortable and adequately drained place in which it can lie down; and
  - (iii) maintain a comfortable temperature; and
  - (iv) have outdoor access; and
- (b) if the accommodation is for more than 1 pig—that allows each pig in the accommodation to lie down at the same time; and
- (c) if the person keeps more than 1 pig—that allows the pig to see another pig except if—
- (i) the pig is isolated on the advice of a veterinary practitioner; or
  - (ii) it is a week before, or during, farrowing for the pig.

### **9C Removing or trimming beak of fowl**

- (1) A person commits an offence if the person removes or trims the beak of a fowl.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a veterinary practitioner who removes or trims the beak for a therapeutic purpose.
- (3) An offence against this section is a strict liability offence.
- (4) In this section:

*fowl* means a female domesticated chicken (*Gallus gallus*).

## 10 Assisting injured animal

- (1) A person commits an offence if the person—
- (a) injures an animal; and
  - (b) does not take reasonable steps to assist with the animal's injury.

### Examples

- 1 contacting a relevant person
- 2 seeking veterinary treatment

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

- (2) A person commits an offence if—
- (a) the person injures a mammal; and
  - (b) the person knows, or ought to know because of the circumstances, the animal is injured; and
  - (c) the person is not a person in charge of the animal; and
  - (d) the person fails to tell a relevant person, within 2 hours after the injury—
    - (i) that the animal is injured; and
    - (ii) the location where the animal was injured.

Maximum penalty: 20 penalty units.

### Example—circumstances

if a car hits a mammal—the size of the animal, witness accounts that the driver swerved or braked to avoid the animal or stopped after hitting the animal

- (3) An offence against subsection (2) is a strict liability offence.

(4) In this section:

***Access Canberra*** means the business unit known as Access Canberra.

*Note* If the name of Access Canberra changes, the reference to Access Canberra is taken to be a reference to its new name (see [Legislation Act](#), s 183).

***relevant person*** means—

- (a) if a domestic animal was injured—a person in charge of the animal; or
- (b) the authority; or
- (c) an inspector; or
- (d) Access Canberra.

## **11 Unlawful release of animal**

(1) A person commits an offence if the person—

- (a) releases an animal from another person's custody or control; and
- (b) does not have the other person's consent to release the animal; and
- (c) is reckless about whether the animal will be injured or killed.

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

- (2) A person commits an offence if the person—
- (a) releases an animal from another person’s custody or control; and
  - (b) does not have the other person’s consent to release the animal.

Maximum penalty: 50 penalty units.

**Examples—par (a)**

- 1 leaves the gate for a yard of cattle open
- 2 lets an animal out of a car
- 3 takes a dog off its lead

- (3) A person in charge of an animal commits an offence if the person—
- (a) keeps the animal on premises; and
  - (b) fails to stop the animal escaping the premises.

Maximum penalty: 50 penalty units.

**Example—par (b)**

an animal is kept in a garden with an open gate

- (4) An offence against subsection (2) or (3) is a strict liability offence.
- (5) This section does not apply if the person has a reasonable excuse.

*Note* A person acting honestly and without recklessness may release an animal locked in a motor vehicle in certain circumstances (see s 109A).

- (6) This section does not apply to a domestic cat if—
- (a) the cat is not required to be contained under territory law; and
  - (b) the release of the cat is consistent with the reasonable management and control of the cat.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) and (5) (see [Criminal Code](#), s 58).

**12 Administering poison**

- (1) A person commits an offence if the person administers poison to a domestic or native animal.

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

- (2) This section does not apply if—
- (a) the person has a reasonable excuse; or
  - (b) the administration of the poison to the animal is permitted under a territory law.

**12A Laying poison**

- (1) A person commits an offence if the person lays a poison 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 commits an offence if—
- (a) the person lays a poison; and
  - (b) the person is reckless about causing the death of, or injury to, a domestic or native animal; and
  - (c) the poison causes 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 commits an offence if—
- (a) the person lays a poison in a way in which the poison is not intended to be used; and

(b) the poison could kill or injure a domestic or native animal.

Maximum penalty: 20 penalty units.

(4) An offence against subsection (3) is a strict liability offence.

### 13 Electrical devices

(1) A person commits an offence if—

- (a) the person administers an electric shock to an animal; and
- (b) the person administers the shock using an electrical device that is not prescribed by regulation for use on that kind of animal.

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

(2) A person commits an offence if—

- (a) the person places a device on, or attaches a device to, an animal; and
- (b) the device is able to administer an electric shock to the animal.

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

(3) In this section:

**able**—a device is **able** to administer an electric shock even if something needs to happen or be done to administer the shock.

#### Examples

- 1 a collar that is able to administer an electric shock by remote control or if the collar nears a boundary fence
- 2 a collar that has a variable setting that can be turned off and on

**14 Use or possession of prohibited item**

- (1) A person commits an offence if the person uses an item prescribed by regulation (a *prohibited item*) on, or in relation to, an animal.

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

- (2) A person commits an offence if the person possesses a prohibited item.

Maximum penalty: 20 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

- (4) Subsection (2) does not apply to a person if the person possesses a prohibited item—

- (a) only for display; or
- (b) as part of a collection that is not intended for use on, or in relation to, an animal.

**15 Transport of animals—generally**

- (1) A person commits an offence if the person transports an animal in a way that causes, or is likely to cause, the death of or unnecessary injury, pain or stress to the animal.

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

- (2) In this section:

*transport*, an animal, includes—

- (a) carry the animal in a moving vehicle by itself or with other animals; and
- (b) confine the animal for the purpose of carrying the animal in a vehicle.

## 15A Transport of dogs

- (1) A person commits an offence if—
- (a) the person carries a dog in or on a moving vehicle on a road or road related area; and
  - (b) the dog is not restrained in a way that—
    - (i) prevents the dog from moving around, out of or off the vehicle; and
    - (ii) protects the dog from injury when in or on the vehicle.

Maximum penalty: 20 penalty units.

*Note 1* It is an offence to confine a dog in or on a vehicle if the confinement causes, or is likely to cause the dog injury, pain, stress or death (see s 9 (4)).

*Note 2* The *Road Transport (Public Passenger Services) Regulation 2002* contains offences about confining animals (other than assistance animals) travelling in light rail vehicles (see that [regulation](#), s 70AAD) and bookable vehicles (see that [regulation](#), s 221W and s 227).

- (2) This section does not apply—
- (a) if the dog—
    - (i) is an assistance animal, or is being trained or assessed as, an assistance animal; and
    - (ii) is in the vehicle; or
  - (b) if the dog is being used to work livestock; or
  - (c) to a circumstance prescribed by regulation.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

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



(4) In this section:

*assistance animal*—see the *Discrimination Act 1991*, section 5AA (3).

*public passenger vehicle*—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

*restrain*, a dog in relation to a vehicle, means—

- (a) using a harness or similar device to secure the dog to the vehicle;  
or
- (b) putting the dog in an enclosure in or on the vehicle.

*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.

*vehicle* does not include a public passenger vehicle.

## **15B Intensive breeding of cats or dogs**

- (1) For this section, the Minister may determine a standard for the breeding of cats or dogs (a *breeding standard*).
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (3) A breeding standard may provide for any matter that the Minister reasonably considers is appropriate to protect the welfare, safety or health of fertile cats and dogs in relation to breeding.

**Examples**

- 1 the minimum age for a dog before first mating
  - 2 the age at which, or number of litters after which, a dog must be retired from breeding
  - 3 the maximum number of litters a cat may have in a 12-month period, or in her lifetime
- (4) A person in charge of a female cat or dog commits an offence if the person allows the cat or dog to breed in a way that contravenes a breeding standard.

Maximum penalty: 50 penalty units.

- (5) Subsection (4) does not apply if the person allows the cat or dog to breed in accordance with the written approval of a veterinary surgeon.

*Note* The defendant has an evidential burden in relation to the matter mentioned in s (5) (see [Criminal Code](#), s 58).

- (6) An offence against subsection (4) is a strict liability offence.

## 16 Using unfit animal

- (1) A person commits an offence if—
- (a) the person uses an animal; and
  - (b) the animal is unfit for the use; and
  - (c) the person—
    - (i) knows the animal is unfit for the use; or
    - (ii) is negligent about whether the animal is fit for the use.

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

- (2) A person in charge of an animal commits an offence if—
- (a) the person authorises the use of the animal; and
  - (b) the person—
    - (i) knows the animal is unfit for the use; or
    - (ii) is negligent about whether the animal is fit for the use.

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

- (3) A person commits an offence if—
- (a) the person uses an animal; and
  - (b) the animal is unfit for the use.

Maximum penalty: 50 penalty units.

**Examples**

- 1 the animal has recently given birth
- 2 the animal is sick or injured
- 3 the animal is used in a children's petting zoo and is distressed by the contact

- (4) An offence against subsection (3) is a strict liability offence.

- (5) In this section:

**display**, an animal—

- (a) means to put an animal in a prominent place for the purposes of making the animal visible to people; and
- (b) includes displaying an animal—
  - (i) for sale; or
  - (ii) in an exhibition.

**show**, an animal, means to enter the animal in a show, sport, contest or competition.

**use**, an animal, includes display, drive, ride, show or work the animal.

## 17 Violent animal activities

- (1) A person commits an offence if the person takes part in a violent animal activity.

Maximum penalty: 300 penalty units, imprisonment for 3 years or both.

- (2) A person commits an offence if the person—

- (a) is at a place when a violent animal activity is happening; and
- (b) knows, or ought to know, that the activity is happening.

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

- (3) A person commits an offence if the person—

- (a) is at a place where a violent animal activity happens within 2 hours before the activity happens; and
- (b) knows, or ought to know, that the activity is happening at the place.

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

- (4) Subsections (2) and (3) do not apply if the person has a reasonable excuse.

- (5) This section does not apply to—

- (a) the rehabilitation of native animals for release into the wild in a way authorised under a territory law; or
- (b) the keeping and display of animals whose normal diet includes live food; or
- (c) the mustering and working of stock; or
- (d) the hunting or control of animals in a way authorised under a Commonwealth or territory law; or

- (e) the catching of fish in a way authorised under a Commonwealth or territory law; or
- (f) the use of a trained animal to train or exercise another animal of the same species in accordance with accepted animal husbandry practice in relation to the animal.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) and s (5) (see [Criminal Code](#), s 58).

- (6) In this section:

***live baiting*** means using an animal, whether alive or dead, to train another animal to chase real or simulated animals when racing or hunting.

***stock***—see the [Stock Act 2005](#), dictionary.

***takes part in***—a person ***takes part in*** an activity if the person does 1 or more of the following:

- (a) organises or conducts the activity;
- (b) promotes the activity;
- (c) allows the activity to happen on premises, or in a place, owned or occupied by the person;
- (d) provides an animal or thing to be used in relation to the activity;
- (e) undertakes any other activity relating to the activity.

***use***, an animal, includes capture, contain or release the animal.

***violent animal activity*** means—

- (a) the use of an animal to fight, injure or kill another animal; or
- (b) live baiting.

**18 Rodeos and game parks**

- (1) A person commits an offence if the person conducts or takes part in a rodeo.

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

- (2) A person commits an offence if the person promotes or conducts 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 and killing of those animals as a sport or recreation is permitted on payment of a fee or other consideration.

*rodeo* means a public exhibition, including a competition, of activities derived from work on a cattle station including riding horses or steers bareback and roping calves.

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

**18A Greyhound racing**

- (1) A person commits an offence if the person—
- (a) conducts, or facilitates the conduct of, a greyhound race in the ACT; or
  - (b) allows a greyhound kept by the person to take part in a greyhound race conducted in the ACT.

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

*Note* The owning and keeping of racing greyhounds is regulated under the [Domestic Animals Act 2000](#), div 2.4A.

- (2) In this section:

***greyhound race*** means 1 or more greyhounds racing in competitive pursuit, and includes—

- (a) a greyhound trial or training race; and
- (b) racing in a test of speed of 1 or more racing greyhounds.

**19 Medical and surgical procedures—people other than veterinary practitioners**

- (1) A person who is not a veterinary practitioner commits an offence if the person carries out a medical or surgical procedure on an animal.

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

- (2) This section does not apply to—
- (a) a medical procedure of a prophylactic nature carried out on the animal in accordance with directions given by a veterinary practitioner; or

- (b) a medical or surgical procedure carried out in accordance with accepted animal husbandry practice in relation to—
    - (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 animal ethics committee; or
  - (d) the removal of a dog's dewclaws not later than 4 days after the day the dog was born.
- (3) In this section:
- accepted animal husbandry practice* does not include a practice prescribed by regulation for this section.

**19A Medical and surgical procedures—veterinary practitioners**

- (1) A veterinary practitioner must not do any of the following for a purpose other than a therapeutic purpose:
- (a) dock a dog's tail;
  - (b) crop a dog's ear;
  - (c) remove a dog's ear;
  - (d) perform a clitoridectomy on a dog;
  - (e) carry out any other procedure prescribed by regulation.

Maximum penalty: 50 penalty units.



- (2) A veterinary practitioner must not remove a dog's dewclaws more than 4 days after the day the dog was born for a purpose other than a prophylactic purpose or a therapeutic purpose.

Maximum penalty: 50 penalty units.

- (3) A veterinary practitioner must not carry out a medical or surgical procedure on an animal for a cosmetic purpose only.

Maximum penalty: 50 penalty units.

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

**20 Exception—conduct in accordance with approved code of practice or mandatory code of practice**

This part (other than the following provisions) does not apply if the conduct making up the offence was in accordance with an approved code of practice or a mandatory code of practice:

- (a) section 9A (Keeping laying fowls for commercial egg production—appropriate accommodation);
- (b) section 9B (Keeping pigs—appropriate accommodation);
- (c) section 9C (Removing or trimming beak of fowl);
- (d) section 14 (Use or possession of prohibited item);
- (e) section 17 (1) or (2) (Violent animal activities);
- (f) section 18 (1) or (2) (Rodeos and game parks);
- (g) section 19A (Medical and surgical procedures—veterinary practitioners).

## 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 breeding and selling of cats or dogs with heritable defects;
- (g) the use of electric goods;
- (h) horse agistment establishments;
- (i) animal welfare in rural industry;
- (j) animal welfare in intensive farming;
- (k) transport of livestock;
- (l) animal welfare in the management of saleyards;
- (m) livestock and poultry slaughtering establishments;
- (n) fishing;
- (o) culling of native animals;
- (p) control of feral animals;
- (q) aerial shooting of animals;
- (r) trapping and snaring of animals;
- (s) commercial pest control;
- (t) commercial keeping and display of animals;

- (u) keeping of zoo animals;
- (v) animal welfare in the racing industry;
- (w) any other matter related to animal welfare.

## **22 Approved code of practice**

- (1) The Minister may 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](#), 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](#).

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

## **23 Mandatory code of practice**

- (1) The Minister may approve a code of practice, or part of a code of practice, relating to animal welfare as mandatory.
- (2) An approval must state to whom the mandatory code applies.
- (3) Before approving a code under subsection (1) the Minister must be satisfied that adequate consultation has occurred.
- (4) A mandatory code of practice is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **24 Publication**

- (1) The authority must, on or before the date of effect of an approval under section 22 or section 23, give public notice of the approval—
  - (a) stating the date on which the approval takes effect; and

- (b) giving details of where a copy of the approved code of practice may be purchased; and
- (c) giving details of where a copy of the approved code of practice may be inspected during office hours; and
- (d) containing a statement that the approval is subject to disallowance by the Legislative Assembly under the [Legislation Act](#).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (2) The authority must ensure that—
  - (a) a copy of the code of practice to which an approval under section 22 or section 23 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 stated 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.

## **24A Reckless failure to comply with mandatory code of practice**

A person commits an offence if—

- (a) a mandatory code of practice applies to the person; and
- (b) the person fails to comply with a requirement of the mandatory code; and
- (c) the person is reckless about whether the mandatory code is complied with.

Maximum penalty: 100 penalty units.

**24B Failure to comply with mandatory code of practice**

- (1) A person commits an offence if—
- (a) a mandatory code of practice applies to the person; and
  - (b) the person fails to comply with a requirement of the mandatory code.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to a person if—
- (a) a written direction has been given to the person under section 24C in relation to the requirement; and
  - (b) the person has complied with the direction.

**24C Direction to comply with mandatory code**

- (1) An inspector or authorised officer may give a person a written direction to rectify a breach of a mandatory code if the inspector or authorised officer believes on reasonable grounds that—
- (a) the person is in breach of a requirement of the code; and
  - (b) the person has not previously been convicted, or found guilty, of an offence under section 24A or section 24B for failing to comply with a requirement of the code.
- (2) A direction must—
- (a) state the requirement of the code that has been breached and the conduct constituting the breach; and
  - (b) if appropriate, state what must be done to rectify the breach and, if reasonable, who must do it; and
  - (c) state a reasonable time within which the person must give the inspector or authorised officer evidence that the direction has been complied with; and

- (d) include a statement that the person may be prosecuted under section 24B or section 24D if the person fails to comply with the direction.
- (3) The inspector or authorised officer may withdraw a written direction if, after giving the direction to a person, the inspector or authorised officer discovers that the person has previously been convicted, or found guilty, of an offence under section 24A or section 24B.

