

CLAUSE NOTES

Animal Welfare Amendment Bill 2022

- Clause 1 **Short title**
Animal Welfare Amendment Act 2022
- Clause 2 **Commencement**
The amendments will take effect when the Amendment Act receives Royal Assent
- Clause 3 **Principal Act**
Identifies the *Animal Welfare Act 1993* as the “Principal Act”
- Clause 4 **Interpretation**
Amends section 3 of the Principal Act to insert a definition of “dispose”
- Clause 5 **Section 3A amended (Care or charge of animals)**
Amends section 3A of the Principal Act to enable a court to accept as factual evidence an allegation in a prosecution complaint that a specified person had, or has, control, possession or custody of a specified animal
- Clause 6 **Section 8 amended (Cruelty to animals)**
Amends section 8 of the Principal Act to correct a previous drafting error (omission of word “may”) and to specify use of a pronged collar to be animal cruelty
- Clause 7 **Section 9 amended (Aggravated cruelty)**
Amends section of the Principal Act to enable an alternative conviction under section 8 (animal cruelty) where a person has been charged with aggravated cruelty under section 9
- Clause 8 **Section 16 amended (Power to enter, search and inspect premises)**
Amends section 16 of the Principal Act to provide officers with an emergency power to enter a premises to render aid to an animal that is suffering or in imminent danger

- Clause 9** **Section 17 amended (Power to take possession of animals)**
Amends section 17 of the Principal Act to clarify and expand the grounds upon which an officer can take possession of animals
- Clause 10** **Section 17A inserted**
Adds a new section to the Principal Act to expand the powers of a court to make orders in respect of the seizure, custody, and disposal of an animal, when satisfied that the welfare of the animal is at risk
- Clause 11** **Section 24 amended (Power to kill animals)**
Amends section 24 of the Principal Act to reduce the time a seized animal carcass must be kept by authorities from 7 days to 48 hours
- Clause 12** **Section 26 amended (Power to require information)**
Amends section 26 of the Principal Act to ensure that an investigating officer's power to require information can have extra-territorial operation
- Clause 13** **Section 27 amended (Animal research)**
Amends section 27 of the Principal Act to enable authorised disease surveillance and monitoring programs to be added to the current exemptions from animal research licensing
- Clause 14** **Section 41B inserted**
Inserts a new section into the Principal Act which makes it an offence to threaten, intimidate or abuse an inspector (animal research)
- Clause 15** **Section 45 amended (Costs and expenses)**
Amends section 45 of the Principal Act to clarify and expand the capacity of the Crown and other authorities to recover the costs and expenses incurred for the care and treatment of animals
- Clause 16** **Repeal of Act**
The Amendment Act will automatically repeal twelve months after it commenced