



Australian Capital Territory

# Animal Welfare Amendment Act 2006

A2006-17

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Australian Capital Territory

# **Animal Welfare Amendment Act 2006**

**A2006-17**

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An Act to amend the *Animal Welfare Act 1992*, and for other purposes

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

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J2005-5

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

**1 Name of Act**

This Act is the *Animal Welfare Amendment Act 2006*.

**2 Commencement**

This Act commences on the day after its notification day.

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

**3 Legislation amended**

This Act amends the *Animal Welfare Act 1992*.

*Note* This Act also amends the following legislation:

- *Domestic Animals Act 2000* (see s 5)
- *Domestic Violence and Protection Orders Act 2001* (see s 6).

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

*insert*

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

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- (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: 200 penalty units, imprisonment for 2 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.

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

*substitute*

***animal welfare offence*** means an offence against any of the following provisions of the *Animal Welfare Act 1992*:

- (a) section 7 (Cruelty);
- (b) section 7A (Aggravated cruelty);
- (c) section 8 (Pain);
- (d) section 9 (Confined animals);
- (e) section 10 (Alleviation of pain);
- (f) section 11 (Release);
- (g) section 12 (Administering poison);
- (h) section 12A (Laying poison);
- (i) section 13 (Electrical devices);
- (j) section 14 (Spurs);
- (k) section 15 (Transport and containment);
- (l) section 15A (Transport of dogs);
- (m) section 16 (Working etc unfit animals);
- (n) section 17 (Matches, competitions and baiting);
- (o) section 19 (Medical and surgical procedures—people other than veterinary surgeons).

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

*substitute*

*animal violence offence* means an offence against any of the following provisions of the *Animal Welfare Act 1992*:

- (a) section 7 (Cruelty);
- (b) section 7A (Aggravated cruelty);
- (c) section 8 (Pain);
- (d) section 12 (Administering poison);
- (e) section 12A (Laying poison);
- (f) section 13 (Electrical devices).

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 30 March 2006.

**2 Notification**

Notified under the Legislation Act on 10 May 2006.

**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 Welfare Amendment Bill 2006, which was passed by the Legislative Assembly on 2 May 2006.

Clerk of the Legislative Assembly

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