**24D Failure to comply with direction to comply with mandatory code**

- (1) A person commits an offence if—
  - (a) an inspector or authorised officer gives the person a direction under section 24C; and
  - (b) the person fails to comply with the direction.Maximum penalty: 20 penalty units.
- (2) An offence against this section is a strict liability offence.

## **Part 4                      Research, teaching and breeding**

### **Division 4.1              Licences**

#### **25                      Research, teaching and breeding**

- (1) A person commits an offence if the person—
- (a) uses or breeds an animal for research or teaching; and
  - (b) the person does not have a licence to do so.

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

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

- (1) A person may apply to the authority for a licence to use or breed animals for research or teaching, or for both research and teaching, at stated premises.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (2) The authority may, in writing, require the applicant to give the authority additional information in writing or documents that the authority reasonably needs to decide the application.
- (3) If the applicant does not comply with a requirement under subsection (2), the authority may refuse to consider the application further.

## 27 Decision about licence application

- (1) On an application by a person for a licence, the authority must—
- (a) grant the licence for the premises stated in the application (the *licensed premises*); or
  - (b) refuse to grant the licence.
- (2) In deciding whether to grant the licence, the authority must consider—
- (a) the applicant's experience and competency in caring for and handling animals; and



- (b) the adequacy of the premises stated in the application, equipment and other facilities for caring for and handling animals; and
  - (c) the adequacy of arrangements for the provision of veterinary treatment to animals at the premises stated in the application; and
  - (d) the applicant's response (or lack of response) to any request for further information under section 26 (2); and
  - (e) whether the applicant has obtained and kept in force any necessary licences under the *Nature Conservation Act 2014*; and
  - (f) whether the applicant has, within the 3 years immediately before the date of the application, been convicted or found guilty of a defined offence; and
  - (g) any criteria prescribed by regulation.
- (3) Subsection (2) does not limit the matters that the authority may consider.
- (4) In this section:

***applicant*** includes, if the applicant is a corporation, each executive officer of the corporation.

***grant*** includes grant by way of renewal.

***renewal***, of a licence, means the grant of the licence that is to begin on the day after the day the licence being renewed ends.

## 28 Licence conditions

- (1) A licence is subject to any condition—
- (a) prescribed by regulation; or
  - (b) put on the licence by the authority that the authority believes on reasonable grounds is reasonable or necessary in the interests of animal welfare.

### Examples of conditions that may be put on a licence

- 1 a condition about the welfare of the animals to be used by the licensee
- 2 a condition about the provision of facilities and equipment for the welfare of the animals to be used by the licensee
- 3 that an approved code of practice must be complied with

*Note* The authority may amend a licence (including by putting a condition on the licence, or amending or removing a condition of the licence) at any time (see s 34).

- (2) A licensee commits an offence if the licensee fails to comply with a condition of the licence.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

## 29 Form of licence

A licence must—

- (a) be in writing; and
- (b) state the full name and address of the person to whom the licence is granted; and
- (c) state the licensed premises; and
- (d) state the period for which the licence is granted; and
- (e) state any condition put on the licence by the authority.

**30 Term of licence**

A licence is granted for the period of not longer than 3 years stated in the licence, and remains in force subject to this Act.

**31 Licensees—request for information and documents**

The authority may, in writing, require a licensee to give the authority information in writing or documents that the authority reasonably needs to exercise its functions under this Act in relation to the licence.

**Example of information or documents**

a copy of a licensee's evacuation plan for animals in case of a fire

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

**32 Licence renewal**

- (1) This section applies if—
  - (a) an application is made under section 26 (Application for licence) by a licensee; and
  - (b) the application is for renewal of the licensee's licence; and
  - (c) the application is made not later than 14 days before the day the licence term ends.
- (2) The licence remains in force, subject to this Act, until the application is decided under section 27 (Decision about licence application).
- (3) If the authority grants the licence applied for, the renewal of the licence begins on the day after the day the licence being renewed ends.
- (4) A suspended licence may be renewed, but the renewed licence is suspended until the suspension ends.

- (5) In this section:

*renewal*, of a licence, means the grant of the licence that is to begin on the day after the day the licence being renewed ends.

### **33 Licensee to notify change of name or address**

- (1) If a licensee changes the licensee's name or address, the licensee must, as soon as practicable but not later than 14 days after the day the change happens, tell the authority, in writing, about the change.

Maximum penalty: 10 penalty units.

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

### **34 Amendment of licence**

- (1) The authority may amend a licence at any time in accordance with this section if it believes on reasonable grounds that the amendment is reasonable or necessary in the interests of animal welfare.

- (2) The authority may amend a licence on its own initiative or on application by the licensee.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (3) The authority may amend a licence on its own initiative only if the authority has—

- (a) given the licensee written notice of the proposed amendment; and  
(b) considered any comments made by the licensee in accordance with the notice.

- (4) The notice mentioned in subsection (3) (a) must—

- (a) include the authority's grounds for making the proposed amendment; and

- (b) invite the licensee to give the authority any comments about the amendment before the end of a stated period of at least 14 days after the day the notice is given to the licensee.
- (5) Subsection (3) does not apply to action under section 73D (Taking regulatory action).

*Note* Section 107A provides that the authority must give written notice of the decision to each person affected by the decision.

- (6) The amendment of a licence takes effect on—
  - (a) the day the notice of the decision to amend is given to the licensee; or
  - (b) if the notice states a later date of effect—that date.
- (7) A licence amended under this section must be returned to the authority as soon as practicable, but not later than 7 days after the day the notice of the decision to amend is given to the licensee.

- (8) In this section:

*amend*, a licence, includes putting a condition on the licence, or amending or removing a condition of the licence.

*condition* does not include a condition prescribed by regulation.

## **35 Surrender of licences**

- (1) A licensee may surrender the licence by giving the authority written notice of the surrender and the licence.
- (2) The surrender takes effect on—
  - (a) the day the notice is given to the authority under subsection (1); or
  - (b) if the notice states a later date of effect—that date.

## Division 4.2                      Authorisations

### 35A                      **Meaning of *authorised staff member*—div 4.2**

In this division:

*authorised staff member*, of a corporation—see section 37 (2).

### 36                      **Research and teaching using and breeding animals**

- (1) A person employed or engaged by a licensee commits an offence if the person—
- (a) conducts a program of research using or breeding animals and the person does not hold a research authorisation for the research; or
  - (b) conducts a program of teaching using or breeding animals and the person does not hold a teaching authorisation for the teaching.

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

- (2) This section does not apply to—
- (a) a person providing research or teaching assistance for the program; or
  - (b) an interstate researcher to whom section 49B (1) applies; or
  - (c) 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.

### **37 Application for authorisation**

- (1) A person may apply to the animal ethics committee for an authorisation to conduct a program of research or teaching, in relation to the use or breeding of animals at stated licensed premises.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (2) If the applicant is a corporation, the application must include the name and contact details of each individual employed or engaged by the corporation to conduct a program of research or teaching using or breeding animals on behalf of the corporation (an *authorised staff member*).
- (3) The animal ethics committee may, in writing, require the applicant to give the committee additional information in writing or documents that the committee reasonably needs to decide the application.
- (4) If the applicant does not comply with a requirement under subsection (3), the animal ethics committee may refuse to consider the application further.

### **38 Decision about authorisation application**

- (1) On an application by a person for an authorisation, the animal ethics committee must—
- (a) grant the authorisation to the person to conduct the program of research or teaching stated in the application, for the licensed premises stated in the application; or
- (b) refuse to grant the authorisation.

- (2) In deciding whether to grant the authorisation, the animal ethics committee must consider—
- (a) the experience and competency in caring for and handling animals of—
    - (i) for an applicant that is an individual—the applicant; or
    - (ii) for an applicant that is a corporation—each authorised staff member; and
  - (b) the applicant’s response (or lack of response) to any request for further information under section 37 (3); and
  - (c) whether the applicant has obtained and kept in force any necessary licences under the *Nature Conservation Act 2014*; and
  - (d) within the 3 years immediately before the date of the application, whether—
    - (i) for an applicant that is an individual—the applicant has been convicted or found guilty of a defined offence; or
    - (ii) for an applicant that is a corporation—an authorised staff member has been convicted or found guilty of a defined offence; and
  - (e) any criteria prescribed by regulation.
- (3) Subsection (2) does not limit the matters that the animal ethics committee may consider.
- (4) In this section:

**grant** includes grant by way of renewal.

**renewal**, of an authorisation, means the grant of the authorisation that is to begin on the day after the day the authorisation being renewed ends.



### **39 Authorisation conditions**

- (1) An authorisation is subject to any condition—
- (a) prescribed by regulation; or
  - (b) put on the authorisation by the animal ethics committee that the committee believes on reasonable grounds is reasonable or necessary in the interests of animal welfare.

#### **Examples of conditions that may be put on an authorisation**

- 1 a condition about the use of the animals in the particular program of research or teaching that is to be undertaken
- 2 a condition about the welfare of the animals in the particular program of research or teaching that is to be undertaken
- 3 a condition about particular facilities and equipment relevant to the use of the animals in the course of conducting the particular program of research or teaching that is to be undertaken
- 4 that an approved code of practice must be complied with

*Note* The animal ethics committee may amend an authorisation (including by putting a condition on the authorisation, or amending or removing a condition of the authorisation) at any time (see s 46).

- (2) A person commits an offence if the person—
- (a) is an authorisation holder; and
  - (b) fails to comply with a condition of the authorisation.
- Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

### **40 Form of authorisation**

An authorisation must—

- (a) be in writing; and
- (b) state why the authorisation is required; and

- (c) state the full name and address of the person to whom the authorisation is granted; and
- (d) state the licensed premises in relation to which the authorisation is granted; and
- (e) state the period for which the authorisation is granted; and
- (f) state any condition put on the authorisation by the animal ethics committee.

#### **41 Term of authorisation**

An authorisation is granted for the period of not longer than 3 years stated in the authorisation, and remains in force subject to this Act.

#### **42 Identity card for authorisation holders**

- (1) If the animal ethics committee grants an authorisation, the committee must give—
  - (a) if the authorisation holder is an individual—the individual an identity card stating the individual’s name; or
  - (b) if the authorisation holder is a corporation—each authorised staff member an identity card stating the staff member’s name and the corporation’s name.
- (2) The identity card must show—
  - (a) if the authorisation holder is an individual—a recent photograph of the individual; and
  - (b) if the authorisation holder is a corporation—a recent photograph of the authorised staff member; and
  - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
  - (a) the person is given an identity card under subsection (1); and

- (b) an authorised officer asks to see the person's identity card; and
- (c) the person does not show the officer the card.

Maximum penalty: 5 penalty units.

- (4) A person commits an offence if—
  - (a) the person is given an identity card under subsection (1); and
  - (b) either—
    - (i) the relevant authorisation ends; or
    - (ii) if the identity card relates to more than 1 authorisation—  
all authorisations end; and
  - (c) the person does not return the person's identity card to the animal ethics committee within 7 days after the day the authorisation ends.

Maximum penalty: 5 penalty units.

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

### **43 Authorisation holders—request for information and documents**

The animal ethics committee may, in writing, require an authorisation holder to give the committee information in writing or documents that the committee reasonably needs to exercise its functions under this Act in relation to the authorisation.

#### **Example of information or documents**

information about the mortality rates of animals in the program of research in relation to which the authorisation is granted

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

#### 44 Authorisation renewal

- (1) This section applies if—
  - (a) an application is made under section 37 (Application for authorisation) by an authorisation holder; and
  - (b) the application is for renewal of the holder's authorisation; and
  - (c) the application is made not later than 14 days before the day the authorisation term ends.
- (2) The authorisation remains in force, subject to this Act, until the application is decided under section 38 (Decision about authorisation application).
- (3) If the animal ethics committee grants the authorisation applied for, the renewal of the authorisation begins on the day after the day the authorisation being renewed ends.
- (4) A suspended authorisation may be renewed, but the renewed authorisation is suspended until the suspension ends.
- (5) In this section:

*renewal*, of an authorisation, means the grant of the authorisation that is to begin on the day after the day the authorisation being renewed ends.

#### 45 Authorisation holder to notify change of name or address

- (1) If an authorisation holder changes the holder's name or address, the authorisation holder must, as soon as practicable but not later than 14 days after the day the change happens, tell the animal ethics committee, in writing, about the change.

Maximum penalty: 10 penalty units.

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

## **46 Amendment of authorisation**

- (1) The animal ethics committee may amend an authorisation at any time in accordance with this section if it believes on reasonable grounds that the amendment is reasonable or necessary in the interests of animal welfare.
- (2) The animal ethics committee may amend an authorisation on its own initiative or on application by the authorisation holder.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (3) The animal ethics committee may amend an authorisation on its own initiative only if the committee has—
  - (a) given the authorisation holder written notice of the proposed amendment; and
  - (b) considered any comments made by the authorisation holder in accordance with the notice.
- (4) The notice mentioned in subsection (3) (a) must—
  - (a) include the animal ethics committee's grounds for making the proposed amendment; and
  - (b) invite the authorisation holder to give the committee any comments about the amendment before the end of a stated period of at least 14 days after the day the notice is given to the authorisation holder.
- (5) Subsection (3) does not apply to action under section 73D (Taking regulatory action).

*Note* Section 107A provides that the animal ethics committee must give written notice of the decision to each person affected by the decision.

- (6) The amendment of an authorisation takes effect on—
- (a) the day the notice of the decision to amend is given to the authorisation holder; or
  - (b) if the notice states a later date of effect—that date.
- (7) An authorisation amended under this section must be returned to the animal ethics committee as soon as practicable, but not later than 7 days after the day the notice of the decision to amend is given to the authorisation holder.
- (8) In this section:
- amend*, an authorisation, includes putting a condition on the authorisation, or amending or removing a condition of the authorisation.

*condition* does not include a condition prescribed by regulation.

#### **47 Cessation of effect of authorisation**

- (1) An authorisation ceases to have effect if, and while, the relevant licence is suspended, cancelled or surrendered under this Act or otherwise ceases to have effect.
- (2) In this section:
- relevant licence*, in relation to an authorisation, means the licence in relation to the licensed premises mentioned in the authorisation.

#### **48 Surrender of authorisations**

- (1) An authorisation holder may surrender the authorisation by giving the animal ethics committee written notice of the surrender and the authorisation.
- (2) The surrender takes effect on—
- (a) the day the notice is given to the animal ethics committee under subsection (1); or

- (b) if the notice states a later date of effect—that date.

## **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 ACT 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 an interstate researcher if satisfied on reasonable grounds—
- (a) the researcher has contravened this Act; or
  - (b) the researcher has contravened, in the ACT, an approved code of practice, a mandatory code of practice or a protocol or condition which applies to the researcher’s interstate research authorisation; or
  - (c) the researcher has failed to comply, in the ACT, with the proposal for carrying out the researcher’s activities set out in a submission on which the grant of the authorisation is based; or
  - (d) it is not appropriate for the researcher to use or breed animals in the ACT 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 is granted.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (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 ethics committees**

### **50            Animal ethics committees**

- (1) A regulation may make provision in relation to animal ethics committees, including provision relating to their establishment, constitution and functions.
- (2) A regulation made for subsection (1) may apply a law or instrument, or a provision of a law or instrument, as in force from time to time.
- (3) In this section:  
*apply* includes adopt and incorporate.

## Part 5                           Circuses and travelling zoos

### Division 5.1               Preliminary

#### 51            **Meaning of *prohibited animal*—pt 5**

In this part:

*prohibited animal* means—

- (a) a bear, elephant, giraffe, primate (other than a human) or feline (other than a domestic cat); or
- (b) an animal prescribed by regulation.

### Division 5.2               Offences

#### 52            **Circuses**

- (1) A person commits an offence if—
  - (a) the person conducts a circus; and
  - (b) the circus has performing animals (but is not a travelling zoo); and
  - (c) the person does not have a permit to conduct the circus.

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

- (2) A person commits an offence if the person conducts a circus using a prohibited animal.

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

- (3) A person commits an offence if the person brings a prohibited animal into the ACT as part of a circus troupe.

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

- (4) For subsection (3), it does not matter whether the animal is brought into the ACT for use in the circus.

### **53 Travelling zoos**

- (1) A person commits an offence if—

- (a) the person conducts a travelling zoo; and  
(b) the person does not have a permit to conduct the travelling zoo.

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

- (2) A person commits an offence if the person conducts a travelling zoo using a prohibited animal.

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

- (3) A person commits an offence if the person brings a prohibited animal into the ACT as part of a travelling zoo.

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

- (4) For subsection (3), it does not matter whether the animal is brought into the ACT for use in the travelling zoo.

