

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for the Territory and Municipal Services)

# Animal Welfare Legislation Amendment Bill 2006

## Contents

---

	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	2
2 Commencement	2
<b>Part 2</b>	
<b>Animal Welfare Act 1992</b>	
3 Legislation amended—pt 2	3
4 Offences against Act—application of Criminal Code etc Section 3A	3
5 Section 4	3
6 Section 6	4

---

J2006-241

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

## Contents

---

	Page	
7	Transport and containment Section 15, new example	4
8	Section 17	4
9	Sections 19 and 19A	6
10	Exception—approved code of conduct Section 20 (b)	8
11	Divisions 4.1 and 4.2	8
12	Division 4.4	23
13	Part 5	24
14	Trapping—general Section 62 (2) and (3)	31
15	Division 6.2	32
16	New part 6A	38
17	Sections 76 and 77	45
18	Right to compensation Section 94 (1)	47
19	Certificate evidence Section 98 (1) (a)	47
20	Section 98 (1) (b) to (d)	47
21	Section 98 (2)	47
22	Spur and trap offences—court orders (general) Section 103 (3)	48
23	Part 8	48
24	Establishment and functions Section 109 (1)	49
25	New section 109 (4)	49
26	Approved forms Section 110A (2), new note	49
27	Regulation-making power New section 112 (2) (h)	49
28	New part 11	50
29	New schedule 1	54
30	Dictionary	56
<b>Part 3</b>	<b>Animal Welfare Regulation 2001</b>	
31	Legislation amended—pt 3	64

---

---

		Contents
		Page
32	Section 3	64
33	Sections 4 and 4A	64
34	New sections 6A and 6B	64
35	Section 7	66
36	New sections 7A to 7D	66
37	Schedule 1, item 4	67
38	New dictionary	68
<b>Part 4</b>	<b>Domestic Animals Act 2000</b>	
39	Dictionary, definition of <i>animal welfare offence</i> , paragraph (n)	69



2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for the Territory and Municipal Services)

# **Animal Welfare Legislation Amendment Bill 2006**

---

## **A Bill for**

An Act to amend various legislation about animal welfare, and for other purposes

---

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

---

## Part 2 Animal Welfare Act 1992

### 3 Legislation amended—pt 2

This part amends the *Animal Welfare Act 1992*.

### 4 Offences against Act—application of Criminal Code etc Section 3A

*renumber as section 4*

### 5 Section 4

*substitute*

## 5 Animal Welfare Authority

- (1) The chief executive 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).

- (2) Until the chief executive makes an appointment under subsection (1), the authority is the public servant for the time being exercising the duties of the public service office the duties of which include exercising the functions of the authority.

- (3) Subsection (2) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

- (4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

1 **6 Section 6**

2 *substitute*

3 **6 Delegation by authority**

4 The authority may delegate to a public servant the authority's  
5 functions under this Act.

6 *Note* For the making of delegations and the exercise of delegated functions,  
7 see the Legislation Act, pt 19.4.

8 **7 Transport and containment**  
9 **Section 15, new example**

10 *insert*

11 **Example of containment**

12 locking a dog in a car

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

16 **8 Section 17**

17 *substitute*

18 **17 Matches, competitions etc**

19 (1) A person commits an offence if the person promotes, conducts,  
20 takes part in or attends as a spectator at a match, competition or any  
21 other activity in which an animal is released from captivity for the  
22 purpose of being—

23 (a) hunted, caught, confined, injured or killed by a person (by the  
24 use of a firearm or otherwise) or another animal; or



- 1 (b) used to train or exercise another animal.
- 2 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
3 both.
- 4 **Example of promoting a competition**  
5 advertising the competition
- 6 **Example of conducting a match**  
7 receiving money for admission to the match
- 8 *Note* An example is part of the Act, is not exhaustive and may extend, but  
9 does not limit, the meaning of the provision in which it appears (see  
10 Legislation Act, s 126 and s 132).
- 11 (2) A person commits an offence if the person—
- 12 (a) owns, keeps, uses or manages premises used for—
- 13 (i) fights between animals; or
- 14 (ii) the baiting or maltreating of animals; or
- 15 (iii) a match, competition or any other activity in which an  
16 animal is released from captivity for the purpose of being  
17 hunted, caught, confined, injured or killed by a person  
18 (by the use of a firearm or otherwise) or another animal;  
19 or
- 20 (b) uses or allows an animal in captivity to kill another animal; or
- 21 (c) keeps an animal, or has the custody, care or control of an  
22 animal, with the intention of—
- 23 (i) using the animal as a lure for blooding greyhounds; or
- 24 (ii) killing the animal for the purpose of blooding  
25 greyhounds; or

1 (iii) using the animal in any other way in relation to the  
2 training and racing of coursing dogs.

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

5 (3) This section does not apply in relation to—

6 (a) the rehabilitation of native animals for release into the wild in a  
7 way authorised under a territory law; or

8 (b) the keeping and display of animals whose normal diet includes  
9 live food; or

10 (c) the mustering and working of stock; or

11 (d) the hunting or control of animals in a way authorised under a  
12 Commonwealth or territory law; or

13 (e) the catching of fish in a way authorised under a  
14 Commonwealth or territory law; or

15 (f) the use of a trained animal to train or exercise another animal  
16 of the same species in accordance with accepted animal  
17 husbandry practice in relation to the animal.

18 (4) In this section:

19 *stock*—see the *Stock Act 2005*, dictionary.

20 **9 Sections 19 and 19A**

21 *substitute*

22 **19 Medical and surgical procedures—people other than**  
23 **veterinary surgeons**

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

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

- 1 (2) This section does not apply to—
- 2 (a) a medical procedure of a prophylactic nature carried out on the
- 3 animal in accordance with directions given by a veterinary
- 4 surgeon; or
- 5 (b) a medical or surgical procedure carried out in accordance with
- 6 accepted animal husbandry practice in relation to—
- 7 (i) farming and grazing activities; or
- 8 (ii) the management of a zoo; or
- 9 (iii) the management of native animals; or
- 10 (c) a medical or surgical procedure carried out in accordance with
- 11 a licence or authorisation, subject to any written direction of an
- 12 animal ethics committee; or
- 13 (d) the removal of a dog's dewclaws not later than 4 days after the
- 14 day the dog was born.
- 15 (3) In this section:
- 16 *accepted animal husbandry practice* does not include a practice
- 17 prescribed by regulation for this section.

18 **19A Medical and surgical procedures—veterinary surgeons**

- 19 (1) A veterinary surgeon must not do any of the following for a purpose
- 20 other than a therapeutic purpose:
- 21 (a) dock a dog's tail;
- 22 (b) crop a dog's ear;
- 23 (c) remove a dog's ear;
- 24 (d) remove a dog's dewclaws after 4 days after the day the dog
- 25 was born;
- 26 (e) perform a clitoridectomy on a dog;

- 1 (f) carry out any other procedure prescribed by regulation.  
2 Maximum penalty: 50 penalty units.
- 3 (2) A veterinary surgeon must not carry out a medical or surgical  
4 procedure on an animal for a cosmetic purpose only.  
5 Maximum penalty: 50 penalty units.
- 6 (3) An offence against this section is a strict liability offence.

7 **10 Exception—approved code of conduct**  
8 **Section 20 (b)**

- 9 *substitute*  
10 (b) section 17 (1) or (2) (Matches, competitions etc);

11 **11 Divisions 4.1 and 4.2**

12 *substitute*

13 **Division 4.1 Licences**

14 **25 Research, teaching and breeding**

- 15 (1) A person commits an offence if the person—  
16 (a) uses or breeds an animal for research or teaching; and  
17 (b) the person does not have a licence to do so.  
18 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
19 both.
- 20 (2) This section does not apply to—  
21 (a) an authorised person, or a person assisting an authorised  
22 person; or  
23 (b) a person who uses or breeds an animal in the course of  
24 employment or engagement by a licensee; or

- 1 (c) a person who uses an animal prescribed by regulation for  
2 teaching purposes in a preschool or primary school; or
- 3 (d) an interstate researcher to whom section 49B (1) applies; or
- 4 (e) a person who uses or breeds an animal in the course of  
5 employment or engagement by an interstate researcher to  
6 whom section 49B (1) applies.

## 7 **26 Application for licence**

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

11 *Note 1* A fee may be determined under s 110 for this provision.

12 *Note 2* If a form is approved under s 110A for an application, the form must be  
13 used.

