

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Horodny)

Animal Welfare (Amendment) Bill 1996

**A BILL
FOR**

An Act to amend the *Animal Welfare Act 1992*

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

Short title

- 5 **1.** This Act may be cited as the *Animal Welfare (Amendment) Act 1996*.

Commencement

- 10 **2. (1)** Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.
 (2) Section 4 commences on 1 July 1999.
 (3) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

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(4) If a provision referred to in subsection (3) has not commenced before the end of the period of 3 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 **Principal Act**

3. In this Act, "Principal Act" means the *Animal Welfare Act 1992*.¹

Insertion

4. After section 9 of the Principal Act the following section is inserted:

Battery hens

10 "9A. A person shall not keep hens for the purpose of egg production in a battery cage system

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

Repeal

5. Section 20 of the Principal Act is repealed.

15 **Insertion**

6. After section 75 of the Principal Act the following section is inserted in Division 1 of Part VII

Public access

20 "75A. The Authority shall ensure that a copy of any report received by him or her under subsection 89 (1) is available for public inspection free of charge at the office of the Authority."

Insertion

7. After section 78 of the Principal Act the following section is inserted in Division 2 of Part VII:

25 **Walk-through powers**

"79. (1) Notwithstanding anything else in this Part, an inspector or authorised officer may inspect defined premises at any reasonable time.

30 "(2) Subsection (1) authorises an inspector or authorised officer to inspect premises and any thing in or on the premises for the purpose of determining compliance with this Act.

"(3) Subsection (1) does not authorise an inspector or authorised officer to enter an abattoir unless he or she is, or is with, a veterinary surgeon.

"(4) In this section—

'defined premises'—

- (a) means premises used for the sale or transport of animals, or for other commercial purposes in relation to animals; and
- 5 (b) in relation to an inspector or authorised officer—means any premises he or she believes on reasonable grounds is being used for—
 - (i) the purpose of research, or teaching, using animals; or
 - 10 (ii) the acquisition, breeding or keeping of animals for such a purpose.”.

Powers of entry and search

8. Section 81 of the Principal Act is amended by omitting subsection (2).

15 **Research and educational facilities—powers of entry and search**

9. Section 83 of the Principal Act is amended by omitting subsection (2).

Reports

20 10. Section 89 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) Where, for the purposes of an inspection under this Part—

- 25 (a) an inspector enters commercial premises; or
- (b) an authorised officer enters licensed premises;

the inspector or authorised officer shall, within 30 days after that entry, provide a written report of the inspection to the occupier and the Authority.”;

- 30 (b) by omitting from paragraph (2) (b) “and”;
- (c) by inserting after paragraph (2) (b) the following paragraphs:

“(ba) a statement about whether, in the opinion of the inspector or authorised officer, the premises comply with this Act;

- 5
- (bb) if, in the opinion of the inspector or authorised officer, the premises do not comply with this Act—a statement of the reasons why he or she has formed this opinion;
- (bc) a recommendation by the inspector or authorised officer about what further action should be taken by the Authority to protect the welfare of animals on the premises, and”; and
- (d) by inserting after subsection (2) the following subsection:
- 10 “(2A) A recommendation under paragraph (2) (bc) may include a recommendation that a person be prosecuted for an offence under this Act”.
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NOTE

Principal Act

1. Reprinted as at 31 January 1996