## Division 5.3                   Circus and travelling zoo permits

### 54                   Application for circus or travelling zoo permit

- (1) A person may apply to the authority for a permit to conduct—
- (a) a circus with an animal in the circus troupe; or
  - (b) a travelling zoo.

*Note 1*   If a form is approved under s 110A for an application, the form must be used.

*Note 2*   A fee may be determined under s 110 for this provision.

- (2) For an application for a circus permit, the application must—
- (a) be accompanied by a list of animals that are to form part of the circus troupe, whether or not the animals are to be used in the circus; and
  - (b) be lodged not later than 4 weeks before the day the first performance of the circus is proposed to be held.
- (3) For an application for a travelling zoo permit, the application must—
- (a) be accompanied by a list of animals that are to travel with the zoo, whether or not the animals are to be used in the zoo; and
  - (b) be lodged not later than 4 weeks before the day the zoo is proposed to enter the ACT.
- (4) The authority may, in writing, require the applicant to give the authority additional information in writing or documents that the authority reasonably needs to decide the application.
- (5) If the applicant does not comply with a requirement under subsection (4), the authority may refuse to consider the application further.

## **55 Decision about circus or travelling zoo permit application**

- (1) On an application by a person for a circus or travelling zoo permit, the authority must—
  - (a) grant the permit; or
  - (b) refuse to grant the permit.
- (2) For an application for a circus permit, the authority must not grant a circus permit in relation to a circus if a prohibited animal is to form part of the circus troupe, whether or not the animal is to be used in the circus.
- (3) For an application for a travelling zoo permit, the authority must not grant a travelling zoo permit in relation to a zoo if a prohibited animal is to travel with the zoo, whether or not the animal is to be used in the zoo.
- (4) In deciding whether to grant the circus or travelling zoo permit, the authority must consider—
  - (a) the experience and competency of the applicant, and the applicant's employees and agents, in caring for and handling animals; and
  - (b) the adequacy of the conditions under which the animals are to be housed, trained, transported or used; and
  - (c) the adequacy of the facilities to be provided for the animals; and
  - (d) the applicant's response (or lack of response) to any request for further information under section 54 (4); and
  - (e) whether the applicant has obtained and kept in force any necessary licences under the *Nature Conservation Act 2014*; and
  - (f) whether the applicant has, within the 3 years immediately before the date of the application, been convicted or found guilty of a defined offence; and
  - (g) any criteria prescribed by regulation.

(5) Subsection (4) does not limit the matters that the authority may consider.

(6) In this section:

*applicant* includes, if the applicant is a corporation, each executive officer of the corporation.

*grant* includes grant by way of renewal.

*renewal*, of a circus or travelling zoo permit, means the grant of the permit that is to begin on the day after the day the permit being renewed ends.

## 56                   **Circus or travelling zoo permit conditions**

(1) A circus or travelling zoo permit is subject to any condition—

- (a) prescribed by regulation; or
- (b) put on the permit by the authority that the authority believes on reasonable grounds is reasonable or necessary in the interests of animal welfare.

### **Examples of conditions that may be put on a circus or travelling zoo permit**

- 1 a condition about the welfare of the animals to be used by the circus or travelling zoo
- 2 a condition about the provision of facilities and equipment for the welfare of the animals to be used by the circus or travelling zoo
- 3 that an approved code of practice must be complied with

*Note*           The authority may amend a circus or travelling zoo permit (including by putting a condition on the permit, or amending or removing a condition of the permit) at any time (see s 59A).

(2) A person commits an offence if the person—

- (a) is a circus permit-holder; and
- (b) fails to comply with a condition of the permit.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence if the person—
- (a) is a travelling zoo permit-holder; and
  - (b) fails to comply with a condition of the permit.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (2) or (3) is a strict liability offence.

**57 Form of circus or travelling zoo permit**

A circus or travelling zoo permit must—

- (a) be in writing; and
- (b) state the full name and address of the person to whom the permit is granted; and
- (c) state the period for which the permit is granted; and
- (d) state any condition put on the permit by the authority.

**58 Term of circus or travelling zoo permit**

A circus or travelling zoo permit is granted for the period stated in the permit, and remains in force subject to this Act.

**59 Circus or travelling zoo permit-holder to notify change of name or address**

- (1) If a circus or travelling zoo permit-holder changes the permit-holder's name or address, the permit-holder must, as soon as practicable but not later than 14 days after the day the change happens, tell the authority, in writing, about the change.

Maximum penalty: 10 penalty units.

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

## **59A Amendment of circus or travelling zoo permit**

- (1) The authority may amend a circus or travelling zoo permit at any time in accordance with this section if it believes on reasonable grounds that the amendment is reasonable or necessary in the interests of animal welfare.
- (2) The authority may amend a circus or travelling zoo permit on its own initiative or on application by the circus or travelling zoo permit-holder.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (3) The authority may amend a circus or travelling zoo permit on its own initiative only if the authority has—
  - (a) given the circus or travelling zoo permit-holder written notice of the proposed amendment; and
  - (b) considered any comments made by the permit-holder in accordance with the notice.
- (4) The notice mentioned in subsection (3) (a) must—
  - (a) include the authority's grounds for making the proposed amendment; and
  - (b) invite the circus or travelling zoo permit-holder to give the authority any comments about the amendment before the end of a stated period of at least 14 days after the day the notice is given to the permit-holder.
- (5) Subsection (3) does not apply to action under section 73D (Taking regulatory action).

*Note* Section 107A provides that the authority must give written notice of the decision to each person affected by the decision.



- (6) The amendment of a circus or travelling zoo permit takes effect on—
- (a) the day the notice of the decision to amend is given to the circus or travelling zoo permit-holder; or
  - (b) if the notice states a later date of effect—that date.
- (7) A circus or travelling zoo permit amended under this section must be returned to the authority as soon as practicable, but not later than 7 days after the day the notice of the decision to amend is given to the circus or travelling zoo permit-holder.
- (8) In this section:

***amend***, a circus or travelling zoo permit, includes putting a condition on the permit, or amending or removing a condition of the permit.

***condition*** does not include a condition prescribed by regulation.

## Part 6 Animal trapping

### Division 6.1 Trapping offences

#### 60 Steel-jawed traps and prohibited traps

- (1) A person commits an offence if—
  - (a) the person sets a steel-jawed trap or a prohibited trap; and
  - (b) an animal is killed or injured by the trap.Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (2) A person commits an offence if the person sets a steel-jawed trap or a prohibited trap.  
Maximum penalty: 50 penalty units.
- (3) A person commits an offence if the person possesses a steel-jawed trap or prohibited trap.  
Maximum penalty: 15 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) Subsection (3) does not apply in relation to the possession of a trap kept only—
  - (a) for the purpose of display; or
  - (b) as a curio or part of a collection.

- (6) In this section:

***prohibited trap*** means a trap prescribed by regulation for this section.

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

## **62 Trapping—general**

- (1) A person commits an offence if the person sets a trap.  
Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to—
  - (a) a trapping permit-holder; or
  - (b) a person holding a nature conservation licence that authorises the person to set a trap.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In this section:

***trap***—

- (a) means a device used or designed to catch an animal; but
- (b) does not include a trap set to catch—
  - (i) an animal, other than a domestic animal, on premises—
    - (A) by the occupier of the premises; or
    - (B) by an employee, agent or relative of the occupier of the premises; or
    - (C) by another person, in accordance with the written approval of a person mentioned in sub-subparagraph (A) or (B); or
  - (ii) a fish or crustacean for non-commercial human consumption.

## Division 6.2 Trapping permits

### 63 Application for trapping permit

- (1) A person may apply 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* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.

- (2) The authority may, in writing, require the applicant to give the authority additional information in writing or documents that the authority reasonably needs to decide the application.
- (3) If the applicant does not comply with a requirement under subsection (2), the authority may refuse to consider the application further.

### 64 Decision about trapping permit application

- (1) On an application by a person for a trapping permit, the authority must—
  - (a) grant the permit of the type applied for; or
  - (b) refuse to grant the permit.

- (2) In deciding whether to grant the trapping permit, the authority must consider—
- (a) the species of animals to be trapped; and
  - (b) the experience and competency of the applicant, and the applicant's employees and agents, in trapping the animals; and
  - (c) the adequacy of the applicant's traps and other trapping equipment; and
  - (d) the applicant's response (or lack of response) to any request for further information under section 63 (2); and
  - (e) whether the applicant has, within the 3 years immediately before the date of the application, been convicted or found guilty of a defined offence; and
  - (f) any criteria prescribed by regulation.
- (3) Subsection (2) does not limit the matters that the authority may consider.
- (4) In this section:

***applicant*** includes, if the applicant is a corporation, each executive officer of the corporation.

***grant*** includes grant by way of renewal.

***renewal***, of a trapping permit, means the grant of the permit that is to begin on the day after the day the permit being renewed ends.

## 65 Trapping permit conditions

- (1) A trapping permit is subject to any condition—
- (a) prescribed by regulation; or
  - (b) put on the permit by the authority that the authority believes on reasonable grounds is reasonable or necessary in the interests of animal welfare.

### Examples of conditions that may be put on a trapping permit

- 1 a condition about the species of animals to be trapped
- 2 a condition about the areas in which traps are to be set
- 3 a condition about the traps and other trapping equipment to be used
- 4 a condition about the welfare of any animals that may be affected by the proposed trapping activities
- 5 that an approved code of practice must be complied with

*Note* The authority may amend a trapping permit (including by putting a condition on the permit, or amending or removing a condition of the permit) at any time (see s 71).

- (2) A person commits an offence if the person—
- (a) is a trapping permit-holder; and
  - (b) fails to comply with a condition of the trapping permit.
- Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

## 66 Form of trapping permit

A trapping permit must—

- (a) be in writing; and
- (b) state the full name and address of the person to whom the permit is granted; and
- (c) state the period for which the permit is granted; and

(d) state any condition put on the permit by the authority.

**67 Term of trapping permit**

A trapping permit is granted for the period of not longer than 3 years stated in the permit, and remains in force subject to this Act.

**68 Trapping permit-holders—request for information and documents**

The authority may, in writing, require a trapping permit-holder to give the authority information in writing or documents that the authority reasonably needs to exercise its functions under this Act in relation to the trapping permit.

**Example of information or documents**

information about gas cylinders used in trapping by a trapping permit-holder

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

**69 Trapping permit renewal**

- (1) This section applies if—
  - (a) an application is made under section 63 (Application for trapping permit) by a trapping permit-holder; and
  - (b) the application is for renewal of the trapping permit-holder's trapping permit; and
  - (c) the application is made not later than 14 days before the day the trapping permit term ends.
- (2) The trapping permit remains in force, subject to this Act, until the application is decided under section 64 (Decision about trapping permit application).

- (3) If the authority grants the trapping permit applied for, the renewal of the permit begins on the day after the day the permit being renewed ends.
- (4) A suspended trapping permit may be renewed, but the renewed permit is suspended until the suspension ends.
- (5) In this section:  
*renewal*, of a trapping permit, means the grant of the permit that is to begin on the day after the day the permit being renewed ends.

**70 Trapping permit-holder to notify change of name or address**

- (1) If a trapping permit-holder changes the permit-holder's name or address, the permit-holder must, as soon as practicable but not later than 14 days after the day the change happens, tell the authority, in writing, about the change.  
Maximum penalty: 10 penalty units.
- (2) An offence against this section is a strict liability offence.

**71 Amendment of trapping permit**

- (1) The authority may amend a trapping permit at any time in accordance with this section if it believes on reasonable grounds that the amendment is reasonable or necessary in the interests of animal welfare.
- (2) The authority may amend a trapping permit on its own initiative or on application by the trapping permit-holder.

*Note 1* If a form is approved under s 110A for an application, the form must be used.

*Note 2* A fee may be determined under s 110 for this provision.



- (3) The authority may amend a trapping permit on its own initiative only if the authority has—
- (a) given the trapping permit-holder written notice of the proposed amendment; and
  - (b) considered any comments made by the permit-holder in accordance with the notice.
- (4) The notice mentioned in subsection (3) (a) must—
- (a) include the authority's grounds for making the proposed amendment; and
  - (b) invite the trapping permit-holder to give the authority any comments about the amendment before the end of a stated period of at least 14 days after the day the notice is given to the permit-holder.
- (5) Subsection (3) does not apply to action under section 73D (Taking regulatory action).
- Note* Section 107A provides that the authority must give written notice of the decision to each person affected by the decision.
- (6) The amendment of a trapping permit takes effect on—
- (a) the day the notice of the decision to amend is given to the trapping permit-holder; or
  - (b) if the notice states a later date of effect—that date.
- (7) A trapping permit amended under this section must be returned to the authority as soon as practicable, but not later than 7 days after the day the notice of the decision to amend is given to the trapping permit-holder.

(8) In this section:

*amend*, a trapping permit, includes putting a condition on the permit, or amending or removing a condition of the permit.

*condition* does not include a condition prescribed by regulation.

## **72            Surrender of trapping permits**

- (1) A trapping permit-holder may surrender the trapping permit by giving the authority written notice of the surrender and the permit.
- (2) The surrender takes effect on—
  - (a) the day the notice is given to the authority under subsection (1);  
or
  - (b) if the notice states a later date of effect—that date.

## Part 6A Regulatory action

### 73A Definitions—pt 6A

In this part:

*approval* means—

- (a) an authorisation; or
- (b) a circus permit; or
- (c) a licence; or
- (d) a trapping permit; or
- (e) a travelling zoo permit.

*approved person* means the holder of an approval.

*regulatory body* means—

- (a) for an authorisation holder—the animal ethics committee; or
- (b) for a circus permit-holder, licensee, trapping permit-holder or travelling zoo permit-holder—the authority.

### 73B Grounds for regulatory action

- (1) Each of the following is a *ground for regulatory action* against an approved person:
  - (a) the person gave information to the regulatory body in relation to the application for the grant or renewal of the person's approval that was false or misleading in a material particular;
  - (b) the regulatory body becomes aware of a circumstance that, if the regulatory body had been aware of it when the application for approval was decided, would have resulted in the application being refused;
  - (c) the person contravened a condition of the person's approval;

- (d) the person failed to return an approval as required under the relevant provision;
  - (e) the person has been convicted or found guilty of a defined offence—
    - (i) within the 3 years immediately before the date of the application for the person’s approval; or
    - (ii) while an approved person; or
    - (iii) during any suspension of the person’s approval;
  - (f) if the regulatory body believes on reasonable grounds that it would refuse an application by the person for an approval of the kind held by the person on the grounds mentioned in the relevant section.
- (2) In this section:

**approved person** includes, if the person is a corporation, each executive officer of the corporation.

**relevant provision** means—

- (a) for a licensee—section 34 (7) (Amendment of licence); or
- (b) for an authorisation holder—section 46 (7) (Amendment of authorisation); or
- (c) for a circus or travelling zoo permit-holder—section 59A (7) (Amendment of circus or travelling zoo permit); or
- (d) for a trapping permit-holder—section 71 (7) (Amendment of trapping permit).

**relevant section** means—

- (a) for a licensee—section 27 (2) (a), (b), (c), (e) or (g) or (3) (Decision about licence application); or
- (b) for an authorisation holder—section 38 (2) (a), (c) or (e) or (3) (Decision about authorisation application); or

- (c) for a circus or travelling zoo permit-holder—section 55 (4) (a), (b), (c), (e) or (g) or (5) (Decision about circus or travelling zoo permit application); or
- (d) for a trapping permit-holder—section 64 (2) (a), (b), (c) or (f) or (3) (Decision about trapping permit application).

### **73C Regulatory action**

Each of the following is *regulatory action* when taken against an approved person:

- (a) putting a condition on, or amending a condition put on, the person's approval;
- (b) suspending the person's approval for a stated period or until a stated thing happens;
- (c) cancelling the person's approval;
- (d) cancelling the person's approval and disqualifying the person from applying for an approval of that kind for a stated period or until a stated thing happens.

### **73D Taking regulatory action**

- (1) If the regulatory body proposes to take regulatory action in relation to an approved person, the regulatory body must give the person a written notice (a *regulatory notice*) that—
  - (a) states the details of the proposed regulatory action; and
  - (b) states the grounds for the proposed regulatory action; and
  - (c) tells the person that the person may, not later than 14 days after the day the person is given the notice, give a written response to the regulatory body about the proposed regulatory action.
- (2) In deciding whether to take the proposed regulatory action, the regulatory body must consider any response given to the body in accordance with the regulatory notice.

- (3) If the regulatory body believes on reasonable grounds that a ground for taking the proposed regulatory action has been established in relation to the approved person, the body may—
- (a) take the regulatory action stated in the regulatory notice; or
  - (b) if the proposed regulatory action is the cancellation and disqualification mentioned in section 73C (d)—
    - (i) cancel the person’s approval; or
    - (ii) suspend the person’s approval as mentioned in section 73C (b); or
    - (iii) put a condition on, or amend a condition put on, the person’s approval; or
  - (c) if the proposed regulatory action is the cancellation of the person’s approval—
    - (i) suspend the person’s approval as mentioned in section 73C (b); or
    - (ii) put a condition on, or amend a condition put on, the person’s approval; or
  - (d) if the proposed regulatory action is the suspension of the person’s approval as mentioned in section 73C (b)—
    - (i) suspend the approval for a shorter period; or
    - (ii) put a condition on, or amend a condition put on, the person’s approval.