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

## 20 **27 Decision about licence application**

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

- 1 (b) the adequacy of the premises stated in the application,  
2 equipment and other facilities for caring for and handling  
3 animals; and
- 4 (c) the adequacy of arrangements for the provision of veterinary  
5 treatment to animals at the premises stated in the application;  
6 and
- 7 (d) the applicant's response (or lack of response) to any request for  
8 further information under section 26 (2); and
- 9 (e) whether the applicant has obtained and kept in force any  
10 necessary licences under the *Nature Conservation Act 1980*;  
11 and
- 12 (f) whether the applicant has, within the 3 years immediately  
13 before the date of the application, been convicted or found  
14 guilty of a defined offence; and
- 15 (g) any criteria prescribed by regulation.
- 16 (3) Subsection (2) does not limit the matters that the authority may  
17 consider.
- 18 (4) In this section:
- 19 ***applicant*** includes, if the applicant is a corporation, each executive  
20 officer of the corporation.
- 21 ***grant*** includes grant by way of renewal.
- 22 ***renewal***, of a licence, means the grant of the licence that is to begin  
23 on the day after the day the licence being renewed ends.

---

1    **28           Licence conditions**

2           A licence is subject to any condition—

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

7           **Examples of conditions that may be put on a licence**

- 8           1 a condition about the welfare of the animals to be used by the licensee
- 9           2 a condition about the provision of facilities and equipment for the welfare of
- 10                 the animals to be used by the licensee
- 11           3 that an approved code of practice must be complied with

12           *Note 1* An example is part of the Act, is not exhaustive and may extend, but

13                 does not limit, the meaning of the provision in which it appears (see

14                 Legislation Act, s 126 and s 132).

15           *Note 2* The authority may amend a licence (including by putting a condition on

16                 the licence, or amending or removing a condition of the licence) at any

17                 time (see s 34).

18    **29           Form of licence**

19           A licence must—

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

26    **30           Term of licence**

27           A licence is granted for the period of not longer than 3 years stated

28                 in the licence, and remains in force subject to this Act.

1     **31           Licensees—request for information and documents**

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

6           **Example of information or documents**

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

8           *Note 1*   An example is part of the Act, is not exhaustive and may extend, but  
9           does not limit, the meaning of the provision in which it appears (see  
10           Legislation Act, s 126 and s 132).

11          *Note 2*   A reference to an Act includes a reference to the statutory instruments  
12          made or in force under the Act, including any regulation (see  
13          Legislation Act, s 104).

14     **32           Licence renewal**

15           (1) This section applies if—

16           (a) an application is made under section 26 (Application for  
17           licence) by a licensee; and

18           (b) the application is for renewal of the licensee’s licence; and

19           (c) the application is made not later than 14 days before the day  
20           the licence term ends.

21           (2) The licence remains in force, subject to this Act, until the  
22           application is decided under section 27 (Decision about licence  
23           application).

24           (3) If the authority grants the licence applied for, the renewal of the  
25           licence begins on the day after the day the licence being renewed  
26           ends.

27           (4) A suspended licence may be renewed, but the renewed licence is  
28           suspended until the suspension ends.



- 1 (5) In this section:  
2 *renewal*, of a licence, means the grant of the licence that is to begin  
3 on the day after the day the licence being renewed ends.
- 4 **33 Licensee to notify change of name or address**
- 5 (1) If a licensee changes the licensee's name or address, the licensee  
6 must, as soon as practicable but not later than 14 days after the day  
7 the change happens, tell the authority, in writing, about the change.  
8 Maximum penalty: 10 penalty units.
- 9 (2) An offence against this section is a strict liability offence.
- 10 **34 Amendment of licence**
- 11 (1) The authority may amend a licence at any time in accordance with  
12 this section if it believes on reasonable grounds that the amendment  
13 is reasonable or necessary in the interests of animal welfare.
- 14 (2) The authority may amend a licence on its own initiative or on  
15 application by the licensee.
- 16 *Note 1* A fee may be determined under s 110 for this provision.
- 17 *Note 2* If a form is approved under s 110A for an application, the form must be  
18 used.
- 19 (3) The authority may amend a licence on its own initiative only if the  
20 authority has—  
21 (a) given the licensee written notice of the proposed amendment;  
22 and  
23 (b) considered any comments made by the licensee in accordance  
24 with the notice.
- 25 (4) The notice mentioned in subsection (3) (a) must—  
26 (a) include the authority's grounds for making the proposed  
27 amendment; and

- 1 (b) invite the licensee to give the authority any comments about  
2 the amendment before the end of a stated period of at least  
3 14 days after the day the notice is given to the licensee.
- 4 (5) Subsection (3) does not apply to action under section 73D (Taking  
5 regulatory action).
- 6 *Note* Section 108 (Notice of reviewable decisions) provides that the authority  
7 must give written notice of the decision to each person affected by the  
8 decision.
- 9 (6) The amendment of a licence takes effect on—
- 10 (a) the day the notice of the decision to amend is given to the  
11 licensee; or
- 12 (b) if the notice states a later date of effect—that date.
- 13 (7) A licence amended under this section must be returned to the  
14 authority as soon as practicable, but not later than 7 days after the  
15 day the notice of the decision to amend is given to the licensee.
- 16 (8) In this section:
- 17 *amend*, a licence, includes putting a condition on the licence, or  
18 amending or removing a condition of the licence.
- 19 *condition* does not include a condition prescribed by regulation.
- 20 **35 Surrender of licences**
- 21 (1) A licensee may surrender the licence by giving the authority written  
22 notice of the surrender and the licence.
- 23 (2) The surrender takes effect on—
- 24 (a) the day the notice is given to the authority under  
25 subsection (1); or
- 26 (b) if the notice states a later date of effect—that date.

---

## 1      **Division 4.2                      Authorisations**

### 2      **36                      Research and teaching using and breeding animals**

3            (1) A person employed or engaged by a licensee commits an offence if  
4            the person—

5                      (a) conducts a program of research using or breeding animals and  
6                      the person does not hold a research authorisation for the  
7                      research; or

8                      (b) conducts a program of teaching using or breeding animals and  
9                      the person does not hold a teaching authorisation for the  
10                     teaching.

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

13            (2) This section does not apply to—

14                     (a) a person providing research or teaching assistance for the  
15                     program; or

16                     (b) an interstate researcher to whom section 49B (1) applies; or

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

### 20      **37                      Application for authorisation**

21            (1) An individual may apply to the animal ethics committee for an  
22            authorisation to conduct a program of research or teaching, in  
23            relation to the use or breeding of animals at stated licensed  
24            premises.

25            *Note 1*    A fee may be determined under s 110 for this provision.

26            *Note 2*    If a form is approved under s 110A for an application, the form must be  
27            used.

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

8 **38 Decision about authorisation application**

- 9 (1) On an application by a person for an authorisation, the animal ethics  
10 committee must—
- 11 (a) grant the authorisation to the person to conduct the program of  
12 research or teaching stated in the application, for the licensed  
13 premises stated in the application; or
- 14 (b) refuse to grant the authorisation.
- 15 (2) In deciding whether to grant the authorisation, the animal ethics  
16 committee must consider—
- 17 (a) the applicant's experience and competency in caring for and  
18 handling animals; and
- 19 (b) the applicant's response (or lack of response) to any request for  
20 further information under section 37 (2); and
- 21 (c) whether the applicant has obtained and kept in force any  
22 necessary licences under the *Nature Conservation Act 1980*;  
23 and
- 24 (d) whether the applicant has, within the 3 years immediately  
25 before the date of the application, been convicted or found  
26 guilty of a defined offence; and
- 27 (e) any criteria prescribed by regulation.

1 (3) Subsection (2) does not limit the matters that the animal ethics  
2 committee may consider.

3 (4) In this section:

4 *grant* includes grant by way of renewal.

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

### 8 **39 Authorisation conditions**

9 An authorisation is subject to any condition—

10 (a) prescribed by regulation; or

11 (b) put on the authorisation by the animal ethics committee that the  
12 committee believes on reasonable grounds is reasonable or  
13 necessary in the interests of animal welfare.

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

15 1 a condition about the use of the animals in the particular program of research  
16 or teaching that is to be undertaken

17 2 a condition about the welfare of the animals in the particular program of  
18 research or teaching that is to be undertaken

19 3 a condition about particular facilities and equipment relevant to the use of the  
20 animals in the course of conducting the particular program of research or  
21 teaching that is to be undertaken

22 4 that an approved code of practice must be complied with

23 *Note 1* An example is part of the Act, is not exhaustive and may extend, but  
24 does not limit, the meaning of the provision in which it appears (see  
25 Legislation Act, s 126 and s 132).

26 *Note 2* The animal ethics committee may amend an authorisation (including by  
27 putting a condition on the authorisation, or amending or removing a  
28 condition of the authorisation) at any time (see s 46).

