



Australian Capital Territory

# Animal Legislation (Penalties) Amendment Act 2004

A2004-50

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Australian Capital Territory

# **Animal Legislation (Penalties) Amendment Act 2004**

**A2004-50**

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An Act to amend the *Animal Welfare Act 1992*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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2004 004B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Animal Legislation (Penalties) Amendment Act 2004*.

### 2 Commencement

This Act commences on the day after its notification day.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* The *Animal Welfare Act 1992*, section 9A is amended in part 2. Section 9A has not commenced. The amendment of s 9A does not commence until s 9A commences (see the Legislation Act, s 79A (Commencement of amendment of uncommenced law)).

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## Part 2 Animal Welfare Act 1992

### 3 Legislation amended—pt 2

This part amends the *Animal Welfare Act 1992*.

### 4 New section 104A

*insert*

#### 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

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (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.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 13 May 2004.

**2 Notification**

Notified under the Legislation Act on 16 August 2004.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Animal Legislation (Penalties) Amendment Bill 2004, which was passed by the Legislative Assembly on 4 August 2004.

Clerk of the Legislative Assembly

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