*Note* Section 107A provides that the regulatory body must give written notice of the decision to each person affected by the decision.

- (4) Regulatory action under this section takes effect on—
- (a) the day the notice of the decision is given to the approved person; or
  - (b) if the notice states a later date of effect—that date.

(5) In this section:

*ground for regulatory action* against an approved person—see section 73B (Grounds for regulatory action).

*regulatory action*—see section 73C (Regulatory action).

### **73E Immediate suspension**

(1) This section applies if—

- (a) the regulatory body gives, or has given, a regulatory notice under section 73D to an approved person; and
- (b) having regard to the grounds stated in the notice, the regulatory body believes on reasonable grounds that the person's approval should be suspended immediately in the interests of animal welfare.

(2) The regulatory body must give the approved person a written notice (the *immediate suspension notice*) suspending the person's approval.

(3) The suspension of an approved person's approval under this section takes effect when the immediate suspension notice is given to the person.

(4) The suspension of an approved person's approval under this section ends—

- (a) if regulatory action is taken against the person under section 73D because of the regulatory notice—when the regulatory action takes effect, or 30 days after the day the immediate suspension notice is given to the person, whichever is the earlier; or
- (b) if regulatory action is not taken against the person under section 73D because of the regulatory notice—when the person is given written notice of the regulatory body's decision not to take regulatory action, or 30 days after the day the immediate suspension notice is given to the person, whichever is the earlier.

**73F Effect of suspension**

- (1) A suspended approval does not authorise the carrying on of any activity under the approval during the suspension.
- (2) If the regulatory body suspends an authorisation holder's approval, the person is, during the suspension—
  - (a) taken not to hold the approval; and
  - (b) disqualified from applying for an approval.

**73G Return of amended, suspended or cancelled approvals**

- (1) An approved person commits an offence if—
  - (a) the person's approval is amended, suspended or cancelled under this part; and
  - (b) the approved person fails to return the approval to the regulatory body as soon as practicable, but not later than 7 days after the day the approved person is given notice under section 107A (Reviewable decision notices).

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) An approved person may return an approval by giving the regulatory body—
  - (a) for an approval given electronically—a written statement that the approved person surrenders the approval; or
  - (b) in any other case—the approval.



**73H Action by regulatory body in relation to amended or suspended approval**

- (1) This section applies if—
  - (a) an approval is—
    - (i) amended under a relevant section; or
    - (ii) amended or suspended under this part; and
  - (b) the approval is returned to the regulatory body.
- (2) For an amended approval, the regulatory body must—
  - (a) return the amended approval to the approved person; or
  - (b) give the person a replacement approval that includes the amendment.
- (3) If an approval is suspended under this part and the suspension ends before the end of the term of the approval, the regulatory body must return the approval to the approved person.
- (4) In this section:  
*relevant section* means—
  - (a) for a licence—section 34 (Amendment of licence); or
  - (b) for an authorisation—section 46 (Amendment of authorisation);  
or
  - (c) for a circus or travelling zoo permit—section 59A (Amendment of circus or travelling zoo permit); or
  - (d) for a trapping permit—section 71 (Amendment of trapping permit).

## Part 7 Enforcement

### Division 7.1 Preliminary

#### 74 Definitions—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 Protection from liability

- (1) A person is not personally liable for conduct done honestly and without recklessness—
  - (a) in the exercise of a function under this part; or

- (b) in the reasonable belief that the conduct was in the exercise of a function under this part.
- (2) Any liability that would, apart from this section, attach to the person attaches instead to the Territory.
- (3) In this section:  
*conduct* means an act or an omission to do an act.

**75A Public access**

The authority must ensure that a copy of any report received by the authority 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 director-general may appoint a person as an inspector.  
*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.  
*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).
- (2) The following are also inspectors:
  - (a) the authority;
  - (b) a police officer.

## 77 Authorised officers

- (1) The director-general may appoint a public servant who is a veterinary practitioner as an authorised officer.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207)

- (2) The authority is also an authorised officer if the authority is—
  - (a) accompanied by a veterinary practitioner; or
  - (b) following the written advice of a veterinary practitioner.

## 78 Identity cards

- (1) This section applies to a person holding any of the following positions:
  - (a) inspector (other than a police officer);
  - (b) authorised officer;
  - (c) the authority;
  - (d) delegate of the authority with any delegated powers of an inspector.
- (2) The director-general must give the person an identity card stating the person's name and position.
- (3) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.

- (4) A person commits an offence if—
- (a) the person stops being a person to whom this section applies; and
  - (b) the person does not return the person's identity card to the director-general as soon as practicable, but no later than 7 days after the day the person stops being a person to whom this section applies.

Maximum penalty: 5 penalty units.

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

## **Division 7.3 Powers of inspectors**

### **80 Definitions—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, if 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 practitioner; or
  - (b) if the inspector is not a veterinary practitioner—the inspector enters those premises with a veterinary practitioner.
- (6) If 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.

## **81A Power to seize animals—inspectors**

An inspector may—

- (a) seize any animal that the inspector believes on reasonable grounds to be connected with an offence; or
- (b) seize any dependant offspring of an animal seized under paragraph (a); or
- (c) seize any animal that the inspector believes on reasonable grounds is kept by, or in the care or control of, a person in contravention of—
  - (i) a temporary prohibition order under section 86E (2) (Temporary prohibition on animal ownership etc); or
  - (ii) an interim order under section 100A (2) (Animal offences—court orders (interim)); or
  - (iii) an order under section 101 (4) (Animal offences—court orders (general)); or
  - (iv) an order under section 101A (2) (Animal offences—permanent prohibition on animal ownership etc); or
  - (v) an order under section 101C (Prohibition order in special circumstances).

## **82 Powers of inspectors**

- (1) Subject to subsection (2), an inspector who enters premises in accordance with section 81 may, if the inspector 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 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 the inspector's powers under this section; or
  - (h) ask questions of any person in or on the premises where the inspector considers it reasonable to enable the inspector to exercise powers under this section.
- (2) An inspector must not—
- (a) give a document seized under subsection (1) to someone else (other than the authority); or
  - (b) give a copy of a document inspected or seized under subsection (1) to someone else (other than the authority); or
  - (c) communicate to someone else (other than the authority) the contents of a document inspected or seized under subsection (1); or
  - (d) give any information obtained under subsection (1) to someone else (other than the authority).

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

- (3) Subsection (2) does not apply if the document or copy is given, or the communication is made for the purposes of the investigation or prosecution of an offence.



- (4) A person must take reasonable steps to comply with a requirement made of the person under subsection (1) (g).

Maximum penalty: 20 penalty units.

### **82A Direction to give personal details—inspector**

- (1) This section applies if an inspector believes on reasonable grounds that a person—
- (a) has committed, is committing or is about to commit an offence against this Act; or
  - (b) may be able to assist in the investigation of an offence against this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The inspector may direct the person to give the inspector, immediately, any of the following personal details:
- (a) the person's full name;
  - (b) the person's home address;
  - (c) the person's date of birth.

*Note* Power to make the direction includes power to amend or repeal the direction (see [Legislation Act](#), s 46).

- (3) However, before asking the person for any personal details under subsection (2), the inspector must show the person the inspector's identity card.
- (4) If the inspector believes on reasonable grounds that a personal detail given by a person in response to a direction under subsection (2) is false or misleading, the inspector may direct the person to produce evidence immediately of the correctness of the detail.

- (5) If an inspector gives a direction under this section to a person, the inspector must tell the person that it is an offence if the person fails to comply with the direction.
- (6) A person commits an offence if—
- (a) an inspector shows the person the inspector’s identity card; and
  - (b) the inspector directs the person under subsection (2) to give the inspector the person’s personal details; and
  - (c) the person does not give the inspector the personal details.
- Maximum penalty: 15 penalty units.
- (7) An offence against this section is a strict liability offence.

**82B Offence—fail to comply with inspector’s direction to give name and address**

- (1) A person commits an offence if the person—
- (a) is subject to a direction under section 82A (2); and
  - (b) fails to comply with the direction.

Maximum penalty: 5 penalty units.

*Note* It is an offence to make a false or misleading statement or give false or misleading information (see [Criminal Code](#), pt 3.4).

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to a person if the inspector did not produce the inspector’s identity card for inspection by the person if asked.
- (4) This section does not apply to a person if the inspector did not, before giving the direction, warn the person that failure to comply with the direction is an offence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

## **Division 7.4 Powers of authorised officers**

### **83 Research and educational institutions—powers of entry and search**

- (1) Subject to this section, if 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 the officer 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) If 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.

**83A Power to seize animals—authorised officers**

An authorised officer may—

- (a) seize any animal that the officer believes on reasonable grounds to be connected with an offence; or
- (b) seize any dependant offspring of an animal seized under paragraph (a); or
- (c) seize any animal that the officer believes on reasonable grounds is kept by, or in the care or control of, a person in contravention of—
  - (i) a temporary prohibition order under section 86E (2) (Temporary prohibition on animal ownership etc); or
  - (ii) an interim order under section 100A (2) (Animal offences—court orders (interim)); or
  - (iii) an order under section 101 (4) (Animal offences—court orders (general)); or
  - (iv) an order under section 101A (2) (Animal offences—permanent prohibition on animal ownership etc); or
  - (v) an order under section 101C (Prohibition order in special circumstances).

## **84 Powers of authorised officers**

- (1) Subject to subsection (2), an authorised officer who enters premises in accordance with section 83 may, if the officer 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 anything (including a document), that the officer believes on reasonable grounds to be connected with an offence; or
  - (h) ask questions of any person in or on the premises if the officer considers it reasonable to enable the officer to exercise powers under this section.
- (2) An authorised officer must not—
- (a) give a document seized under subsection (1) to someone else (other than the authority); or
  - (b) give a copy of a document inspected or seized under subsection (1) to someone else (other than the authority); or
  - (c) communicate to someone else (other than the authority) the contents of a document inspected or seized under subsection (1).

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

- (3) Subsection (2) does not apply if the document or copy is given, or the communication is made for the purposes of the investigation or prosecution of an offence.
- (4) A person must take reasonable steps to comply with a requirement made of the person under subsection (1) (j).

Maximum penalty: 20 penalty units.

#### **84AA Direction to give name and address—authorised officer**

- (1) This section applies if an authorised officer believes on reasonable grounds that a person—
  - (a) has committed, is committing or is about to commit an offence against this Act; or
  - (b) may be able to assist in the investigation of an offence against this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The authorised officer may direct the person to give the authorised officer, immediately, any of the following personal details:
  - (a) the person's full name;
  - (b) the person's home address.

*Note* Power to make the direction includes power to amend or repeal the direction (see [Legislation Act](#), s 46).

- (3) The person may ask the authorised officer to produce the authorised officer's identity card for inspection by the person.
- (4) If the authorised officer believes on reasonable grounds that a personal detail given by a person in response to a direction under subsection (2) is false or misleading, the authorised officer may direct the person to produce evidence immediately of the correctness of the detail.

- (5) If an authorised officer gives a direction under this section to a person, the authorised officer must tell the person that it is an offence if the person fails to comply with the direction.

**84AB Offence—fail to comply with authorised officer’s direction to give name and address**

- (1) A person commits an offence if the person—
- (a) is subject to a direction under section 84AA (2); and
  - (b) fails to comply with the direction.

Maximum penalty: 5 penalty units.

*Note* It is an offence to make a false or misleading statement or give false or misleading information (see [Criminal Code](#), pt 3.4).

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to a person if the authorised officer did not produce the authorised officer’s identity card for inspection by the person if asked.
- (4) This section does not apply to a person if the authorised officer did not, before giving the direction, warn the person that failure to comply with the direction is an offence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

## **Division 7.5 Powers of veterinary practitioners**

### **84A Powers of veterinary practitioners regarding seized animals and carcasses**

- (1) A veterinary practitioner may take a sample of tissue, blood, urine or other bodily material from an animal or carcass seized under this Act.
- (2) A veterinary practitioner 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 practitioners**

### **85 Inspectors and authorised officers**

- (1) This section applies if an inspector or an authorised officer believes on reasonable grounds—
  - (a) that an animal has not been given a thing mentioned in section 6B (Failure to provide appropriate care); 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) If 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 any place that the inspector or officer 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 must 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 practitioner.
- (4) The reasonable expenses incurred by an inspector or authorised officer in the exercise of a power under subsection (2) in relation to an animal may be recovered by the Territory from the owner of the animal as a debt in a court of competent jurisdiction.
- (5) If 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, treatment or care as is necessary in the interests of the animal's welfare; and
  - (b) if necessary, to consult a veterinary practitioner about the condition of the animal within such a specified period as is reasonable in the circumstances; and

- (c) state a reasonable time within which the person must give the inspector or authorised officer evidence that the direction has been complied with.
- (6) A direction under subsection (5) must be—
  - (a) personally served on the person; and
  - (b) when served, explained to the person.
- (7) A person commits an offence if the person—
  - (a) is given a direction under subsection (5); and
  - (b) fails to comply with the direction.Maximum penalty: 50 penalty units.
- (8) An offence against this section is a strict liability offence.

## **86 Veterinary practitioners**

- (1) If, in the opinion of a veterinary practitioner —
  - (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 practitioner may—
  - (c) seize the animal; and
  - (d) give assistance to the animal; and
  - (e) remove the animal to such place as the veterinary practitioner 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 practitioner in the exercise of a power conferred by subsection (1) in relation to an animal may be recovered from the owner of the animal as a debt in a court of competent jurisdiction.

## **Division 7.6A Dealing with seized animals**

### **86A Animal welfare entities**

- (1) In this Act:
- animal welfare entity* means—
- (a) the RSPCA; or
  - (b) an entity declared by the Minister.
- (2) The Minister may make guidelines about the way an animal welfare entity may deal with a seized animal under this division.
- (3) A declaration of an animal welfare entity or a guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (4) In this section:
- RSPCA* means the Royal Society for the Prevention of Cruelty to Animals (ACT) Inc ABN 35 730 738 037.

### **86B Accommodation of seized animals**

- (1) The authority must accommodate a seized animal by—
- (a) if the authority is reasonably satisfied that the animal can be kept under suitable care by the person in charge of the animal—returning the animal to the care of the person under stated written conditions; or
  - (b) if the authority is not satisfied that the animal can be kept under suitable care by the person in charge of the animal—placing the animal in the care of an animal welfare entity; or

- (c) if the animal cannot be placed in the care of an animal welfare entity—impounding the animal.
- (2) A condition mentioned in subsection (1) (a) may include—
  - (a) a condition prescribed by regulation; and
  - (b) any other condition the authority considers appropriate to ensure the welfare and appropriate care of the animal.
- (3) A person commits an offence if—
  - (a) an animal is returned to the person’s care under stated written conditions; and
  - (b) the person fails to comply with a condition.Maximum penalty: 50 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.

### **86C Selling or rehoming seized animals**

- (1) The authority may—
  - (a) sell a seized animal; or
  - (b) give a seized animal to an animal welfare entity for selling or rehoming.
- (2) Before selling or rehoming an animal, the authority must—
  - (a) if the identity of the person in charge of the animal is not known—make reasonable enquires to find out who the person in charge is; or
  - (b) if the identity of the person in charge of the animal is known—give the person written notice of the authority’s intention to sell or rehome the animal.

- (3) The authority may only sell or rehome an animal if—
- (a) the authority is satisfied on reasonable grounds it is in the best interest of the welfare of the seized animal; and
  - (b) the authority knows the identity of the person in charge of the animal and has given notice to the person under subsection (2) (b); and
  - (c) the person—
    - (i) does not, within 14 days after the day the notice is given (the *application period*), apply to the ACAT under section 108 for review of the decision; or
    - (ii) applies to the ACAT under section 108 for review of the decision within the application period and the authority's decision to sell or rehome the animal is confirmed.

### **86D      Destroying seized animals**

- (1) This section applies if the authority believes on reasonable grounds that a seized animal is so severely injured or diseased, or in such poor physical condition, that it is cruel to keep the animal alive.
- (2) The authority may—
- (a) with the written consent of the person in charge of the animal, destroy the animal or cause it to be destroyed, in a way that causes it to die quickly and without unnecessary pain; or
  - (b) give the animal to a veterinary practitioner so that the practitioner may destroy the animal in a way that causes it to die quickly and without unnecessary pain.
- (3) The reasonable expenses incurred by the authority in the exercise of a power under subsection (2) in relation to an animal may be recovered by the Territory from the owner of the animal as a debt in a court of competent jurisdiction.