- 1     **40           Form of authorisation**
- 2           An authorisation must—
- 3           (a) be in writing; and
- 4           (b) state the full name and address of the person to whom the
- 5           authorisation is granted; and
- 6           (c) state the licensed premises in relation to which the
- 7           authorisation is granted; and
- 8           (d) state the period for which the authorisation is granted; and
- 9           (e) state any condition put on the authorisation by the animal
- 10          ethics committee.
- 11     **41           Term of authorisation**
- 12           An authorisation is granted for the period of not longer than 3 years
- 13           stated in the authorisation, and remains in force subject to this Act.
- 14     **42           Identity certificate for authorised people**
- 15           (1) The animal ethics committee must give an authorised person an
- 16           identity certificate stating the person's name and that the person is
- 17           an authorised person.
- 18           *Note*     If a form is approved under s 110A for an identity certificate, the form
- 19           must be used.
- 20           (2) The identity certificate must show—
- 21           (a) a recent photograph of the person; and
- 22           (b) each authorisation that the person holds; and
- 23           (c) anything else prescribed by regulation.

- 1           (3) An authorised person commits an offence if—
- 2                 (a) an authorised officer asks the person to produce the person’s
- 3                         identity certificate; and
- 4                 (b) the person does not produce the certificate.
- 5                 Maximum penalty: 5 penalty units.
- 6           (4) A person commits an offence if—
- 7                 (a) the person stops being an authorised person; and
- 8                 (b) the person does not return the person’s identity certificate to
- 9                         the animal ethics committee as soon as practicable, but not
- 10                         later than 7 days after the day the person stops being an
- 11                         authorised person.
- 12                 Maximum penalty: 1 penalty unit.
- 13           (5) An offence against this section is a strict liability offence.
- 14           (6) For this section, if an authorised person holds more than
- 15                         1 authorisation, the person *stops being an authorised person* only if
- 16                         all of the authorisations that the person holds are suspended or
- 17                         cancelled, or have been surrendered, under this Act.

1     **43**           **Authorised people—request for information and**  
2                   **documents**

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

7                   **Example of information or documents**

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

10                  *Note 1*    An example is part of the Act, is not exhaustive and may extend, but  
11                  does not limit, the meaning of the provision in which it appears (see  
12                  Legislation Act, s 126 and s 132).

13                  *Note 2*    A reference to an Act includes a reference to the statutory instruments  
14                  made or in force under the Act, including any regulation (see  
15                  Legislation Act, s 104).

16     **44**           **Authorisation renewal**

- 17                  (1) This section applies if—
- 18                   (a) an application is made under section 37 (Application for  
19                   authorisation) by an authorised person; and
- 20                   (b) the application is for renewal of the person’s authorisation; and
- 21                   (c) the application is made not later than 14 days before the day  
22                   the authorisation term ends.
- 23                  (2) The authorisation remains in force, subject to this Act, until the  
24                   application is decided under section 38 (Decision about  
25                   authorisation application).
- 26                  (3) If the animal ethics committee grants the authorisation applied for,  
27                   the renewal of the authorisation begins on the day after the day the  
28                   authorisation being renewed ends.
- 29                  (4) A suspended authorisation may be renewed, but the renewed  
30                   authorisation is suspended until the suspension ends.



1 (5) In this section:

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

5 **45 Authorised person to notify change of name or address**

6 (1) If an authorised person changes the person's name or address, the  
7 person must, as soon as practicable but not later than 14 days after  
8 the day the change happens, tell the animal ethics committee, in  
9 writing, about the change.

10 Maximum penalty: 10 penalty units.

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

12 **46 Amendment of authorisation**

13 (1) The animal ethics committee may amend an authorisation at any  
14 time in accordance with this section if it believes on reasonable  
15 grounds that the amendment is reasonable or necessary in the  
16 interests of animal welfare.

17 (2) The animal ethics committee may amend an authorisation on its  
18 own initiative or on application by the authorised person.

19 *Note 1* A fee may be determined under s 110 for this provision.

20 *Note 2* If a form is approved under s 110A for an application, the form must be  
21 used.

22 (3) The animal ethics committee may amend an authorisation on its  
23 own initiative only if the committee has—

24 (a) given the authorised person written notice of the proposed  
25 amendment; and

26 (b) considered any comments made by the authorised person in  
27 accordance with the notice.

- 1 (4) The notice mentioned in subsection (3) (a) must—  
2 (a) include the animal ethics committee’s grounds for making the  
3 proposed amendment; and  
4 (b) invite the authorised person to give the committee any  
5 comments about the amendment before the end of a stated  
6 period of at least 14 days after the day the notice is given to the  
7 authorised person.
- 8 (5) Subsection (3) does not apply to action under section 73D (Taking  
9 regulatory action).
- 10 *Note* Section 108 (Notice of reviewable decisions) provides that the animal  
11 ethics committee must give written notice of the decision to each person  
12 affected by the decision.
- 13 (6) The amendment of an authorisation takes effect on—  
14 (a) the day the notice of the decision to amend is given to the  
15 authorised person; or  
16 (b) if the notice states a later date of effect—that date.
- 17 (7) An authorisation amended under this section must be returned to the  
18 animal ethics committee as soon as practicable, but not later than  
19 7 days after the day the notice of the decision to amend is given to  
20 the authorised person.
- 21 (8) In this section:  
22 *amend*, an authorisation, includes putting a condition on the  
23 authorisation, or amending or removing a condition of the  
24 authorisation.  
25 *condition* does not include a condition prescribed by regulation.
- 26 **47 Cessation of effect of authorisation**
- 27 (1) An authorisation ceases to have effect if, and while, the relevant  
28 licence is suspended, cancelled or surrendered under this Act or  
29 otherwise ceases to have effect.

- 1 (2) In this section:  
2 *relevant licence*, in relation to an authorisation, means the licence in  
3 relation to the licensed premises mentioned in the authorisation.

4 **48 Surrender of authorisations**

- 5 (1) An authorised person may surrender the authorisation by giving the  
6 animal ethics committee written notice of the surrender and the  
7 authorisation.  
8 (2) The surrender takes effect on—  
9 (a) the day the notice is given to the animal ethics committee  
10 under subsection (1); or  
11 (b) if the notice states a later date of effect—that date.

12 **12 Division 4.4**

13 *substitute*

14 **Division 4.4 Animal ethics committees**

15 **50 Animal ethics committees**

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

1 **13 Part 5**

2 *substitute*

3 **Part 5 Circuses and travelling zoos**

4 **Division 5.1 Preliminary**

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

6 In this part:

7 *prohibited animal* means—

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

11 **Division 5.2 Offences**

12 **52 Circuses**

13 (1) A person commits an offence if—

- 14 (a) the person conducts a circus; and  
15 (b) the circus has performing animals (but is not a travelling zoo);  
16 and  
17 (c) the person does not have a permit to conduct the circus.

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

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

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

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

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

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

7 **53 Travelling zoos**

8 (1) A person commits an offence if—

9 (a) the person conducts a travelling zoo; and

10 (b) the person does not have a permit to conduct the travelling zoo.

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

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

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

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

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

21 (4) For subsection (3), it does not matter whether the animal is brought  
22 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* A fee may be determined under s 110 for this provision.

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

(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.

- 
- 1     **55           Decision about circus or travelling zoo permit application**
- 2           (1) On an application by a person for a circus or travelling zoo permit,
- 3           the authority must—
- 4                 (a) grant the permit; or
- 5                 (b) refuse to grant the permit.
- 6           (2) For an application for a circus permit, the authority must not grant a
- 7           circus permit in relation to a circus if a prohibited animal is to form
- 8           part of the circus troupe, whether or not the animal is to be used in
- 9           the circus.
- 10          (3) For an application for a travelling zoo permit, the authority must not
- 11          grant a travelling zoo permit in relation to a zoo if a prohibited
- 12          animal is to travel with the zoo, whether or not the animal is to be
- 13          used in the zoo.
- 14          (4) In deciding whether to grant the circus or travelling zoo permit, the
- 15          authority must consider—
- 16                 (a) the experience and competency of the applicant, and the
- 17                 applicant’s employees and agents, in caring for and handling
- 18                 animals; and
- 19                 (b) the adequacy of the conditions under which the animals are to
- 20                 be housed, trained, transported or used; and
- 21                 (c) the adequacy of the facilities to be provided for the animals;
- 22                 and
- 23                 (d) the applicant’s response (or lack of response) to any request for
- 24                 further information under section 54 (4); and
- 25                 (e) whether the applicant has obtained and kept in force any
- 26                 necessary licences under the *Nature Conservation Act 1980*;
- 27                 and

- 1 (f) whether the applicant has, within the 3 years immediately  
2 before the date of the application, been convicted or found  
3 guilty of a defined offence; and
- 4 (g) any criteria prescribed by regulation.
- 5 (5) Subsection (4) does not limit the matters that the authority may  
6 consider.
- 7 (6) In this section:
- 8 *applicant* includes, if the applicant is a corporation, each executive  
9 officer of the corporation.
- 10 *grant* includes grant by way of renewal.
- 11 *renewal*, of a circus or travelling zoo permit, means the grant of the  
12 permit that is to begin on the day after the day the permit being  
13 renewed ends.