## 86E Temporary prohibition on animal ownership etc

- (1) This section applies if—
  - (a) a domestic animal is seized under this Act; and
  - (b) a proceeding (a *relevant proceeding*) has not been started in a court against a person in charge of the animal for an offence against part 2 (Animal welfare offences); and
  - (c) the authority reasonably believes that an animal's welfare is, or would be, at serious risk if the person were to own, keep, care for or control the animal.
- (2) The authority may, in writing, prohibit (a *prohibition order*) the person individually or jointly with another person from—
  - (a) purchasing or acquiring an animal within the period stated in the order; or
  - (b) keeping, caring for or controlling an animal within the period stated in the order.
- (3) In making a prohibition order, the authority—
  - (a) must consider—
    - (i) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
    - (ii) the likelihood the person has, or will, commit an offence against this Act; and
    - (iii) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare; and

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
  - (b) may state that the order ends if stated conditions are met by the person.

- (4) The prohibition order ends on the earlier of—
- (a) the day a relevant proceeding starts; or
  - (b) the day stated by the authority in the prohibition order; or
  - (c) if a condition is stated under subsection (3) (b)—the day the authority confirms in writing that the condition has been met; or
  - (d) 6 months after the day the prohibition is made.
- (5) A person commits an offence if the person fails to comply with a prohibition order.
- Maximum penalty: 100 penalty units.
- (6) Subsection (3) does not limit the matters the authority may consider.

## **Division 7.7**                      **Consent to entry, reports and search warrants**

### **87**                      **Definition of *officer*—div 7.7**

In this division:

*officer* means an inspector or an authorised officer.

### **88**                      **Consent to entry**

- (1) This section applies if the consent of the occupier of premises is sought by an inspector or an authorised officer for entry to the premises for section 81 or section 83.
- (2) If this section applies, before seeking the consent of the occupier of premises for entering premises, an officer must inform the occupier that the occupier may refuse to give that consent.

- (3) If this section applies and an officer obtains consent from an occupier to enter premises, the officer must ask the occupier to sign an acknowledgment—
  - (a) that the occupier has been informed that the occupier may refuse to give that consent; and
  - (b) that the occupier has given the officer consent, for that provision, to enter the premises and to exercise the powers of an officer under section 82, section 84 or section 85; and
  - (c) of the day on which, and the time at which, that consent was given.
- (4) If 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 the officer's identity card to the occupier.
- (5) If a police officer exercises the power of an inspector to enter premises, subsection (4) only applies if the police officer is not in uniform.
- (6) If it is material, in any proceedings, for a court to be satisfied, for this section, of the consent of an occupier, and an acknowledgment in accordance with subsection (3) is not produced in evidence, it must be presumed that the occupier did not consent unless the contrary is established.

## **89 Reports**

- (1) If, for 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) must 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 any other matters connected with the welfare of animals kept on the premises as are reasonably requested by the occupier; and
  - (c) any other comments connected with the welfare of the animals kept on the premises that 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 if 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) If 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, section 84 or section 85 in relation to the premises, animal or thing.
- (3) A magistrate must 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 must 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 referred to in section 83 (1) (a) (i) or (ii).
- (5) A warrant must—
- (a) state the purpose for which it is issued; and
  - (b) state 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) state 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) state the 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 veterinary practitioners

### 91                      Obstructing etc veterinary practitioner

A person must not hinder, obstruct, intimidate or resist a veterinary practitioner in the exercise of the veterinary practitioner's functions under this Act.

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

*Note*                      The [Criminal Code](#), pt 3.6 and pt 3.8 include offences for giving false and misleading statements to, or obstructing, Territory public officials.

## Division 7.9                      Compensation for animal injury and death

### 93                      Definitions—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 section 83 (4) while the person is on the premises; or
- (d) in relation to a function under section 86—a veterinary practitioner.

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

## 94 Right to compensation

- (1) If an animal is injured, or dies, in the course of the exercise 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 if 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 must 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* If a form is approved under s 110A (Approved forms) for this section, the form must be used.

*Note 2* A fee may be determined under s 110 (Determination of fees) for this section.
- (2) On a claim for compensation made in accordance with subsection (1), the authority must—
  - (a) approve the claim; or
  - (b) refuse to approve the claim.
- (3) The authority must 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 must only approve the payment of the amount of compensation under this section that 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 people (other than officers), which, in the authority's opinion based on reasonable grounds—
    - (i) significantly contributed to the injury or death of the animal; or
    - (ii) for 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 the costs incurred by the owner as a result of the injury or death of the animal that the authority considers reasonable.
- (5) If the authority approves a claim for compensation, the Territory must pay the owner of the relevant animal accordingly.

## **96 Exclusion of civil actions**

If 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*—div 7.10

In this division:

*offence* means an offence against this Act.

### 98            Certificate evidence

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

- (a) whether or not a person was, during a stated period, a licensee, circus permit-holder, travelling zoo permit-holder or trapping permit-holder; or
- (b) whether or not a licence, circus permit, travelling zoo permit or trapping permit was in force on a stated day or days; or
- (c) the conditions subject to which a licence, circus permit, travelling zoo permit or trapping permit was granted, as in force on a stated day or days; or
- (d) whether or not a licence, circus permit, travelling zoo permit or trapping permit was varied, suspended or cancelled on a stated day, and (in the case of a suspension) for a stated 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 signed by the chairperson of an animal ethics committee in relation to an authorisation stating—

- (a) whether or not a person was, during a stated 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 stated day or days; or

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

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

## **99 Acts and omissions of representatives**

- (1) In this section:

*person* means an individual.

*Note* See the [Criminal Code](#), pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and
  - (b) the person’s reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person’s state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative’s actual or apparent authority; and
  - (b) the representative had the state of mind.

- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

## **Division 7.11 Court orders and corporate penalties**

### **100 Meaning of *offence*—div 7.11**

In this division:

*offence* means an offence against this Act.

### **100A Animal offences—court orders (interim)**

- (1) This section applies if—
  - (a) an animal has been seized under this Act; and
  - (b) a proceeding for an offence has been started in a court against a person who was, before the seizure, in charge of the seized animal; and
  - (c) the court is satisfied that, unless an appropriate interim order under this section is made, the person is likely to engage in conduct in relation to an animal that requires—
    - (i) the seizure of an animal under this Act; or
    - (ii) a further proceeding to be started for an offence.



- (2) The court may make an order (an *interim order*) as it considers appropriate that the person must not, individually or jointly with another person—
- (a) purchase or acquire any animal within the period stated in the order; or
  - (b) keep, care for or control any animal within the period stated in the order.
- (3) In making an interim order, the court must consider—
- (a) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
  - (b) the likelihood the person has, or will, commit an offence against this Act; and
  - (c) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.
- Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
- (4) The duration of an interim order under subsection (2)—
- (a) must be stated in the order; and
  - (b) must not be longer than 12 months.
- (5) The interim order ends if a seized animal is returned to the person in charge of the animal and the proceeding for an offence against the person is withdrawn.
- (6) If an interim order has ended or is about to end (other than under subsection (5)), the court may make a further interim order if the court is satisfied that the matters mentioned in subsection (1) continue to apply.

- (7) A person must not engage in conduct that contravenes an interim order.

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

- (8) Subsection (3) does not limit the matters the court may consider.

### **101 Animal offences—court orders (general)**

- (1) This section applies if a court has convicted or found guilty a person in charge of an animal of an offence against—

- (a) part 2 (Animal welfare offences); or
- (b) section 86E (Temporary prohibition on animal ownership etc); or
- (c) section 100A (Animal offences—court orders (interim)); or
- (d) section 101A (Animal offences—permanent prohibition on animal ownership etc); or
- (e) section 101C (Prohibition order in special circumstances).

- (2) The court may, in addition to any penalty which it may otherwise impose, make any order it considers appropriate in relation to—

- (a) the disposal of—
  - (i) the animal in relation to which the offence was committed; and
  - (ii) any other animal of which the person is in charge; and
- (b) payment to the Territory, an animal welfare entity or another person of expenses incurred in the care of—
  - (i) the animal in relation to which the offence was committed; and
  - (ii) any other animal of which the person is in charge.

- (3) An order under subsection (2) (b) may be made at any time and for any stated period of care.
- (4) The court may, in addition to any penalty which it may otherwise impose, make an order as it considers appropriate that the person must not—
  - (a) purchase or acquire any animal within the period stated in the order; or
  - (b) keep, care for or control any animal within the period stated in the order.
- (5) In making an order under subsection (4), the court must consider—
  - (a) the offence committed by the person; and
  - (b) any other conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (6) A person must not engage in conduct that contravenes an order under subsection (2) or (4).

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

- (7) Subsection (5) does not limit the matters the court may consider.
- (8) In this section:

***expenses incurred***, in the care of an animal, includes any expense incurred for any of the following:

- (a) taking possession of the animal;
- (b) transporting the animal;
- (c) providing food, drink and water for the animal;

- (d) providing shelter or accommodation for the animal;
- (e) providing veterinary care for the animal.

**101A Animal offences—permanent prohibition on animal ownership etc**

- (1) This section applies if—
  - (a) a court has convicted or found guilty a person of an offence against section 7A (Aggravated cruelty); and
  - (b) the court believes that it is reasonably likely the person will contravene part 2 (Animal welfare offences) if the person were to own, keep, care for or control an animal.
- (2) The court may, in addition to any penalty which it may otherwise impose, make an order that the person must not, either individually or jointly with another person—
  - (a) purchase or acquire an animal; or
  - (b) keep, care for or control an animal.
- (3) In making an order the court must consider—
  - (a) the offence committed by the person; and
  - (b) any other conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare.

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (4) A person commits an offence if the person fails to comply with an order made under subsection (2).

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

- (5) Subsection (3) does not limit the matters the court may consider.

**101B Animal offences—setting aside permanent prohibition order**

- (1) On application by a person against whom an order under section 101A is made, the court may set aside the order.
- (2) An application may only be made if the person has not made an application under this section in the previous 12-month period.
- (3) Before making an order, the court must—
  - (a) notify the authority, in writing, about the person’s application; and
  - (b) allow the authority to make a written or oral submission to the court about the application.
- (4) In making an order, the court must consider—
  - (a) any submission made by the authority; and
  - (b) the public interest; and
  - (c) the length of time since the order under section 101A was made; and;
  - (d) any relevant rehabilitation or remedial action undertaken by the person; and
  - (e) the risk to the welfare of animals; and
  - (f) the matters considered by the court when making the order under section 101A.
- (5) Subsection (4) does not limit the matters the court may consider.

## 101C Prohibition order in special circumstances

- (1) This section applies if—
  - (a) an animal has been seized under this Act; and
  - (b) the authority believes—
    - (i) either the person in charge of the animal—
      - (A) has committed an offence in relation to an animal against part 2 (Animal welfare offences); or
      - (B) is the subject of an order of a court of a State that prohibits the person purchasing, acquiring, keeping, caring for or controlling an animal for a stated period; and

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
    - (ii) it is not in the public interest to bring proceedings against the person; and
    - (iii) the person is likely to engage in conduct in relation to an animal that requires the seizure of an animal under this Act.
- (2) The authority may apply to the court for an order that the person must not, individually or jointly with another person—
  - (a) purchase or acquire any animal within the period stated in the order; or
  - (b) keep, care for or control any animal within the period stated in the order.
- (3) The court may make an order after considering—
  - (a) the welfare of the seized animal and any other animal owned, kept, cared for or controlled by the person; and
  - (b) the likelihood the person has, or will, commit an offence against this Act; and

- (c) any conviction or finding of guilt of the person against an offence under a territory law, or the law of a State, in relation to animal welfare; and

*Note* **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (d) anything else the court considers relevant.
- (4) The duration of an order under subsection (2) must be stated in the order.
- (5) If an order made under this section has ended or is about to end, the court may make a further order if satisfied the person remains likely to engage in conduct in relation to an animal that requires the seizure of an animal under this Act.
- (6) A person must not engage in conduct that contravenes an order under this section.

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

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

- (1) If 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 stated person the costs in relation to the disposal of the animal that are stated in the further order.
- (2) If a court makes an order under section 101 (2), it may make a further order stating the distribution of the proceeds from the disposal of the relevant animal in accordance with the firstmentioned order.
- (3) The costs or proceeds stated in an order under subsection (1) or (2) may be recovered in accordance with the order as a debt due in a court of competent jurisdiction.

**103 Prohibited item and trap offences—court orders (general)**

- (1) This section applies if—
  - (a) a court has convicted or found a person guilty of an offence—
    - (i) under section 14; 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 relation to a prohibited item or animal trap.
- (2) If this section applies, the court may, in addition to any penalty which it may otherwise impose, make any order it thinks fit in relation to the disposal of—
  - (a) the relevant a prohibited item or animal trap; and
  - (b) any other a prohibited item or animal trap (whether of the same or of a different type of trap).
- (3) If a court makes an order under subsection (2), it may make a further order that the person must not (for any purpose), within a stated period, purchase or acquire or take possession or custody of—
  - (a) an animal trap (in general or of a stated kind); or
  - (b) a prohibited item.
- (4) A person must not engage in conduct that contravenes an order under subsection (2) or (3).

Maximum penalty (subsection (4)): 50 penalty units, imprisonment for 6 months or both.



**104 Prohibited item and trap offences—court orders (costs and proceeds of disposal)**

- (1) If 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 stated person stated costs in relation to the disposal of the relevant prohibited item or animal trap.
- (2) If a court makes an order under section 103 (2), it may make a further order stating the distribution of the proceeds from the disposal of the relevant prohibited item or animal trap in accordance with the firstmentioned order.
- (3) The costs or proceeds specified in an order under subsection (1) or (2) may be recovered pursuant to the relevant order as a debt due in a court of competent jurisdiction.

**104A Court orders—offences involving violence**

- (1) This section applies if a person is found guilty or convicted of an offence against this Act, or another Act, involving violence towards an animal.
- (2) Before sentencing the person, the court may—
  - (a) make an order requiring the person to submit to psychological assessment; and
  - (b) consider the assessment and any recommendation for counselling or treatment arising from the assessment.
- (3) The court may, in addition to any other sentence it may impose, make an order requiring the person to undertake a program of counselling or treatment mentioned in subsection (2) (b).

**Example of program**

an anger management treatment program

- (4) A person commits an offence if the person intentionally contravenes a requirement of an order under this section.

Maximum penalty: 1 000 penalty units.

**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 any person the court thinks fit; and
  - (b) the court may hear a person to whom a 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 relation to the relevant offence.



## Part 9 Animal welfare advisory committee

### 109 Establishment and functions

- (1) The Minister must 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 advise the authority about matters in relation to animal welfare, including animal welfare legislation;
  - (c) to participate in the development of approved codes of practice and mandatory codes of practice;
  - (d) to provide advice to other Territory authorities, and to community bodies, about programs for the improvement of community awareness about animal welfare;
  - (e) to advise the Minister about any other matter relating to animal welfare;
  - (f) to report annually to the Minister on the activities of the committee.
- (4) The instrument of establishment is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 10 Miscellaneous

### 109A Rescuing animal at risk in locked vehicle

- (1) This section applies if—
  - (a) an animal is locked in a motor vehicle; and
  - (b) the animal appears to be at risk of serious injury or death.
- (2) A person does not incur criminal or civil liability if the person forcibly enters the motor vehicle, or assists another person to forcibly enter the motor vehicle, to release the animal.
- (3) However, subsection (2) applies only if—
  - (a) the person is acting honestly and without recklessness; and
  - (b) there are no other reasonable options available to the person to avoid the serious injury or death of the animal; and
  - (c) the person's capacity to exercise appropriate care and skill is not significantly impaired by a recreational drug.

**Example—par (b)**

contacting the police or Access Canberra

- (4) In this section:  
*recreational drug* means a drug consumed voluntarily for non-medicinal purposes, and includes alcohol.

### 110 Determination of fees

- (1) The Minister may determine fees for this Act.  
*Note* The [Legislation Act](#) 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](#).

### **110A Approved forms**

- (1) The authority may 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.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

### **111 Exemptions by regulations**

A regulation 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* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation 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; and
  - (h) medical or surgical procedures on animals, including animal husbandry practices in relation to farming and grazing activities; and
  - (i) a qualification a person must hold, or experience a person must have, to do a thing mentioned in paragraphs (a) to (h).
- (3) A regulation 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.

**113 Review of amendments made by Animal Welfare Legislation Amendment Act 2019**

- (1) The Minister must review the operation of the amendments made by the *Animal Welfare Legislation Amendment Act 2019* as soon as practicable 3 years after the commencement of that Act, section 32.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 6 years after the day it commences.