14 **56 Circus or travelling zoo permit conditions**

15 A circus or travelling zoo permit is subject to any condition—

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

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

- 21 1 a condition about the welfare of the animals to be used by the circus or  
22 travelling zoo
- 23 2 a condition about the provision of facilities and equipment for the welfare of  
24 the animals to be used by the circus or travelling zoo



1           3    that an approved code of practice must be complied with

2           *Note 1*   An example is part of the Act, is not exhaustive and may extend, but  
3                   does not limit, the meaning of the provision in which it appears (see  
4                   Legislation Act, s 126 and s 132).

5           *Note 2*   The authority may amend a circus or travelling zoo permit (including by  
6                   putting a condition on the permit, or amending or removing a condition  
7                   of the permit) at any time (see s 59A).

8   **57           Form of circus or travelling zoo permit**

9           A circus or travelling zoo permit must—

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

15   **58           Term of circus or travelling zoo permit**

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

18   **59           Circus or travelling zoo permit-holder to notify change of  
19                 name or address**

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

24                 Maximum penalty: 10 penalty units.

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

**1 59A Amendment of circus or travelling zoo permit**

2 (1) The authority may amend a circus or travelling zoo permit at any  
3 time in accordance with this section if it believes on reasonable  
4 grounds that the amendment is reasonable or necessary in the  
5 interests of animal welfare.

6 (2) The authority may amend a circus or travelling zoo permit on its  
7 own initiative or on application by the circus or travelling zoo  
8 permit-holder.

9 *Note 1* A fee may be determined under s 110 for this provision.

10 *Note 2* If a form is approved under s 110A for an application, the form must be  
11 used.

12 (3) The authority may amend a circus or travelling zoo permit on its  
13 own initiative only if the authority has—

14 (a) given the circus or travelling zoo permit-holder written notice  
15 of the proposed amendment; and

16 (b) considered any comments made by the permit-holder in  
17 accordance with the notice.

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

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

21 (b) invite the circus or travelling zoo permit-holder to give the  
22 authority any comments about the amendment before the end  
23 of a stated period of at least 14 days after the day the notice is  
24 given to the permit-holder.

25 (5) Subsection (3) does not apply to action under section 73D (Taking  
26 regulatory action).

27 *Note* Section 108 (Notice of reviewable decisions) provides that the authority  
28 must give written notice of the decision to each person affected by the  
29 decision.

- 1 (6) The amendment of a circus or travelling zoo permit takes effect  
2 on—
- 3 (a) the day the notice of the decision to amend is given to the  
4 circus or travelling zoo permit-holder; or
- 5 (b) if the notice states a later date of effect—that date.
- 6 (7) A circus or travelling zoo permit amended under this section must  
7 be returned to the authority as soon as practicable, but not later than  
8 7 days after the day the notice of the decision to amend is given to  
9 the circus or travelling zoo permit-holder.
- 10 (8) In this section:
- 11 *amend*, a circus or travelling zoo permit, includes putting a  
12 condition on the permit, or amending or removing a condition of the  
13 permit.
- 14 *condition* does not include a condition prescribed by regulation.

15 **14 Trapping—general**  
16 **Section 62 (2) and (3)**

- 17 *substitute*
- 18 (2) This section does not apply to a trapping permit-holder.
- 19 (3) This section does not apply in relation to a trap set on premises,  
20 other than in relation to a commercial trapping operation—
- 21 (a) by the occupier of the premises; or
- 22 (b) by an employee, agent or relative of the occupier of the  
23 premises; or
- 24 (c) if a person has the written permission of the occupier of the  
25 premises to set the trap on the premises—by the person; or
- 26 (d) if a person has the written permission of an employee or agent  
27 of the occupier of the premises to set the trap on the  
28 premises—by the person; or

- 1 (e) by a person, if—
- 2 (i) the person has the written permission of a relative of the
- 3 occupier of the premises to set the trap on the premises;
- 4 and
- 5 (ii) the relative has the written permission of the occupier of
- 6 the premises to give the permission mentioned in
- 7 subparagraph (i).

8 **15 Division 6.2**

9 *substitute*

10 **Division 6.2 Trapping permits**

11 **63 Application for trapping permit**

- 12 (1) A person may apply to the authority for—
- 13 (a) a commercial trapping permit, for the purposes of a
- 14 commercial trapping operation; or
- 15 (b) a private trapping permit, for domestic or private purposes.
- 16 *Note 1* A fee may be determined under s 110 for this provision.
- 17 *Note 2* If a form is approved under s 110A for an application, the form must be
- 18 used.
- 19 (2) The authority may, in writing, require the applicant to give the
- 20 authority additional information in writing or documents that the
- 21 authority reasonably needs to decide the application.
- 22 (3) If the applicant does not comply with a requirement under
- 23 subsection (2), the authority may refuse to consider the application
- 24 further.

- 
- 1     **64           Decision about trapping permit application**
- 2           (1) On an application by a person for a trapping permit, the authority
- 3           must—
- 4           (a) grant the permit of the type applied for; or
- 5           (b) refuse to grant the permit.
- 6           (2) In deciding whether to grant the trapping permit, the authority must
- 7           consider—
- 8           (a) the species of animals to be trapped; and
- 9           (b) the experience and competency of the applicant, and the
- 10           applicant’s employees and agents, in trapping the animals; and
- 11           (c) the adequacy of the applicant’s traps and other trapping
- 12           equipment; and
- 13           (d) the applicant’s response (or lack of response) to any request for
- 14           further information under section 63 (2); and
- 15           (e) whether the applicant has, within the 3 years immediately
- 16           before the date of the application, been convicted or found
- 17           guilty of a defined offence; and
- 18           (f) any criteria prescribed by regulation.
- 19           (3) Subsection (2) does not limit the matters that the authority may
- 20           consider.
- 21           (4) In this section:
- 22           ***applicant*** includes, if the applicant is a corporation, each executive
- 23           officer of the corporation.
- 24           ***grant*** includes grant by way of renewal.
- 25           ***renewal***, of a trapping permit, means the grant of the permit that is
- 26           to begin on the day after the day the permit being renewed ends.

1 **65 Trapping permit conditions**

2 A trapping permit is subject to any condition—

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

7 **Examples of conditions that may be put on a trapping permit**

- 8 1 a condition about the species of animals to be trapped
- 9 2 a condition about the areas in which traps are to be set
- 10 3 a condition about the traps and other trapping equipment to be used
- 11 4 a condition about the welfare of any animals that may be affected by the  
12 proposed trapping activities
- 13 5 that an approved code of practice must be complied with

14 *Note 1* An example is part of the Act, is not exhaustive and may extend, but  
15 does not limit, the meaning of the provision in which it appears (see  
16 Legislation Act, s 126 and s 132).

17 *Note 2* The authority may amend a trapping permit (including by putting a  
18 condition on the permit, or amending or removing a condition of the  
19 permit) at any time (see s 71).

20 **66 Form of trapping permit**

21 A trapping permit must—

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

27 **67 Term of trapping permit**

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

1     **68**           **Trapping permit-holders—request for information and**  
2                   **documents**

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

7           **Example of information or documents**

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

9           *Note 1*   An example is part of the Act, is not exhaustive and may extend, but  
10           does not limit, the meaning of the provision in which it appears (see  
11           Legislation Act, s 126 and s 132).

12           *Note 2*   A reference to an Act includes a reference to the statutory instruments  
13           made or in force under the Act, including any regulation (see  
14           Legislation Act, s 104).

15     **69**           **Trapping permit renewal**

- 16           (1) This section applies if—
- 17               (a) an application is made under section 63 (Application for  
18               trapping permit) by a trapping permit-holder; and
- 19               (b) the application is for renewal of the trapping permit-holder's  
20               trapping permit; and
- 21               (c) the application is made not later than 14 days before the day  
22               the trapping permit term ends.
- 23           (2) The trapping permit remains in force, subject to this Act, until the  
24           application is decided under section 64 (Decision about trapping  
25           permit application).
- 26           (3) If the authority grants the trapping permit applied for, the renewal of  
27           the permit begins on the day after the day the permit being renewed  
28           ends.
- 29           (4) A suspended trapping permit may be renewed, but the renewed  
30           permit is suspended until the suspension ends.

- 1 (5) In this section:  
2 *renewal*, of a trapping permit, means the grant of the permit that is  
3 to begin on the day after the day the permit being renewed ends.

4 **70 Trapping permit-holder to notify change of name or**  
5 **address**

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

10 Maximum penalty: 10 penalty units.

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

12 **71 Amendment of trapping permit**

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

- 17 (2) The authority may amend a trapping permit on its own initiative or  
18 on application by the trapping permit-holder.