## Schedule 1 Reviewable decisions

(see pt 8)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	27 (1) (a) and 30	grant or renew licence for period less than 3 years	applicant for licence or renewal
2	27 (1) (b)	refuse to grant or renew licence	applicant for licence or renewal
3	28 (b)	put condition on licence	licensee
4	34 (1)	amend licence	licensee
5	34 (1)	amend licence in way other than the way applied for	applicant for amendment
6	34 (1)	refuse to amend licence	applicant for amendment
7	38 (1) (a) and 41	grant or renew authorisation for period less than 3 years	applicant for authorisation or renewal
8	38 (1) (b)	refuse to grant or renew authorisation	applicant for authorisation or renewal
9	39 (b)	put condition on authorisation	entity that holds authorisation
10	46 (1)	amend authorisation	entity that holds authorisation
11	46 (1)	amend authorisation in way other than way applied for	applicant for amendment
12	46 (1)	refuse to amend authorisation	applicant for amendment



column 1 item	column 2 section	column 3 decision	column 4 entity
13	49B (3)	end application of s 49B (1) to researcher	interstate researcher
14	55 (1) (b)	refuse to grant or renew circus or travelling zoo permit	applicant for permit or renewal
15	56 (b)	put condition on circus or travelling zoo permit	permit holder
16	59A (1)	amend circus or travelling zoo permit	permit holder
17	59A (1)	amend circus or travelling zoo permit in way other than way applied for	applicant for amendment
18	59A (1)	refuse to amend circus or travelling zoo permit	applicant for amendment
19	64 (1) (a) and 67	grant or renew trapping permit for period less than 3 years	applicant for permit or renewal
20	64 (1) (b)	refuse to grant or renew trapping permit	applicant for permit or renewal
21	65 (b)	put condition on trapping permit	permit holder
22	71 (1)	amend trapping permit	permit holder
23	71 (1)	amend trapping permit in way other than way applied for	applicant for amendment
24	71 (1)	refuse to amend trapping permit	applicant for amendment
25	73D	take regulatory action	approved person against whom action taken

**Schedule 1**

## Reviewable decisions

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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
26	73E	suspend approval immediately	approved person whose approval suspended
27	86B	condition on accommodation of seized animal	person in charge of animal
28	86C	sell or rehome seized animal	person in charge of animal
29	86E	prohibit animal ownership	person prohibited
30	95 (2) (a)	approve claim for compensation for particular amount	claimant for compensation
31	95 (2) (b)	refuse to approve claim for compensation	claimant for compensation

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- chief police officer
- Corporations Act
- director-general (see s 163)
- fail
- found guilty
- maximum penalty
- Minister (see s 162)
- person
- public servant
- reviewable decision notice
- veterinary practitioner.

***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 ethics committee*** means—

- (a) for this Act generally—an animal ethics committee established in accordance with a regulation; and
- (b) in relation to a licence—the animal ethics committee whose functions relate to the licence; and
- (c) in relation to an application for an authorisation—the animal ethics committee to which the application is made; and
- (d) in relation to an authorisation or an authorisation holder—the animal ethics committee that gave the authorisation.

***animal welfare entity***—see section 86A.

***approval***, for part 6A (Regulatory action)—see section 73A.

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

***approved person***, for part 6A (Regulatory action)—see section 73A.

***authorisation*** means a research authorisation or teaching authorisation.

***authorisation holder*** means a person granted a research authorisation or a teaching authorisation under section 38 (1) (a).

***authorised officer*** means an authorised officer under section 77.

***authorised staff member***, of a corporation, for division 4.2 (Authorisations)—see section 37 (2).

***authority*** means the Animal Welfare Authority under section 5.

***business premises***, for division 7.3 (Powers of inspectors)—see section 80.

***circus permit*** means a circus permit granted under section 55.

***circus permit-holder*** means a person granted a circus permit under section 55 (1) (a).

**confine**, an animal, for part 2 (Animal welfare offences)—see section 6A.

**connected**, for part 7 (Enforcement)—see section 74.

**cruelty**, in relation to an animal, for pt 2 (Animal welfare offences)—see section 6A.

**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 law or Commonwealth or State law, includes a member of the corporation.

**domestic**, in relation to an animal, includes captive.

**engage in conduct** means—

- (a) do an act; or
- (b) omit to do an act.

**executive officer**, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

**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 an inspector (other than a police officer), an authorised officer or a delegate of the authority—an identity card issued to the person under section 78; or

*Note* The authority is an inspector (see s 76 (2) (a)).

- (b) in relation to a police officer—proof of identification of a type approved for general purposes by the chief police officer.

**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 27.

**licensed premises**—see section 27 (Decision about licence application).

**licensee** means a person granted a licence under section 27 (1) (a).

**mandatory code of practice** means a code of practice, or part of a code of practice, approved under section 23 as mandatory.

**native animal**—see the [Nature Conservation Act 2014](#), section 12.

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**occupier**, of premises that an inspector or authorised officer is authorised to enter under part 7, for part 7 (Enforcement)—see section 74.

**offence**—

- (a) for part 7 (Enforcement)—see section 74; and
- (b) for division 7.10 (Evidence)—see section 97; and
- (c) for division 7.11 (Court orders and corporate penalties)—see section 100.

**officer**—

- (a) for division 7.7 (Consent to entry, reports and search warrants)—see section 87; and
- (b) for division 7.9 (Compensation for animal injury and death)—see section 93.

**owner**, of an injured or dead animal, for division 7.9 (Compensation for animal injury and death)—see section 93.

**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 mentioned in paragraph (b) is acting as the employee or agent of someone else—the 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 native animal.

**poison**, for part 2 (Animal welfare offences)—see section 6A.

**premises**—

- (a) for this Act generally, includes—

- (i) a building or part of a building; and
  - (ii) a tent, stall or other structure, whether permanent or temporary; and
  - (iii) land (including water on land) whether or not appurtenant to a building; and
  - (iv) a vehicle; and
- (b) in relation to the exercise of an inspector's powers, for division 7.3 (Powers of inspectors)—see section 80.

***prohibited animal***, for part 5 (Circuses and travelling zoos)—see section 51.

***prohibited item***—see section 14.

***regulatory body***, for part 6A (Regulatory action)—see section 73A.

***research authorisation*** means an authorisation granted under section 38 (Decision about authorisation application) to conduct a program of research in relation to licensed premises.

***reviewable decision***, for part 8 (Notification and review of decisions)—see section 107.

***teaching authorisation*** means an authorisation granted under section 38 (Decision about authorisation application) to conduct a program of teaching in relation to licensed premises.

***trapping permit*** means a permit granted under section 64 (Decision about trapping permit application) for—

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

***trapping permit-holder*** means a person granted a trapping permit under section 64 (1) (a).



***travelling zoo*** does not include—

- (a) for a zoo located in the ACT—the display of the zoo’s animals at a place other than the place where the zoo is permanently located; or
- (b) a zoo (however described) the main purpose of which is to make animals available for contact with members of the public.

**Example—par (b)**

a zoo known as a petting zoo that contains animals such as livestock, poultry and rabbits

***travelling zoo permit*** means a travelling zoo permit granted under section 55.

***travelling zoo permit-holder*** means a person granted a travelling zoo permit under section 55 (1) (a).

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

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

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

## Endnotes

1 About the endnotes

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## 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 not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Animal Welfare Act 1992 A1992-45**

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))

as amended by

#### **Acts Revision (Position of Crown) Act 1993 A1993-44 sch 2**

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

#### **Administrative Appeals (Consequential Amendments) Act 1994 A1994-60 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 A1994-97 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 A1994-110 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 A1997-45 (as am A2001-44 pt 19; A2001-83 s 9; A2005-54 sch 1 pt 1.4)**

notified 19 September 1997 (Gaz 1997 No S264)  
ss 1-3 commenced 19 September 1997 (s 2 (1))  
s 4, s 5, s 5A repealed before commencement (see A2014-3 s 4)  
s 6 commenced 19 December 1997 (s 2 (4))

#### **Statute Law Revision (Penalties) Act 1998 A1998-54 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)

## Endnotes

3 Legislation history

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**Animal Welfare Amendment Act 2000 A2000-72**

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

**Legislation (Consequential Amendments) Act 2001 A2001-44 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 see Gaz 2001 No S65)

**Statute Law Amendment Act 2001 (No 2) A2001-56 pt 3.4**

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

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 1 pt 1.1, sch 2 pt 2.4**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.1, sch 2 pt 2.4 commenced 9 April 2004 (s 2 (1))

**Animal Legislation (Penalties) Amendment Act 2004 A2004-50**

notified LR 16 August 2004  
s 1, s 2 commenced 16 August 2004 (LA s 75 (1))  
remainder commenced 17 August 2004 (s 2)

**Stock Act 2005 A2005-19 sch 1 pt 1.1**

notified LR 13 April 2005  
s 1, s 2 commenced 13 April 2005 (LA s 75 (1))  
sch 1 pt 1.1 commenced 26 August 2005 (s 2 and [CN2005-13](#))

**Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.3,  
sch 1 pt 1.4**

notified LR 27 October 2005  
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))  
sch 1 pt 1.3 commenced 24 November 2005 (s 2)  
sch 1 pt 1.4 never commenced ([A1997-45](#) rep before commenced by  
[A2014-3](#) s 4)

**Animal Welfare Amendment Act 2006 A2006-17**

notified LR 10 May 2006  
s 1, s 2 commenced 10 May 2006 (LA s 75 (1))  
remainder commenced 11 May 2006 (s 2)

**Animal Welfare Legislation Amendment Act 2007 A2007-7 pt 2**

notified LR 26 March 2007  
s 1, s 2 commenced 26 March 2007 (LA s 75 (1))  
s 15 commenced 26 September 2007 (s 2 (2))  
pt 2 remainder commenced 27 March 2007 (s 2 (1))

**Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.4**

notified LR 6 December 2007  
s 1, s 2 commenced 6 December 2007 (LA s 75 (1))  
sch 3 pt 3.4 commenced 27 December 2007 (s 2)

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.3**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.3 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.8**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.8 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**Animal Welfare Amendment Act 2010 A2010-14**

notified LR 1 April 2010  
s 1, s 2 commenced 1 April 2010 (LA s 75 (1))  
remainder commenced 1 October 2010 (s 2 and LA s 79)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.10**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.10 commenced 1 July 2011 (s 2 (1))

## Endnotes

3 Legislation history

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**Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.3**

notified LR 22 November 2011  
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 March 2012 (s 2 (1) and see [Evidence Act 2011 A2011-12](#), s 2 and [CN2012-4](#))

**Animal Welfare (Factory Farming) Amendment Act 2014 A2014-3 pt 2**

notified LR 6 March 2014  
s 1, s 2 commenced 6 March 2014 (LA s 75 (1))  
pt 2 commenced 7 March 2014 (s 2)

**Nature Conservation Act 2014 A2014-59 sch 2 pt 2.1**

notified LR 11 December 2014  
s 1, s 2 commenced 11 December 2014 (LA s 75 (1))  
sch 2 pt 2.1 commenced 11 June 2015 (s 2 (1) and LA s 79)

**Domestic Animals (Breeding) Legislation Amendment Act 2015 A2015-9 pt 2**

notified LR 7 April 2015  
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))  
pt 2 commenced 15 September 2015 (s 2 and [CN2015-19](#))

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.6**

notified LR 30 September 2015  
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))  
sch 1 pt 1.6 commenced 14 October 2015 (s 2)

**Animal Welfare Amendment Act 2016 A2016-19**

notified LR 13 April 2016  
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))  
remainder commenced 31 May 2016 (s 2, [CN2016-11](#) and see LA s 77 (3))

**Domestic Animals (Racing Greyhounds) Amendment Act 2017 A2017-44 sch 1 pt 1.1**

notified LR 5 December 2017  
s 1, s 2 commenced 5 December 2017 (LA s 75 (1))  
sch 1 pt 1.1 commenced 30 April 2018 (s 2)

**Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.2**

notified LR 30 August 2018

s 1, s 2 commenced 30 August 2018 (LA s 75 (1))

sch 3 pt 3.2 commenced 21 December 2018 (s 2 and [CN2018-12](#))

**Consumer Protection Legislation Amendment Act 2019 A2019-2 sch 1**

notified LR 26 February 2019

s 1, s 2 commenced 26 February 2019 (LA s 75 (1))

sch 1 commenced 26 August 2019 (s 2 (2) and LA s 79)

**Animal Welfare Legislation Amendment Act 2019 A2019-35 pt 2**

notified LR 10 October 2019

s 1, s 2 commenced 10 October 2019 (LA s 75 (1))

s 25, s 32, s 50, s 51, s 53, s 54, s 56, s 85, s 86, s 106, s 113, s 117, s 119 awaiting commencement

pt 2 remainder commenced 17 October 2019 (s 2 (1))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Name of Act

s 1 sub [A2000-72](#) amdt 1.1

#### Dictionary

s 2 sub [A2000-72](#) amdt 1.1  
am [A2014-59](#) amdt 2.1

#### Notes

s 3 sub [A2000-72](#) amdt 1.1

#### Offences against Act—application of Criminal Code etc

s 3A renum as s 4

#### Offences against Act—application of Criminal Code etc

s 4 **orig s 4**  
am [A1994-60](#) sch 1; [A1994-97](#) sch; [A1994-110](#) sch 2 pt 2;  
[A2000-72](#) s 4  
defs reloc to dict [A2000-72](#) amdt 1.2  
om [A2000-72](#) amdt 1.2  
**prev s 4**  
sub as s 5  
**pres s 4**  
(prev s 3A) ins [A2005-54](#) amdt 1.9  
renum as s 4 [A2007-7](#) s 5

#### Objects of Act

s 4A ins [A2015-9](#) s 4  
sub [A2019-35](#) s 4

#### Animal Welfare Authority

s 5 **orig s 5**  
om [A1993-44](#) sch 2  
**prev s 5**  
ins [A1994-97](#) sch  
om [A2000-72](#) amdt 1.3  
**pres s 5**  
(prev s 4) ins [A2000-72](#) amdt 1.3  
sub as s 5 [A2007-7](#) s 5  
(2)-(4) exp 27 March 2008 (s 5 (4) (LA s 88 declaration  
applies))  
am [A2011-22](#) amdt 1.38

#### Delegation by authority

s 6 sub [A1994-97](#) sch; [A2007-7](#) s 6; [A2019-35](#) s 5

#### Animal welfare offences

pt 2 hdg sub [A2005-54](#) amdt 1.11



**Definitions—pt 2**

s 6A ins [A1994-97](#) sch  
 am [A1998-54](#) sch; [A2000-72](#) amdt 1.4  
 sub [A2005-54](#) amdt 1.10  
 (6)-(8) exp 24 November 2005 (s 6A (8))  
 om [A2007-39](#) amdt 3.7  
 ins [A2016-19](#) s 4  
 sub [A2019-35](#) s 6  
 def **confine** ins [A2019-35](#) s 6  
 def **cruelty** ins [A2019-35](#) s 6  
 def **poison** ins [A2019-35](#) s 6

**Failure to provide appropriate care**

s 6B ins [A2016-19](#) s 4  
 sub [A2019-35](#) s 6

**Failure to provide animal with water or shelter**

s 6C ins [A2019-35](#) s 6

**Failure to provide animal with hygienic environment**

s 6D ins [A2019-35](#) s 6

**Failure to properly groom and maintain animal**

s 6E ins [A2019-35](#) s 6

**Failure to exercise dog**

s 6F ins [A2019-35](#) s 6

**Abandoning an animal**

s 6G ins [A2019-35](#) s 6

**Cruelty**

s 7 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
 sub [A2005-54](#) amdt 1.11  
 am [A2019-35](#) s 7

**Aggravated cruelty**

s 7A ins [A2006-17](#) s 4  
 am [A2019-35](#) s 8, s 9

**Alternative verdicts—cruelty**

s 7B ins [A2006-17](#) s 4

**Hitting or kicking animal**

s 8 am [A1998-54](#) sch; [A2000-72](#) amdt 1.5, amdt 1.6  
 sub [A2005-54](#) amdt 1.11  
 om [A2016-19](#) s 5  
 ins [A2019-35](#) s 10

**Unlawful confinement of animal**

s 9 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45, amdt 1.47  
 sub [A2005-54](#) amdt 1.11; [A2019-35](#) s 11

## Endnotes

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### **Keeping laying fowls for commercial egg production—appropriate accommodation**

s 9A ins [A1997-45](#) s 4 (as am [A2005-54](#) amdt 1.30) ([A1997-45](#) rep before commenced by [A2014-3](#) s 4); [A2014-3](#) s 5  
am [A2019-2](#) amdt 1.1

### **Keeping pigs—appropriate accommodation**

s 9B ins [A2014-3](#) s 6  
am [A2018-32](#) amdt 3.3

### **Removing or trimming beak of fowl**

s 9C ins [A2014-3](#) s 7  
am [A2018-32](#) amdt 3.3

### **Assisting injured animal**

s 10 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45, amdt 1.47  
sub [A2005-54](#) amdt 1.11; [A2019-35](#) s 12

### **Unlawful release of animal**

s 11 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
sub [A2005-54](#) amdt 1.11; [A2019-35](#) s 12

### **Administering poison**

s 12 am [A1994-110](#) sch 2 pt 2; [A1998-54](#) sch  
sub [A2000-72](#) s 5; [A2005-54](#) amdt 1.11