19 *Note 1* A fee may be determined under s 110 for this provision.

20 *Note 2* If a form is approved under s 110A for an application, the form must be  
21 used.

- 22 (3) The authority may amend a trapping permit on its own initiative  
23 only if the authority has—

24 (a) given the trapping permit-holder written notice of the proposed  
25 amendment; and

26 (b) considered any comments made by the permit-holder in  
27 accordance with the notice.



- 1 (4) The notice mentioned in subsection (3) (a) must—
- 2 (a) include the authority’s grounds for making the proposed
- 3 amendment; and
- 4 (b) invite the trapping permit-holder to give the authority any
- 5 comments about the amendment before the end of a stated
- 6 period of at least 14 days after the day the notice is given to the
- 7 permit-holder.
- 8 (5) Subsection (3) does not apply to action under section 73D (Taking
- 9 regulatory action).
- 10 *Note* Section 108 (Notice of reviewable decisions) provides that the authority
- 11 must give written notice of the decision to each person affected by the
- 12 decision.
- 13 (6) The amendment of a trapping permit takes effect on—
- 14 (a) the day the notice of the decision to amend is given to the
- 15 trapping permit-holder; or
- 16 (b) if the notice states a later date of effect—that date.
- 17 (7) A trapping permit amended under this section must be returned to
- 18 the authority as soon as practicable, but not later than 7 days after
- 19 the day the notice of the decision to amend is given to the trapping
- 20 permit-holder.
- 21 (8) In this section:
- 22 *amend*, a trapping permit, includes putting a condition on the
- 23 permit, or amending or removing a condition of the permit.
- 24 *condition* does not include a condition prescribed by regulation.

## 25 **72 Surrender of trapping permits**

- 26 (1) A trapping permit-holder may surrender the trapping permit by
- 27 giving the authority written notice of the surrender and the permit.

- 1 (2) The surrender takes effect on—  
2 (a) the day the notice is given to the authority under  
3 subsection (1); or  
4 (b) if the notice states a later date of effect—that date.

5 **16 New part 6A**

6 *insert*

7 **Part 6A Regulatory action**

8 **73A Definitions—pt 6A**

9 In this part:

10 *approval* means—

- 11 (a) an authorisation; or  
12 (b) a circus permit; or  
13 (c) a licence; or  
14 (d) a trapping permit; or  
15 (e) a travelling zoo permit.

16 *approved person* means the holder of an approval.

17 *regulatory body* means—

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

---

1 **73B Grounds for regulatory action**

2 (1) Each of the following is a *ground for regulatory action* against an  
3 approved person:

4 (a) the person gave information to the regulatory body in relation  
5 to the application for the grant or renewal of the person's  
6 approval that was false or misleading in a material particular;

7 (b) the person contravened a condition of the person's approval;

8 (c) the person failed to return an approval as required under the  
9 relevant provision;

10 (d) the person has been convicted or found guilty of a defined  
11 offence—

12 (i) within the 3 years immediately before the date of the  
13 application for the person's approval; or

14 (ii) while an approved person; or

15 (iii) during any suspension of the person's approval;

16 (e) if the regulatory body believes on reasonable grounds that it  
17 would refuse an application by the person for an approval of  
18 the kind held by the person on the grounds mentioned in the  
19 relevant section.

20 (2) In this section:

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

23 *relevant provision* means—

24 (a) for a licensee—section 34 (7) (Amendment of licence); or

25 (b) for an authorised person—section 46 (7) (Amendment of  
26 authorisation); or

27 (c) for a circus or travelling zoo permit-holder—section 59A (7)  
28 (Amendment of circus or travelling zoo permit); or

- 1 (d) for a trapping permit-holder—section 71 (7) (Amendment of  
2 trapping permit).
- 3 **relevant section** means—
- 4 (a) for a licensee—section 27 (2) (a), (b), (c), (e) or (g) or (3)  
5 (Decision about licence application); or
- 6 (b) for an authorised person—section 38 (2) (a), (c) or (e) or (3)  
7 (Decision about authorisation application); or
- 8 (c) for a circus or travelling zoo permit-holder—section 55 (4) (a),  
9 (b), (c), (e) or (g) or (5) (Decision about circus or travelling  
10 zoo permit application); or
- 11 (d) for a trapping permit-holder—section 64 (2) (a), (b), (c) or (f)  
12 or (3) (Decision about trapping permit application).

13 **73C Regulatory action**

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

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

- 
- 1     **73D     Taking regulatory action**
- 2           (1) If the regulatory body proposes to take regulatory action in relation
- 3           to an approved person, the regulatory body must give the person a
- 4           written notice (a *regulatory notice*) that—
- 5                 (a) states the details of the proposed regulatory action; and
- 6                 (b) states the grounds for the proposed regulatory action; and
- 7                 (c) tells the person that the person may, not later than 14 days after
- 8                     the day the person is given the notice, give a written response
- 9                     to the regulatory body about the proposed regulatory action.
- 10          (2) In deciding whether to take the proposed regulatory action, the
- 11          regulatory body must consider any response given to the body in
- 12          accordance with the regulatory notice.
- 13          (3) If the regulatory body believes on reasonable grounds that a ground
- 14          for taking the proposed regulatory action has been established in
- 15          relation to the approved person, the body may—
- 16                 (a) take the regulatory action stated in the regulatory notice; or
- 17                 (b) if the proposed regulatory action is the cancellation and
- 18                     disqualification mentioned in section 73C (d)—
- 19                         (i) cancel the person’s approval; or
- 20                         (ii) suspend the person’s approval as mentioned in
- 21                             section 73C (b); or
- 22                         (iii) put a condition on, or amend a condition put on, the
- 23                             person’s approval; or
- 24                 (c) if the proposed regulatory action is the cancellation of the
- 25                     person’s approval—
- 26                         (i) suspend the person’s approval as mentioned in
- 27                             section 73C (b); or

- 1 (ii) put a condition on, or amend a condition put on, the  
2 person's approval; or
- 3 (d) if the proposed regulatory action is the suspension of the  
4 person's approval as mentioned in section 73C (b)—
- 5 (i) suspend the approval for a shorter period; or
- 6 (ii) put a condition on, or amend a condition put on, the  
7 person's approval.

8 *Note* Section 108 (Notice of reviewable decisions) provides that the  
9 regulatory body must give written notice of the decision to each person  
10 affected by the decision.

- 11 (4) Regulatory action under this section takes effect on—
- 12 (a) the day the notice of the decision is given to the approved  
13 person; or
- 14 (b) if the notice states a later date of effect—that date.
- 15 (5) In this section:
- 16 *ground for regulatory action* against an approved person—see  
17 section 73B (Grounds for regulatory action).
- 18 *regulatory action*—see section 73C (Regulatory action).

19 **73E Immediate suspension**

- 20 (1) This section applies if—
- 21 (a) the regulatory body gives, or has given, a regulatory notice  
22 under section 73D to an approved person; and
- 23 (b) having regard to the grounds stated in the notice, the regulatory  
24 body believes on reasonable grounds that the person's approval  
25 should be suspended immediately in the interests of animal  
26 welfare.

- 
- 1 (2) The regulatory body must give the approved person a written notice  
2 (the *immediate suspension notice*) suspending the person's  
3 approval.
- 4 (3) The suspension of an approved person's approval under this section  
5 takes effect when the immediate suspension notice is given to the  
6 person.
- 7 (4) The suspension of an approved person's approval under this section  
8 ends—
- 9 (a) if regulatory action is taken against the person under  
10 section 73D because of the regulatory notice—when the  
11 regulatory action takes effect, or 30 days after the day the  
12 immediate suspension notice is given to the person, whichever  
13 is the earlier; or
- 14 (b) if regulatory action is not taken against the person under  
15 section 73D because of the regulatory notice—when the person  
16 is given written notice of the regulatory body's decision not to  
17 take regulatory action, or 30 days after the day the immediate  
18 suspension notice is given to the person, whichever is the  
19 earlier.

20 **73F Effect of suspension**

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

1     **73G     Return of amended, suspended or cancelled approvals**

- 2             (1) An approved person commits an offence if—
- 3                     (a) the person's approval is amended, suspended or cancelled
- 4                             under this part; and
- 5                     (b) the approved person fails to return the approval to the
- 6                             regulatory body as soon as practicable, but not later than 7 days
- 7                             after the day the approved person is given notice under section
- 8                             108 (Notice of reviewable decisions) of the body's decision.
- 9             Maximum penalty: 10 penalty units.
- 10            (2) An offence against this section is a strict liability offence.