### **Laying poison**

s 12A ins [A2000-72](#) s 5  
sub [A2005-54](#) amdt 1.11  
am [A2019-35](#) s 13

### **Electrical devices**

s 13 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
sub [A2005-54](#) amdt 1.11  
am [A2019-35](#) s 14

### **Use or possession of prohibited item**

s 14 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45, amdt 1.48  
sub [A2005-54](#) amdt 1.11; [A2016-19](#) s 6  
am [A2019-35](#) ss 15-17; ss renum R30 LA

### **Transport of animals—generally**

s 15 am [A1998-54](#) sch; [A2000-72](#) amdt 1.7, amdt 1.45  
sub [A2005-54](#) amdt 1.11  
am [A2007-7](#) s 7  
sub [A2019-35](#) s 18

### **Transport of dogs**

s 15A ins [A2000-72](#) s 6  
sub [A2005-54](#) amdt 1.11  
am [A2019-35](#) s 19, s 20; ss renum R30 LA

**Intensive breeding of cats or dogs**

s 15B ins [A2015-9](#) s 5  
am [A2017-44](#) amdt 1.1; [A2018-32](#) amdt 3.3; [A2019-35](#) s 21

**Using unfit animal**

s 16 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
sub [A2005-54](#) amdt 1.11; [A2019-35](#) s 22

**Violent animal activities**

s 17 am [A1994-110](#) sch 2 pt 2; [A1998-54](#) sch; [A2000-72](#) amdt 1.45;  
[A2005-19](#) amdt 1.1  
sub [A2005-54](#) amdt 1.11; [A2007-7](#) s 8; [A2019-35](#) s 22

**Rodeos and game parks**

s 18 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
sub [A2005-54](#) amdt 1.11  
am [A2019-35](#) s 23

**Greyhound racing**

s 18A ins [A2017-44](#) amdt 1.2

**Medical and surgical procedures—people other than veterinary practitioners**

s 19 hdg sub [A2000-72](#) s 7  
am [A2018-32](#) amdt 3.4  
s 19 am [A1994-110](#) sch 2 pt 2; [A1998-54](#) sch; [A2000-72](#) s 7  
sub [A2005-54](#) amdt 1.11; [A2007-7](#) s 9  
am [A2018-32](#) amdt 3.3

**Medical and surgical procedures—veterinary practitioners**

s 19A hdg am [A2018-32](#) amdt 3.4  
s 19A ins [A2000-72](#) s 8  
sub [A2005-54](#) amdt 1.11; [A2007-7](#) s 9  
am [A2018-32](#) amdt 3.3

**Exception—conduct in accordance with approved code of practice or mandatory code of practice**

s 20 am [A1997-45](#) s 5, s 5A (as am [A2005-54](#) amdt 1.31)  
([A1997-45](#) rep before commenced by [A2014-3](#) s 4);  
[A2000-72](#) s 9  
sub [A2005-54](#) amdt 1.11  
am [A2007-7](#) s 20  
sub [A2010-14](#) s 4  
am [A2014-3](#) ss 8-10; pars renum R21 LA; [A2016-19](#) s 7;  
[A2018-32](#) amdt 3.4; [A2019-35](#) s 24

**Contents**

s 21 am [A1994-110](#) sch 2 pt 2; [A2015-9](#) s 6; pars renum R23 LA;  
[A2019-35](#) s 21

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#### Approved code of practice

s 22 hdg sub [A2010-14](#) s 5  
s 22 sub [A2001-44](#) amdt 1.175

#### Mandatory code of practice

s 23 am [A2000-72](#) amdt 1.8  
om [A2001-44](#) amdt 1.175  
ins [A2010-14](#) s 6

#### Publication

s 24 am [A2001-44](#) amdt 1.176; [A2010-14](#) s 7; [A2015-33](#) amdt 1.16

#### Reckless failure to comply with mandatory code of practice

s 24A ins [A2010-14](#) s 8

#### Failure to comply with mandatory code of practice

s 24B ins [A2010-14](#) s 8  
am [A2019-35](#) s 26; ss renum R30 LA

#### Direction to comply with mandatory code

s 24C ins [A2010-14](#) s 8  
am [A2019-35](#) ss 27-30; pars renum R30 LA

#### Failure to comply with direction to comply with mandatory code

s 24D ins [A2019-35](#) s 31

#### Licences

div 4.1 hdg (prev pt 4 div 1 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2007-7](#) s 11

#### Research, teaching and breeding

s 25 am [A1998-54](#) sch  
sub [A2000-72](#) s 10; [A2005-54](#) amdt 1.12; [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26

#### Application for licence

s 26 am [A2000-72](#) amdt 1.9; [A2001-44](#) amdts 1.177-1.179  
sub [A2007-7](#) s 11

#### Decision about licence application

s 27 sub [A2007-7](#) s 11  
am [A2014-59](#) amdt 2.2

#### Licence conditions

s 28 am [A2000-72](#) amdt 1.10, 1.11; [A2001-44](#) amdt 1.180  
sub [A2007-7](#) s 11  
am [A2019-35](#) s 33

#### Form of licence

s 29 sub [A2007-7](#) s 11

#### Term of licence

s 30 sub [A2007-7](#) s 11

**Licensees—request for information and documents**

s 31 sub [A2007-7](#) s 11

**Licence renewal**

s 32 sub [A2000-72](#) amdt 1.12  
am [A2001-44](#) amdt 1.181, amdt 1.182  
sub [A2007-7](#) s 11

**Licensee to notify change of name or address**

s 33 sub [A2007-7](#) s 11

**Amendment of licence**

s 34 sub [A2007-7](#) s 11  
am [A2008-37](#) amdt 1.24

**Surrender of licences**

s 35 sub [A2007-7](#) s 11

**Authorisations**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2007-7](#) s 11

**Meaning of *authorised staff member*—div 4.2**

s 35A ins [A2019-35](#) s 34

**Research and teaching using and breeding animals**

s 36 am [A1998-54](#) sch; [A2000-72](#) amdt 1.47  
sub [A2005-54](#) amdt 1.13; [A2007-7](#) s 11

**Application for authorisation**

s 37 am [A1998-54](#) sch; [A2000-72](#) s 11  
sub [A2005-54](#) amdt 1.14; [A2007-7](#) s 11  
am [A2019-35](#) s 35, s 36; ss renum R30 LA

**Decision about authorisation application**

s 38 am [A2000-72](#) amdt 1.13, 1.14; [A2001-44](#) amdt 1.183  
sub [A2007-7](#) s 11  
am [A2014-59](#) amdt 2.3; [A2019-35](#) s 37, s 38

**Authorisation conditions**

s 39 sub [A2007-7](#) s 11  
am [A2019-35](#) s 39

**Form of authorisation**

s 40 am [A2000-72](#) amdt 1.15  
sub [A2007-7](#) s 11  
am [A2019-35](#) s 40; pars renum R30 LA

**Term of authorisation**

s 41 sub [A2007-7](#) s 11

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#### **Identity card for authorisation holders**

s 42 hdg am [A2008-28](#) amdt 3.26  
s 42 am [A1998-54](#) sch; [A2000-72](#) amdt 1.16, amdt 1.17; [A2001-44](#)  
amdt 1.184  
sub [A2005-54](#) amdt 1.15; [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.17, amdt 3.18, amdt 3.26  
sub [A2019-35](#) s 41

#### **Authorisation holders—request for information and documents**

s 43 hdg am [A2008-28](#) amdt 3.26  
s 43 sub [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26

#### **Authorisation renewal**

s 44 sub [A2000-72](#) amdt 1.18  
am [A2001-44](#) amdt 1.185, amdt 1.186  
sub [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26

#### **Authorisation holder to notify change of name or address**

s 45 hdg am [A2008-28](#) amdt 3.26  
s 45 sub [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26

#### **Amendment of authorisation**

s 46 sub [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26; [A2008-37](#) amdt 1.24

#### **Cessation of effect of authorisation**

s 47 sub [A2007-7](#) s 11

#### **Surrender of authorisations**

s 48 sub [A2007-7](#) s 11  
am [A2008-28](#) amdt 3.26

#### **Return of cancelled and suspended authorisations**

s 49 am [A1998-54](#) sch; [A2000-72](#) amdt 1.48  
sub [A2005-54](#) amdt 1.16  
om [A2007-7](#) s 11

#### **Interstate researchers**

div 4.3 hdg (prev pt 4 div 2A hdg) ins [A2000-72](#) s 12  
renum R4 LA (see [A2000-72](#) amdt 1.49)

#### **Notification**

s 49A ins [A2000-72](#) s 12  
am [A2001-44](#) amdt 1.187

#### **Interstate researchers' authorisation in the ACT**

s 49B ins [A2000-72](#) s 12  
am [A2010-14](#) s 9; [A2019-35](#) s 42

**Animal ethics committees**

div 4.4 hdg (prev pt 4 div 3 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2007-7](#) s 12

**Animal ethics committees**

s 50 sub [A2007-7](#) s 12

**Circuses and travelling zoos**

pt 5 hdg sub [A2007-7](#) s 13

**Preliminary**

div 5.1 hdg ins [A2007-7](#) s 13

**Meaning of *prohibited animal*—pt 5**

s 51 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45  
sub [A2005-54](#) amdt 1.17; [A2007-7](#) s 13

**Offences**

div 5.2 hdg ins [A2007-7](#) s 13

**Circuses**

s 52 am [A2000-72](#) amdt 1.19  
sub [A2007-7](#) s 13

**Travelling zoos**

s 53 am [A2000-72](#) amdt 1.20; [A2001-44](#) amdts 1.188-1.190  
sub [A2007-7](#) s 13

**Circus and travelling zoo permits**

div 5.3 hdg ins [A2007-7](#) s 13

**Application for circus or travelling zoo permit**

s 54 am [A2000-72](#) amdt 1.21, 1.22; [A2001-44](#) amdt 1.191  
sub [A2007-7](#) s 13

**Decision about circus or travelling zoo permit application**

s 55 sub [A2007-7](#) s 13  
am [A2014-59](#) amdt 2.4

**Circus or travelling zoo permit conditions**

s 56 sub [A2007-7](#) s 13  
am [A2019-35](#) s 43

**Form of circus or travelling zoo permit**

s 57 sub [A2007-7](#) s 13

**Term of circus or travelling zoo permit**

s 58 sub [A2007-7](#) s 13

**Circus or travelling zoo permit-holder to notify change of name or address**

s 59 am [A1998-54](#) sch; [A2000-72](#) amdt 1.48  
sub [A2005-54](#) amdt 1.18; [A2007-7](#) s 13

## Endnotes

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#### **Amendment of circus or travelling zoo permit**

s 59A ins [A2007-7](#) s 13  
am [A2008-37](#) amdt 1.24

#### **Trapping offences**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2005-54](#) amdt 1.19

#### **Steel-jawed traps and prohibited traps**

s 60 am [A1998-54](#) sch; [A2000-72](#) amdt 1.45, amdt 1.48  
sub [A2005-54](#) amdt 1.19  
am [A2019-35](#) ss 44-46; ss renum R30 LA

#### **Restricted traps**

s 61 am [A1998-54](#) sch; [A2000-72](#) amdt 1.46  
sub [A2005-54](#) amdt 1.19  
om [A2019-35](#) s 47

#### **Trapping—general**

s 62 am [A1998-54](#) sch; [A2000-72](#) amdt 1.23, amdt 1.24  
sub [A2005-54](#) amdt 1.19  
am [A2007-7](#) s 14  
sub [A2019-35](#) s 48

#### **Trapping permits**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2007-7](#) s 15

#### **Application for trapping permit**

s 63 om [A2005-54](#) amdt 1.19  
ins [A2007-7](#) s 15

#### **Decision about trapping permit application**

s 64 am [A2000-72](#) amdt 1.25; [A2001-44](#) amdts 1.192-1.194  
sub [A2007-7](#) s 15

#### **Trapping permit conditions**

s 65 am [A2000-72](#) amdt 1.26, 1.27; [A2001-44](#) amdt 1.195  
sub [A2007-7](#) s 15  
am [A2019-35](#) s 49

#### **Form of trapping permit**

s 66 sub [A2007-7](#) s 15

#### **Term of trapping permit**

s 67 sub [A2007-7](#) s 15

#### **Trapping permit-holders—request for information and documents**

s 68 sub [A2007-7](#) s 15



**Trapping permit renewal**

s 69 sub [A2000-72](#) amdt 1.28  
 am [A2001-44](#) amdt 1.196, amdt 1.197  
 sub [A2007-7](#) s 15

**Trapping permit-holder to notify change of name or address**

s 70 sub [A2007-7](#) s 15

**Amendment of trapping permit**

s 71 sub [A2007-7](#) s 15  
 am [A2008-37](#) amdt 1.24

**Surrender of trapping permits**

s 72 sub [A2007-7](#) s 15

**Return of cancelled and suspended trapping permits**

s 73 am [A1998-54](#) sch; [A2000-72](#) amdt 1.48  
 sub [A2005-54](#) amdt 1.20  
 om [A2007-7](#) s 15

**Regulatory action**

s 6A hdg ins [A2007-7](#) s 16

**Definitions—pt 6A**

s 73A ins [A2007-7](#) s 16  
 def **approval** ins [A2007-7](#) s 16  
 def **approved person** ins [A2007-7](#) s 16  
 def **regulatory body** ins [A2007-7](#) s 16  
 am [A2008-28](#) amdt 3.26

**Grounds for regulatory action**

s 73B ins [A2007-7](#) s 16  
 am [A2008-28](#) amdt 3.26; [A2019-35](#) s 52; pars renum R30 LA

**Regulatory action**

s 73C ins [A2007-7](#) s 16

**Taking regulatory action**

s 73D ins [A2007-7](#) s 16  
 am [A2008-37](#) amdt 1.24

**Immediate suspension**

s 73E ins [A2007-7](#) s 16

**Effect of suspension**

s 73F ins [A2007-7](#) s 16  
 am [A2008-28](#) amdt 3.26

**Return of amended, suspended or cancelled approvals**

s 73G ins [A2007-7](#) s 16  
 am [A2008-37](#) amdt 1.25; [A2019-35](#) s 55

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**Action by regulatory body in relation to amended or suspended approval**  
s 73H ins [A2007-7](#) s 16

**Preliminary**  
div 7.1 hdg (prev pt 7 div 1 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Definitions—pt 7**  
s 74 am [A1994-97](#) sch  
sub [A2000-72](#) amdt 1.29

**Protection from liability**  
s 75 sub [A2008-28](#) amdt 3.19

**Public access**  
s 75A ins [A1997-45](#) s 6  
am [A2019-35](#) s 57

**Inspectors and authorised officers**  
div 7.2 hdg (prev pt 7 div 2 hdg) sub [A1994-97](#) s 3 sch  
renum R4 LA (see [A2000-72](#) amdt 1.49)

**Inspectors**  
s 76 sub [A1994-97](#) sch; [A2000-72](#) amdt 1.30; [A2007-7](#) s 17  
(3)-(5) exp 27 March 2008 (s 76 (5) (LA s 88 declaration  
applies))  
am [A2011-22](#) amdt 1.38

**Authorised officers**  
s 77 sub [A1994-97](#) sch; [A2000-72](#) amdt 1.30; [A2007-7](#) s 17  
(3)-(5) exp 27 March 2008 (s 77 (5) (LA s 88 declaration  
applies))  
am [A2011-22](#) amdt 1.38; [A2018-32](#) amdt 3.3  
sub [A2019-35](#) s 58

**Identity cards**  
s 78 sub [A1994-97](#) sch  
am [A1998-54](#) sch; [A2000-72](#) amdt 1.31  
sub [A2005-54](#) amdt 1.21  
(6)-(8) exp 24 November 2005 (s 78 (8))  
am [A2007-39](#) amdt 3.8; [A2008-28](#) amdts 3.20-3.23; ss renum  
R15 LA; [A2011-22](#) amdt 1.38; [A2019-35](#) s 59

**Identity cards**  
s 79 om [A1994-97](#) sch

**Powers of inspectors**  
div 7.3 hdg (prev pt 7 div 3 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Definitions—div 7.3**  
s 80 hdg sub [A2000-72](#) s 13  
s 80 def **business premises** ins [A2000-72](#) s 13

**Powers of entry and search**

s 81 am [A2000-72](#) s 14; [A2018-32](#) amdt 3.3

**Power to seize animals—inspectors**

s 81A ins [A2019-35](#) s 60

**Powers of inspectors**

s 82 hdg sub [A2000-72](#) s 15

s 82 am [A1998-54](#) sch; [A2000-72](#) s 15; [A2005-54](#) amdt 1.22;  
[A2016-19](#) s 8, s 9; pars renum R26 LA; [A2019-35](#) ss 61-65;  
pars renum R30 LA