11     **73H     Action by regulatory body in relation to amended or**

12             **suspended approval**

- 13            (1) This section applies if—
- 14                     (a) an approval is—
- 15                             (i) amended under a relevant section; or
- 16                             (ii) amended or suspended under this part; and
- 17                     (b) the approval is returned to the regulatory body.
- 18            (2) For an amended approval, the regulatory body must—
- 19                     (a) return the amended approval to the approved person; or
- 20                     (b) give the person a replacement approval that includes the
- 21                             amendment.
- 22            (3) If an approval is suspended under this part and the suspension ends
- 23                     before the end of the term of the approval, the regulatory body must
- 24                     return the approval to the approved person.



- 1 (4) In this section:  
2 *relevant section* means—  
3 (a) for a licence—section 34 (Amendment of licence); or  
4 (b) for an authorisation—section 46 (Amendment of  
5 authorisation); or  
6 (c) for a circus or travelling zoo permit—section 59A  
7 (Amendment of circus or travelling zoo permit); or  
8 (d) for a trapping permit—section 71 (Amendment of trapping  
9 permit).

## 10 **17 Sections 76 and 77**

11 *substitute*

### 12 **76 Inspectors**

- 13 (1) The chief executive may appoint a person as an inspector.  
14 *Note 1* For the making of appointments (including acting appointments), see  
15 the Legislation Act, pt 19.3.  
16 *Note 2* In particular, an appointment may be made by naming a person or  
17 nominating the occupant of a position (see Legislation Act, s 207).
- 18 (2) The following are also inspectors:  
19 (a) the authority;  
20 (b) a police officer.
- 21 (3) Until the chief executive makes an appointment under  
22 subsection (1), an inspector is—  
23 (a) a public servant for the time being exercising the duties of a  
24 public service office the duties of which include exercising the  
25 functions of an inspector; or  
26 (b) the authority; or

- 1 (c) a public servant to whom the authority has delegated any of the  
2 functions of an inspector; or  
3 (d) a police officer; or  
4 (e) anyone else appointed by the chief executive as an inspector.  
5 (4) Subsection (3) is a law to which the Legislation Act, section 88  
6 (Repeal does not end effect of transitional laws etc) applies.  
7 (5) Subsections (3) and (4) and this subsection expire 1 year after the  
8 day this section commences.

9 **77 Authorised officers**

- 10 (1) The chief executive may appoint a public servant as an authorised  
11 officer.  
12 *Note 1* For the making of appointments (including acting appointments), see  
13 the Legislation Act, pt 19.3.  
14 *Note 2* In particular, an appointment may be made by naming a person or  
15 nominating the occupant of a position (see Legislation Act, s 207).  
16 (2) Only a public servant who is a veterinary surgeon may be an  
17 authorised officer.  
18 (3) Until the chief executive makes an appointment under  
19 subsection (1), an authorised officer is a public servant for the time  
20 being exercising the duties of a public service office the duties of  
21 which include exercising the functions of an authorised officer.  
22 (4) Subsection (3) is a law to which the Legislation Act, section 88  
23 (Repeal does not end effect of transitional laws etc) applies.  
24 (5) Subsections (3) and (4) and this subsection expire 1 year after the  
25 day this section commences.

---

1 **18 Right to compensation**  
2 **Section 94 (1)**

3 *omit*

4 performance

5 *substitute*

6 exercise

7 **19 Certificate evidence**  
8 **Section 98 (1) (a)**

9 *substitute*

10 (a) whether or not a person was, during a stated period, a licensee,  
11 circus permit-holder, travelling zoo permit-holder or trapping  
12 permit-holder; or

13 **20 Section 98 (1) (b) to (d)**

14 *omit*

15 circus permit

16 *substitute*

17 circus permit, travelling zoo permit

18 **21 Section 98 (2)**

19 *omit*

20 ethics committee

21 *substitute*

22 animal ethics committee

1 **22 Spur and trap offences—court orders (general)**  
2 **Section 103 (3)**

3 *substitute*

4 (3) If a court makes an order under subsection (2), it may make a  
5 further order that the person must not (for any purpose), within a  
6 stated period, purchase or acquire or take possession or custody of—

7 (a) an animal trap (in general or of a stated kind); or

8 (b) a spur or cockfighting spur cap.

9 **23 Part 8**

10 *substitute*

11 **Part 8 Review of decisions**

12 **107 Meaning of *reviewable decision*—pt 8**

13 In this part:

14 *reviewable decision* means—

15 (a) a decision of the authority mentioned in schedule 1, part 1.1,  
16 column 3 under a provision of this Act mentioned in  
17 schedule 1, part 1.1, column 2; or

18 (b) a decision of an animal ethics committee mentioned in  
19 schedule 1, part 1.2, column 3 under a provision of this Act  
20 mentioned in schedule 1, part 1.2, column 2.

21 **107A Review of decisions**

22 Application may be made to the AAT for review of a reviewable  
23 decision.

1 **108 Notice of reviewable decisions**

- 2 (1) If the authority or an animal ethics committee makes a reviewable  
3 decision, it must give a written notice of the decision to each person  
4 affected by the decision.
- 5 (2) The notice must be in accordance with the requirements of the code  
6 of practice in force under the *Administrative Appeals Tribunal*  
7 *Act 1989*, section 25B (1).

8 **24 Establishment and functions**  
9 **Section 109 (1)**

10 *omit*  
11 , by instrument,

12 **25 New section 109 (4)**

13 *insert*  
14 (4) The instrument of establishment is a notifiable instrument.

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

16 **26 Approved forms**  
17 **Section 110A (2), new note**

18 *insert*  
19 *Note* For other provisions about forms, see the Legislation Act, s 255.

20 **27 Regulation-making power**  
21 **New section 112 (2) (h)**

22 *insert*  
23 (h) medical or surgical procedures on animals, including animal  
24 husbandry practices in relation to farming and grazing  
25 activities.

1 **28 New part 11**

2 *insert*

3 **Part 11 Transitional**

4 **113 Definitions—pt 11**

5 In this part:

6 *amended Act* means the *Animal Welfare Act 1992* as amended by  
7 the *Animal Welfare Legislation Amendment Act 2006*.

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

11 *commencement day* means the day the *Animal Welfare Legislation*  
12 *Amendment Act 2006* commences.

13 *unamended Act* means the *Animal Welfare Act 1992* as in force  
14 immediately before the commencement day.

15 **114 Existing licences**

- 16 (1) A licence in force under the unamended Act immediately before the  
17 commencement day is taken to be a licence under the amended Act.
- 18 (2) Without limiting subsection (1), and to remove any doubt, the  
19 licence is subject to—
- 20 (a) any conditions included in the licence under the unamended  
21 Act; and
- 22 (b) any conditions included in the licence under the amended Act.
- 23 (3) This section is a law to which the Legislation Act, section 88  
24 (Repeal does not end effect of transitional laws etc) applies.

- 1     **115     Existing authorisations**
- 2           (1) An authorisation in force under the unamended Act immediately
- 3           before the commencement day is taken to be an authorisation under
- 4           the amended Act.
- 5           (2) Without limiting subsection (1), and to remove any doubt, the
- 6           authorisation is subject to—
- 7               (a) any conditions included in the authorisation under the
- 8               unamended Act; and
- 9               (b) any conditions included in the authorisation under the amended
- 10            Act.
- 11          (3) This section is a law to which the Legislation Act, section 88
- 12          (Repeal does not end effect of transitional laws etc) applies.
- 13     **116     Existing permit**
- 14           (1) A permit in force under the unamended Act immediately before the
- 15           commencement day is taken to be a permit under the amended Act.
- 16           (2) Without limiting subsection (1), and to remove any doubt, the
- 17           permit is subject to—
- 18               (a) any conditions included in the permit under the unamended
- 19               Act; and
- 20               (b) any conditions included in the permit under the amended Act.
- 21          (3) This section is a law to which the Legislation Act, section 88
- 22          (Repeal does not end effect of transitional laws etc) applies.
- 23          (4) In this section:
- 24            *permit* means a circus permit or trapping permit.

- 1 **117 Action under unamended Act**
- 2 (1) This section applies—
- 3 (a) if—
- 4 (i) the authority had started to take action—
- 5 (A) in relation to varying a licence under the
- 6 unamended Act, section 33 (Variation of licences);
- 7 or
- 8 (B) in relation to a licence under the unamended Act,
- 9 section 34 (Suspension and cancellation of
- 10 licences); or
- 11 (ii) the animal ethics committee had started to take action—
- 12 (A) in relation to varying an authorisation under the
- 13 unamended Act, section 45 (Variation of
- 14 authorisations); or
- 15 (B) in relation to an authorisation under the unamended
- 16 Act, section 46 (Suspension and cancellation of
- 17 authorisations); or
- 18 (iii) the authority had started to take action in relation to a
- 19 circus permit under the unamended Act, section 58
- 20 (Suspension and cancellation of circus permits); or
- 21 (iv) the authority had started to take action—
- 22 (A) in relation to varying a trapping permit under the
- 23 unamended Act, section 70 (Variation of trapping
- 24 permits); or
- 25 (B) in relation to a trapping permit under the
- 26 unamended Act, section 71 (Suspension and
- 27 cancellation of trapping permits); and
- 28 (b) if immediately before the commencement day, the action had
- 29 not finished.



- 
- 1 (2) The action may be continued under the amended Act as if it had  
2 been started under the amended Act.
- 3 (3) If something required to be done under the amended Act for  
4 regulatory action has not been done because it was not required to  
5 be done under the unamended Act—
- 6 (a) the failure to do the thing does not affect the action being  
7 taken; and
- 8 (b) the authority or animal ethics committee may take any action it  
9 considers necessary or desirable to facilitate dealing with the  
10 regulatory action under the amended Act.

11 **118 Transitional regulations**

- 12 (1) A regulation may prescribe transitional matters necessary or  
13 convenient to be prescribed because of the enactment of the *Animal*  
14 *Welfare Legislation Amendment Act 2006*.
- 15 (2) A regulation may modify this part to make provision in relation to  
16 anything that, in the Executive's opinion, is not, or is not adequately  
17 or appropriately, dealt with in this part.
- 18 (3) A regulation under subsection (2) has effect despite anything  
19 elsewhere in this Act.

20 **119 Expiry—pt 11**

21 This part expires 2 years after the commencement day.

1 **29 New schedule 1**

2 *insert*

3 **Schedule 1 Reviewable decisions**

4 (see s 107)

5 **Part 1.1 Authority's decisions**

6

column 1 item	column 2 Act provision	column 3 reviewable decision
1	27 (1) (a) and 30	granting or renewing a licence for a period of less than 3 years
2	27 (1) (b)	refusing to grant or renew a licence
3	28 (b)	putting a condition on a licence
4	34 (1)	amending a licence
5	34 (1)	amending a licence in a way other than the way applied for
6	34 (1)	refusing to amend a licence
7	49B (3)	ending the application of s 49B (1) to a researcher
8	55 (1) (b)	refusing to grant or renew a circus or travelling zoo permit
9	56 (b)	putting a condition on a circus or travelling zoo permit
10	59A (1)	amending a circus or travelling zoo permit
11	59A (1)	amending a circus or travelling zoo permit in a way other than the way applied for
12	59A (1)	refusing to amend a circus or travelling zoo permit
13	64 (1) (a) and 67	granting or renewing a trapping permit for a period of less than 3 years

<b>column 1 item</b>	<b>column 2 Act provision</b>	<b>column 3 reviewable decision</b>
14	64 (1) (b)	refusing to grant or renew a trapping permit
15	65 (b)	putting a condition on a trapping permit
16	71 (1)	amending a trapping permit
17	71 (1)	amending a trapping permit in a way other than the way applied for
18	71 (1)	refusing to amend a trapping permit
19	73D	taking regulatory action
20	73E	suspending an approval immediately
21	95 (2) (a)	approving a claim for compensation for a particular amount
22	95 (2) (b)	refusing to approve a claim for compensation

## Part 1.2

## Animal ethics committee's decisions

<b>column 1 item</b>	<b>column 2 Act provision</b>	<b>column 3 reviewable decision</b>
1	38 (1) (a) and 41	granting or renewing an authorisation for a period of less than 3 years
2	38 (1) (b)	refusing to grant or renew an authorisation
3	39 (b)	putting a condition on an authorisation
4	46 (1)	amending an authorisation
5	46 (1)	amending an authorisation in a way other than the way applied for
6	46 (1)	refusing to amend an authorisation
7	73D	taking regulatory action
8	73E	suspending an authorisation immediately

1 **30 Dictionary**

2 *substitute*

3 **Dictionary**

4 (see s 2)

5 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
6 this Act.

7 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 8 • AAT
- 9 • chief police officer
- 10 • found guilty
- 11 • maximum penalty
- 12 • Minister (see s 162)
- 13 • person
- 14 • veterinary surgeon.

15 *animal* means—

16 (a) a live member of a vertebrate species, including—

17 (i) an amphibian; and

18 (ii) a bird; and

19 (iii) a fish; and

20 (iv) a mammal (other than a human being); and

21 (v) a reptile; or

22 (b) a live cephalopod; or

23 (c) a live crustacean intended for human consumption.

24 *animal ethics committee* means—

25 (a) for this Act generally—an animal ethics committee established  
26 in accordance with a regulation; and

- 1 (b) in relation to a licence—the animal ethics committee whose  
2 functions relate to the licence; and
- 3 (c) in relation to an application for an authorisation—the animal  
4 ethics committee to which the application is made; and
- 5 (d) in relation to an authorisation or an authorised person—the  
6 animal ethics committee that gave the authorisation.
- 7 ***animal welfare*** means the health, safety and welfare of—
- 8 (a) animals in general; or
- 9 (b) 1 or more animals in particular.
- 10 ***approval***, for part 6A (Regulatory action)—see section 73A.
- 11 ***approved code of practice*** means a code of practice approved under  
12 section 22, as in force under this Act.
- 13 ***approved person***, for part 6A (Regulatory action)—see section 73A.
- 14 ***authorisation*** means a research authorisation or teaching  
15 authorisation.
- 16 ***authorised officer*** means an authorised officer under section 77.
- 17 ***authorised person*** means the holder of an authorisation.
- 18 ***authority*** means the Animal Welfare Authority under section 5.
- 19 ***business premises***, for division 7.3 (Powers of inspectors)—see  
20 section 80.
- 21 ***circus permit*** means a circus permit granted under section 55.
- 22 circus permit-holder means the holder of a circus permit.
- 23 ***commercial trapping permit*** means a permit granted under  
24 section 64 (Decision about trapping permit application) for the  
25 purposes of a commercial trapping operation.

- 1           **confine**, in relation to an animal, includes—
- 2           (a) pinion, mutilate or maim the animal for the purpose of
- 3           hindering, impeding or preventing the freedom of movement of
- 4           the animal; and
- 5           (b) subject the animal to a device or contrivance for the purpose of
- 6           hindering, impeding or preventing freedom of movement of the
- 7           animal; and
- 8           (c) tether the animal.
- 9           **connected**, for part 7 (Enforcement)—see section 74.
- 10          **defined offence** means—
- 11          (a) an offence against this Act; or
- 12          (b) an offence in relation to animal welfare under another territory
- 13          law or a Commonwealth or State law.
- 14          **director**, of a corporation incorporated for a public purpose under a
- 15          territory law or Commonwealth or State law, includes a member of
- 16          the corporation.
- 17          **domestic**, in relation to an animal, includes captive.
- 18          **engage in conduct** means—
- 19          (a) do an act; or
- 20          (b) omit to do an act.
- 21          **executive officer**, of a corporation, means a person (however
- 22          described) who is concerned with, or takes part in, the corporation's
- 23          management, whether or not the person is a director of the
- 24          corporation.
- 25          **feral animal** means an animal (other than a native animal) that does
- 26          not live in a domestic state.

- 1           **identity card** means—
- 2           (a) in relation to the authority or a delegate of the authority—the
- 3           identity card issued to him or her under section 6A; or
- 4           (b) in relation to an inspector or an authorised officer—the identity
- 5           card issued to him or her under section 78; or
- 6           (c) in relation to a police officer—proof of identification of a type
- 7           approved for general purposes by the chief police officer.
- 8           **injury**, in relation to an animal, includes—
- 9           (a) the aggravation, acceleration or recurrence of any physical
- 10          injury; and
- 11          (b) the contraction, aggravation, acceleration or recurrence of a
- 12          disease.
- 13          **inspector** means an inspector under section 76.
- 14          **interstate research authorisation** means an authorisation (however
- 15          described) to conduct research, or teach, using animals that—
- 16          (a) has been granted under a State law; and
- 17          (b) has not been suspended.
- 18          **interstate researcher** means a person who holds an interstate
- 19          research authorisation.
- 20          **licence** means a licence granted under section 27.
- 21          **licensed premises**—see section 27 (Decision about licence
- 22          application).
- 23          **licensee** means the holder of a licence.
- 24          **native animal**—see the *Nature Conservation Act 1980*, dictionary.
- 25          **occupier**, of premises that an inspector or authorised officer is
- 26          authorised to enter under part 7, for part 7 (Enforcement)—see
- 27          section 74.