**Direction to give personal details—inspector**

s 82A hdg sub [A2019-35](#) s 66

s 82A ins [A2016-19](#) s 10

am [A2019-35](#) ss 67-69

**Offence—fail to comply with inspector’s direction to give name and address**

s 82B ins [A2016-19](#) s 10

**Powers of authorised officers**

div 7.4 hdg (prev pt 7 div 4 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Research and educational institutions—powers of entry and search**

s 83 am [A2000-72](#) s 16; [A2019-35](#) s 70

**Power to seize animals—authorised officers**

s 83A ins [A2019-35](#) s 71

**Powers of authorised officers**

s 84 am [A1998-54](#) sch; [A2000-72](#) s 17; [A2005-54](#) amdt 1.23;  
[A2016-19](#) s 11, s 12; pars renum R26 LA; [A2019-35](#)  
ss 72-74; pars renum R30 LA

**Direction to give name and address—authorised officer**

s 84AA ins [A2016-19](#) s 13

**Offence—fail to comply with authorised officer’s direction to give name and address**

s 84AB ins [A2016-19](#) s 13

**Powers of veterinary practitioners**

div 7.5 hdg (prev pt 7 div 4A hdg) ins [A2000-72](#) s 18

renum R4 LA (see [A2000-72](#) amdt 1.49)

am [A2018-32](#) amdt 3.4

**Powers of veterinary practitioners regarding seized animals and carcasses**

s 84A hdg am [A2018-32](#) amdt 3.4

s 84A ins [A2000-72](#) s 18

am [A2018-32](#) amdt 3.3; [A2019-35](#) s 75

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### **Alleviation of suffering—powers of inspectors, authorised officers and veterinary practitioners**

div 7.6 hdg (prev pt 7 div 5 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
am [A2018-32](#) amdt 3.4

### **Inspectors and authorised officers**

s 85 am [A1998-54](#) sch; [A2000-72](#) s 19; [A2005-54](#) amdt 1.24;  
[A2018-32](#) amdt 3.3; [A2019-35](#) ss 76-80; ss renum R30 LA

### **Veterinary practitioners**

s 86 hdg am [A2018-32](#) amdt 3.4  
s 86 am [A2000-72](#) s 20; [A2018-32](#) amdt 3.3

### **Dealing with seized animals**

div 7.6A hdg ins [A2019-35](#) s 81

### **Animal welfare entities**

s 86A ins [A2019-35](#) s 81

### **Accommodation of seized animals**

s 86B ins [A2019-35](#) s 81

### **Selling or rehoming seized animals**

s 86C ins [A2019-35](#) s 81

### **Destroying seized animals**

s 86D ins [A2019-35](#) s 81

### **Temporary prohibition on animal ownership etc**

s 86E ins [A2019-35](#) s 81

### **Consent to entry, reports and search warrants**

div 7.7 hdg (prev pt 7 div 6 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

### **Consent to entry**

s 88 am [A2019-35](#) s 82, s 83

### **Reports**

s 89 am [A2000-72](#) s 21

### **Offences in relation to veterinary practitioners**

div 7.8 hdg (prev pt 7 div 7 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)  
sub [A2005-54](#) amdt 1.25  
am [A2018-32](#) amdt 3.4

### **Obstructing etc veterinary practitioner**

s 91 hdg am [A2018-32](#) amdt 3.3  
s 91 am [A1998-54](#) sch; [A2000-72](#) amdt 1.32; [A2004-15](#) amdt 2.12  
sub [A2005-54](#) amdt 1.25  
am [A2018-32](#) amdt 3.2, amdt 3.3

**False information**

s 92 am [A1998-54](#) sch; [A2000-72](#) amdt 1.46  
om [A2005-54](#) amdt 1.25

**Compensation for animal injury and death**

div 7.9 hdg (prev pt 7 div 8 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Definitions—div 7.9**

s 93 sub [A2000-72](#) s 22  
def **officer** am [A2019-35](#) s 84

**Right to compensation**

s 94 am [A2007-7](#) s 18

**Compensation claims**

s 95 am [A2000-72](#) amdt 1.33; [A2001-44](#) amdt 1.198, amdt 1.199

**Evidence**

div 7.10 hdg (prev p 7 div 9 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Certificate evidence**

s 98 am [A2007-7](#) ss 19-21; [A2007-39](#) amdt 3.9, amdt 3.10;  
[A2011-48](#) amdt 1.3

**Acts and omissions of representatives**

s 99 sub [A2004-15](#) amdt 1.1

**Court orders and corporate penalties**

div 7.11 hdg (prev pt 7 div 10 hdg) renum R4 LA (see [A2000-72](#) amdt 1.49)

**Animal offences—court orders (interim)**

s 100A ins [A2016-19](#) s 14  
am [A2019-35](#) ss 87-93; ss renum R30 LA

**Animal offences—court orders (general)**

s 101 am [A1998-54](#) sch; [A2000-72](#) amdt 1.34, amdt 1.46; [A2005-54](#)  
amdt 1.26; [A2016-19](#) s 15, s 16; [A2019-35](#) ss 94-99;  
ss renum R30 LA

**Animal offences—permanent prohibition on animal ownership etc**

s 101A ins [A2019-35](#) s 100

**Animal offences—setting aside permanent prohibition order**

s 101B ins [A2019-35](#) s 100

**Prohibition order in special circumstances**

s 101C ins [A2019-35](#) s 100

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

s 102 am [A2000-72](#) amdt 1.35

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### **Prohibited item and trap offences—court orders (general)**

s 103 hdg sub [A2016-19](#) s 17  
s 103 am [A1998-54](#) sch; [A2000-72](#) amdt 1.36, amdt 1.46; [A2005-54](#)  
amdt 1.27; [A2007-7](#) s 22; [A2016-19](#) ss 18-21

### **Prohibited item and trap offences—court orders (costs and proceeds of disposal)**

s 104 hdg sub [A2016-19](#) s 22  
s 104 am [A2000-72](#) amdt 1.37; [A2016-19](#) s 23

### **Court orders—offences involving violence**

s 104A ins [A2004-50](#) s 4

### **Corporations—penalties**

s 106 om [A1998-54](#) sch

### **Notification and review of decisions**

pt 8 hdg sub [A2007-7](#) s 23; [A2008-37](#) amdt 1.26

### **Meaning of *reviewable decision*—pt 8**

s 107 am [A1994-60](#) sch 1; [A2000-72](#) s 23  
sub [A2007-7](#) s 23; [A2008-37](#) amdt 1.26

### **Reviewable decision notices**

s 107A ins [A2007-7](#) s 23  
sub [A2008-37](#) amdt 1.26

### **Applications for review**

s 108 am [A1994-60](#) sch 1  
sub [A2007-7](#) s 23; [A2008-37](#) amdt 1.26

### **Establishment and functions**

s 109 am [A2007-7](#) s 24, s 25; [A2010-14](#) s 10; [A2019-35](#) s 101,  
s 102; pars renum R30 LA

### **Rescuing animal at risk in locked vehicle**

s 109A ins [A2019-35](#) s 103

### **Determination of fees**

s 110 sub [A2000-72](#) amdt 1.38; [A2001-44](#) amdt 1.200

### **Approved forms**

s 110A ins [A2000-72](#) amdt 1.38  
sub [A2001-44](#) amdt 1.200  
am [A2007-7](#) s 26

### **Exemptions by regulations**

s 111 am [A2001-44](#) amdt 1.201, amdt 1.202

**Regulation-making power**

s 112 hdg sub [A2000-72](#) amdt 1.39  
s 112 am [A1998-54](#) sch; [A2000-72](#) amdts 1.39-1.41; [A2001-44](#)  
amdts 1.203-1.205; [A2007-7](#) s 27; [A2010-14](#) s 11;  
[A2019-35](#) s 104

**Transitional**

pt 11 hdg om [A2000-72](#) amdt 1.42  
ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)

**Review of amendments made by Animal Welfare Legislation Amendment Act 2019**

s 113 om [A2000-72](#) amdt 1.42  
ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)  
def **amended Act** ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)  
def **commencement day** ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)  
def **unamended Act** ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)  
ins [A2019-35](#) s 105  
exp 17 October 2025 (s 113 (3))

**Existing licences**

s 114 om [A2000-72](#) amdt 1.42  
ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119 (LA s 88 declaration applies))

**Existing authorisations**

s 115 ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119 (LA s 88 declaration applies))

**Existing permit**

s 116 ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119 (LA s 88 declaration applies))

**Action under unamended Act**

s 117 ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)

**Transitional regulations**

s 118 ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)

**Expiry—pt 11**

s 119 ins [A2007-7](#) s 28  
exp 27 March 2009 (s 119)

## Endnotes

4 Amendment history

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### **Transitional—Animal Welfare (Factory Farming) Amendment Act 2014**

pt 12 hdg ins [A2014-3](#) s 11  
exp 16 May 2016 (s 121)

### **Existing commercial egg producer**

s 120 ins [A2014-3](#) s 11  
exp 16 May 2016 (s 121)

### **Expiry—pt 12**

s 121 ins [A2014-3](#) s 11  
exp 16 May 2016 (s 121)

### **Schedule**

sch om [A2000-72](#) amdt 1.43

### **Reviewable decisions**

sch 1 ins [A2007-7](#) s 29  
sub [A2008-37](#) amdt 1.27  
am [A2019-35](#) s 107; items renum R30 LA

### **Dictionary**

dict ins [A2000-72](#) amdt 1.44  
defs reloc from s 4 [A2000-72](#) amdt 1.2  
am [A2001-44](#) amdt 1.207, amdt 1.208  
sub [A2007-7](#) s 30  
am [A2008-37](#) amdt 1.28, amdt 1.29; [A2011-22](#) amdt 1.39;  
[A2018-32](#) amdt 3.3; [A2019-35](#) s 108  
def **animal** sub [A2000-72](#) s 4; [A2007-7](#) s 30  
def **animal ethics committee** ins [A2007-7](#) s 30  
am [A2008-28](#) amdt 3.26  
def **animal welfare** sub [A2007-7](#) s 30  
om [A2019-35](#) s 109  
def **animal welfare entity** ins [A2019-35](#) s 110  
def **approval** ins [A2007-7](#) s 30  
def **approved code of practice** sub [A2007-7](#) s 30  
def **approved person** ins [A2007-7](#) s 30  
def **authorisation** sub [A2007-7](#) s 30  
def **authorisation holder** ins [A2008-28](#) amdt 3.24  
sub [A2019-35](#) s 111  
def **authorised officer** am [A1994-97](#) sch  
sub [A2007-7](#) s 30  
def **authorised person** sub [A2007-7](#) s 30  
om [A2008-28](#) amdt 3.25  
def **authorised staff member** ins [A2019-35](#) s 112  
def **authority** am [A1994-97](#) sch; [A2000-72](#) s 4  
sub [A2007-7](#) s 30  
def **business premises** ins [A2007-7](#) s 30  
def **circus permit** sub [A2007-7](#) s 30



- def **circus permit-holder** ins [A2007-7](#) s 30  
sub [A2019-35](#) s 114
- def **commercial trapping permit** sub [A2007-7](#) s 30  
om [A2019-35](#) s 115
- def **confine** sub [A2007-7](#) s 30; [A2019-35](#) s 116
- def **connected** ins [A2007-7](#) s 30
- def **cruelty** ins [A2016-19](#) s 24
- def **defined offence** sub [A2000-72](#) s 4; [A2007-7](#) s 30
- def **director** sub [A2000-72](#) s 4; [A2007-7](#) s 30
- def **domestic** sub [A2007-7](#) s 30
- def **engage in conduct** ins [A2005-54](#) amdt 1.28  
sub [A2007-7](#) s 30
- def **ethics committee** am [A2001-56](#) amdt 3.4  
om [A2007-7](#) s 30
- def **executive officer** ins [A2007-7](#) s 30
- def **feral animal** am [A1994-110](#) sch 2  
sub [A2007-7](#) s 30
- def **identity card** sub [A2007-7](#) s 30; [A2007-39](#) amdt 3.11
- def **injury** sub [A2007-7](#) s 30
- def **inspector** am [A1994-97](#) sch  
sub [A2007-7](#) s 30
- def **interstate research authorisation** ins [A2000-72](#) s 4  
sub [A2007-7](#) s 30
- def **interstate researcher** ins [A2000-72](#) s 4  
sub [A2007-7](#) s 30
- def **licence** sub [A2007-7](#) s 30
- def **licensed premises** sub [A2007-7](#) s 30
- def **licensee** ins [A2000-72](#) s 4  
sub [A2007-7](#) s 30; [A2019-35](#) s 118
- def **mandatory code of practice** ins [A2010-14](#) s 12
- def **native animal** ins [A1994-110](#) sch 2  
sub [A2000-72](#) s 4; [A2007-7](#) s 30; [A2014-59](#) amdt 2.5
- def **occupier** ins [A2007-7](#) s 30
- def **offence** om [A2000-72](#) s 4  
ins [A2007-7](#) s 30
- def **officer** ins [A2007-7](#) s 30
- def **owner** ins [A2007-7](#) s 30
- def **pain** sub [A2007-7](#) s 30
- def **person in charge** sub [A2007-7](#) s 30
- def **pest** am [A1994-110](#) sch 2  
sub [A2007-7](#) s 30
- def **poison** ins [A2000-72](#) s 4  
sub [A2007-7](#) s 30; [A2019-35](#) s 120
- def **premises** sub [A2007-7](#) s 30
- def **private trapping permit** sub [A2007-7](#) s 30  
om [A2019-35](#) s 121
- def **prohibited animal** ins [A2007-7](#) s 30

## Endnotes

### 4 Amendment history

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- def **prohibited circus animal** om [A2007-7](#) s 30
- def **prohibited item** ins [A2016-19](#) s 24
- def **prohibited trap** om [A2005-54](#) amdt 1.29
- def **regulatory body** ins [A2007-7](#) s 30
- def **repealed Act** om [A2000-72](#) s 4
- def **research authorisation** sub [A2007-7](#) s 30
- def **restricted trap** om [A2005-54](#) amdt 1.29
- def **reviewable decision** ins [A2007-7](#) s 30  
sub [A2008-37](#) amdt 1.30
- def **steel-jawed trap** sub [A2007-7](#) s 30  
om [A2019-35](#) s 121
- def **teaching authorisation** sub [A2007-7](#) s 30
- def **this Act** om [A2001-44](#) amdt 1.206
- def **trapping permit** sub [A2007-7](#) s 30; [A2019-35](#) s 122
- def **trapping permit-holder** ins [A2007-7](#) s 30  
sub [A2019-35](#) s 122
- def **travelling zoo** ins [A2007-7](#) s 30
- def **travelling zoo permit** ins [A2007-7](#) s 30
- def **travelling zoo permit-holder** ins [A2007-7](#) s 30  
sub [A2019-35](#) s 122
- def **Tribunal** om [A1994-6](#) sch 1
- def **vary** om [A2007-7](#) s 30
- def **vehicle** sub [A2007-7](#) s 30
- def **Veterinary Surgeon** om [A2000-72](#) s 4
- def **veterinary treatment** sub [A2007-7](#) s 30  
am [A2018-32](#) amdt 3.3
- def **welfare** sub [A2007-7](#) s 30
- def **wildlife** om [A1994-110](#) sch 2

## 5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">A1993-44</a>	31 January 1994
2	<a href="#">A1994-110</a>	31 January 1996
3	<a href="#">A1998-54</a>	31 January 1999
4	<a href="#">A2001-56</a>	12 September 2001
5	<a href="#">A2004-15</a>	9 April 2004
6	<a href="#">A2004-50</a>	17 August 2004
7	<a href="#">A2005-19</a>	26 August 2005
8	<a href="#">A2005-54</a>	24 November 2005
9	<a href="#">A2005-54</a>	25 November 2005
10	<a href="#">A2006-17</a>	11 May 2006
11	<a href="#">A2007-7</a>	27 March 2007
12	<a href="#">A2007-7</a>	26 September 2007
13	<a href="#">A2007-39</a>	27 December 2007
14	<a href="#">A2007-39</a>	28 March 2008
15	<a href="#">A2008-28</a>	26 August 2008
16	<a href="#">A2008-37</a>	2 February 2009
17	<a href="#">A2008-37</a>	28 March 2009
18	<a href="#">A2010-14</a>	1 October 2010
19	<a href="#">A2011-22</a>	1 July 2011
20	<a href="#">A2011-48</a>	1 March 2012
21*	<a href="#">A2014-3</a>	7 March 2014

## Endnotes

### 6 Expired transitional or validating provisions

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Republication No	Amendments to	Republication date
22	<a href="#">A2014-59</a>	11 June 2015
23	<a href="#">A2015-9</a>	15 September 2015
24	<a href="#">A2015-33</a>	14 October 2015
25	<a href="#">A2015-33</a>	17 May 2016
26	<a href="#">A2016-19</a>	31 May 2016
27	<a href="#">A2017-44</a>	30 April 2018
28	<a href="#">A2018-32</a>	21 December 2018
29	<a href="#">A2019-2</a>	26 August 2019

### 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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