- 1           **offence**—
- 2           (a) for part 7 (Enforcement)—see section 74; and
- 3           (b) for division 7.10 (Evidence)—see section 97; and
- 4           (c) for division 7.11 (Court orders and corporate penalties)—see
- 5           section 100.
- 6           **officer**—
- 7           (a) for division 7.7 (Consent to entry, reports and search
- 8           warrants)—see section 87; and
- 9           (b) for division 7.9 (Compensation for animal injury and death)—
- 10           see section 93.
- 11           **owner**, of an injured or dead animal, for division 7.9 (Compensation
- 12           for animal injury and death)—see section 93.
- 13           **pain** includes suffering and distress.
- 14           **person in charge**, in relation to an animal, means—
- 15           (a) the owner of the animal; or
- 16           (b) a person having the custody or control of the animal; or
- 17           (c) if a person mentioned in paragraph (b) is acting as the
- 18           employee or agent of someone else—the other person; or
- 19           (d) if the animal is confined in a saleyard—the occupier of the
- 20           saleyard.
- 21           **pest** does not include a domestic animal or native animal.
- 22           **poison** includes glass or anything else that, if ingested, is likely to
- 23           kill or injure an animal.



- 1            **premises**—
- 2            (a) for this Act generally, includes—
- 3                (i) a building or part of a building; and
- 4                (ii) a tent, stall or other structure, whether permanent or
- 5                        temporary; and
- 6                (iii) land (including water on land) whether or not appurtenant
- 7                        to a building; and
- 8                (iv) a vehicle; and
- 9            (b) in relation to the exercise of an inspector's powers, for
- 10                        division 7.3 (Powers of inspectors)—see section 80.
- 11            **private trapping permit** means a permit granted under section 64
- 12                        (Decision about trapping permit application) for domestic or private
- 13                        purposes.
- 14            **prohibited animal**, for part 5 (Circuses and travelling zoos)—see
- 15                        section 51.
- 16            **regulatory body**, for part 6A (Regulatory action)—see section 73A.
- 17            **research authorisation** means an authorisation granted under
- 18                        section 38 (Decision about authorisation application) to conduct a
- 19                        program of research in relation to licensed premises.
- 20            **reviewable decision**, for part 8 (Review of decisions)—see
- 21                        section 107.
- 22            **steel-jawed trap** means an animal trap fitted with metal jaws, a
- 23                        pressure plate and a spring-operated mechanism, designed so that
- 24                        the metal jaws close against each other when the trap is activated by
- 25                        the application of weight to the pressure plate.
- 26            **teaching authorisation** means an authorisation granted under
- 27                        section 38 (Decision about authorisation application) to conduct a
- 28                        program of teaching in relation to licensed premises.

1            **trapping permit** means a commercial trapping permit or private  
2 trapping permit.

3            **trapping permit-holder** means the holder of a trapping permit.

4            **travelling zoo** does not include—

5            (a) for a zoo located in the ACT—the display of the zoo’s animals  
6 at a place other than the place where the zoo is permanently  
7 located; or

8            (b) a zoo (however described) the main purpose of which is to  
9 make animals available for contact with members of the public.

10           **Example—par (b)**

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

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

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

18           **travelling zoo permit-holder** means the holder of a travelling zoo  
19 permit.

20           **vehicle** includes a caravan, trailer or vessel.

21           **veterinary treatment**, in relation to an animal, means—

22           (a) a medical procedure of a prophylactic or therapeutic nature  
23 carried out on the animal by a veterinary surgeon; or

24           (b) a medical procedure of a prophylactic nature carried out on the  
25 animal in accordance with directions given by a veterinary  
26 surgeon; or

27           (c) a surgical procedure of a prophylactic or therapeutic nature, or  
28 sterilisation, carried out on the animal by a veterinary surgeon;  
29 or

1 (d) any other medical or surgical procedure carried out on the  
2 animal by a veterinary surgeon.

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

5 (a) animals in general; or

6 (b) 1 or more animals in particular.

1 **Part 3 Animal Welfare Regulation 2001**

2 **31 Legislation amended—pt 3**

3 This part amends the *Animal Welfare Regulation 2001*.

4 **32 Section 3**

5 *substitute*

6 **2 Dictionary**

7 The dictionary at the end of this regulation is part of this regulation.

8 *Note 1* The dictionary at the end of this regulation defines certain terms used in  
9 this regulation.

10 *Note 2* A definition in the dictionary applies to the entire regulation unless the  
11 definition, or another provision of the regulation, provides otherwise or  
12 the contrary intention otherwise appears (see Legislation Act, s 155 and  
13 s 156 (1)).

14 **33 Sections 4 and 4A**

15 *renumber as sections 3 and 4*

16 **34 New sections 6A and 6B**

17 *insert*

18 **6A Licence conditions—Act, s 28**

19 A licence is subject to the following conditions:

20 (a) that the licensee must, in accordance with the Act, establish  
21 and maintain—

22 (i) an animal ethics committee; or

- 1 (ii) appropriate arrangements with an existing animal ethics  
2 committee for that committee to exercise the functions of  
3 an animal ethics committee in relation to the licensee's  
4 activities;
- 5 (b) that, if the authority asks the licensee for information or a  
6 document under the Act, section 31 (Licensees—request for  
7 information and documents), the licensee must give the  
8 information or document to the authority;
- 9 (c) that the licensee must comply with any direction of the animal  
10 ethics committee issued under the Act.
- 11 *Note* A reference to an Act includes a reference to the statutory instruments  
12 made or in force under the Act, including any regulation (see  
13 Legislation Act, s 104).

14 **6B Authorisation conditions—Act, s 39**

15 An authorisation is subject to the following conditions:

- 16 (a) that, if the animal ethics committee asks the authorised person  
17 for information or a document under the Act, section 43  
18 (Authorised people—request for information and documents),  
19 the person must give the information or document to the  
20 committee;
- 21 (b) that the authorised person must comply with any direction of  
22 the animal ethics committee issued under the Act.
- 23 *Note* A reference to an Act includes a reference to the statutory instruments  
24 made or in force under the Act, including any regulation (see  
25 Legislation Act, s 104).

1 **35 Section 7**

2 *substitute*

3 **7 Animal ethics committees—Act, s 50 and dict**

4 (1) An animal ethics committee established in accordance with the code  
5 is an animal ethics committee for the Act.

6 *Note Code* is defined in the dictionary.

7 (2) The constitution and functions of an animal ethics committee are the  
8 constitution and functions set out in the code.

9 (3) An animal ethics committee for a licence must report annually to the  
10 authority about the following in relation to the animals that the  
11 committee has approved for use or breeding by the licensee:

12 (a) how many animals were used or bred;

13 (b) the species of the animals.

14 *Note* If a form is approved under the Act, s 110A for the report, the form  
15 must be used.

16 (4) A report under subsection (3) must be given to the authority within  
17 4 months after each 30 June.

18 **36 New sections 7A to 7D**

19 *insert*

20 **7A Circus permit condition—Act, s 56**

21 A circus permit is subject to the condition that the circus  
22 permit-holder must not include in the circus troupe a prohibited  
23 animal, whether or not for the purpose of using the animal in the  
24 circus.

1    **7B           Travelling zoo permit condition—Act, s 56**

2           A travelling zoo permit is subject to the condition that the travelling  
3           zoo permit-holder must not include as part of the travelling zoo a  
4           prohibited animal, whether or not for the purpose of using the  
5           animal in the travelling zoo.

6    **7C           Prohibited traps—Act, s 60**

7           (1) The following are prohibited traps:

- 8               (a) glue trap;  
9               (b) metal-toothed rodent trap.

10          (2) In this section:

11           *glue trap* means a trap (however described) that contains glue, or  
12           another viscid substance, that is non-drying.

13           *metal-toothed rodent trap* means a trap (however described) that  
14           has a spring-loaded metal arm and metal-toothed edge around the  
15           trap's base.

16    **7D           Trapping permit condition—Act, s 65**

17           A trapping permit is subject to the condition that, if the authority  
18           asks the trapping permit-holder for information or a document under  
19           the Act, section 68 (Trapping permit-holders—request for  
20           information and documents), the permit-holder must give the  
21           information or document to the authority.

22    **37           Schedule 1, item 4**

23           *omit*

1 **38 New dictionary**

2 *insert*

3 **Dictionary**

4 (see s 2)

5 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
6 this regulation.

7 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 8 • maximum penalty  
9 • person.

10 *Note 3* Terms used in this regulation have the same meaning that they have in  
11 the *Animal Welfare Act 1992* (see Legislation Act, s 148). For example,  
12 the following terms are defined in the *Animal Welfare Act 1992*, dict:

- 13 • animal  
14 • animal ethics committee  
15 • authority  
16 • confine.

17 *code* means the *Australian code of practice for the care and use of*  
18 *animals for scientific purposes*, 7<sup>th</sup> Edition, 2004 published by the  
19 National Health and Medical Research Council.



1 **Part 4** **Domestic Animals Act 2000**

2 **39** **Dictionary, definition of *animal welfare offence*,**  
3 **paragraph (n)**

4 *substitute*

5 (n) section 17 (Matches, competitions etc);

---

**Endnotes****1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

**2 Notification**

Notified under the Legislation Act on 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).

---