

TASMANIA

ANIMAL WELFARE AMENDMENT BILL 2008

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ANIMAL WELFARE AMENDMENT BILL 2008

*(Brought in by the Minister for Primary Industries and Water,
the Honourable David Edward Llewellyn)*

A BILL FOR

An Act to amend the *Animal Welfare Act 1993*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Animal Welfare Amendment Act 2008*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Animal Welfare Act 1993** is referred to as the Principal Act.

*No. 63 of 1993

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definitions of “animal research” and “animal welfare standards” and substituting the following definitions:

“animal research” means a procedure, test, experiment, inquiry or study on an animal which –

- (a) is undertaken to develop, demonstrate or acquire knowledge, or techniques, in an area of science or teaching; and
- (b) is likely to, or may, adversely affect the welfare of the animal;

“animal welfare guidelines” means the guidelines on animal welfare approved by the Minister under section 44B;

“animal welfare standards” means the standards for the care and management of animals prescribed in the regulations under section 44A;

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“care or charge”, in relation to an animal, has the meaning given by section 3A;

- (b) by inserting “section 11C or” after “under” in the definition of “Code of Practice”;
- (c) by inserting the following definition after the definition of “conveyance”:

“function” includes duty;

- (d) by omitting the definition of “institution”;
- (e) by omitting the definition of “school” and substituting the following definitions:

“rodeo” means a competition or public event that –

- (a) involves the use of cattle or horses, or both; and
- (b) may involve the use of other animals; and
- (c) involves the riding of bucking animals or the catching, wrestling, roping or tying of animals, or any combination of those activities;

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“Secretary” means Secretary of the
Department;

- (f) by omitting the definition of “State school”.

5. Section 3A inserted

After section 3 of the Principal Act, the
following section is inserted in Part 1:

3A. Care or charge of animals

- (1) For the purposes of this Act, a person is taken to have the care or charge of an animal if the person –
- (a) is the owner of the animal; or
 - (b) has control, possession or custody of the animal; or
 - (c) is the operator or manager of the premises where the animal is held for commercial purposes; or
 - (d) is the owner, operator or manager of the land where the animal is being agisted, unless there is a written agreement to the contrary between the owner of the land and the owner of the animal; or
 - (e) has a share, as a share farmer, in the business in which the animal is owned or farmed; or

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- (f) is the chief executive officer or manager (by whatever title known), or a director, of a body corporate that owns the animal.
- (2) One or more persons may have the care or charge of an animal.
- (3) For the purposes of proceedings for an offence against this Act –
 - (a) the conduct and state of mind of an officer, employee or agent of a body corporate acting within the scope of his or her actual, usual or ostensible authority will be imputed to the body corporate; and
 - (b) the conduct and state of mind of an employee or agent of a natural person acting within the scope of his or her actual, usual or ostensible authority will be imputed to that person.
- (4) For the purposes of subsection (3), a reference to “conduct” or “acting” includes a reference to failure to act.

6. Section 7 amended (Management of animals)

Section 7 of the Principal Act is amended as follows:

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- (a) by inserting “or group of animals” after “of an animal”;
- (b) by inserting “or group” after “of the animal”;
- (c) by omitting “animal.” and substituting “animal or an animal in the group.”;
- (d) by omitting from paragraph (a) of the penalty “40” and substituting “500”;
- (e) by omitting from paragraph (b) of the penalty “20” and substituting “100”.

7. Section 8 amended (Cruelty to animals)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty under subsection (1) “100” and substituting “500”;
- (b) by omitting from paragraph (b) of the penalty under subsection (1) “50” and substituting “100”;
- (c) by omitting from subsection (2)(e) “shelter and” and substituting “shelter or”;
- (d) by inserting in subsection (2)(h) “or otherwise uses in respect of” after “to”;

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(e) by omitting subparagraph (v) from subsection (2)(h) and substituting the following subparagraphs:

(v) the purposes of controlling a List A disease as defined in the *Animal Health Act 1995*; or

(vi) the purposes of controlling a pest animal in accordance with the pest register; or

(f) by inserting the following subsection after subsection (2):

(3) In this section –

“abandons”, in relation to an animal, includes the relinquishing of the care or charge of the animal without ensuring that another person has, or will immediately take, care or charge of the animal;

“appropriate and sufficient” means –

(a) in relation to the provision of food to an animal, that food of sufficient quality is provided –

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- (i) in sufficient quantity to meet the nutritional requirements of maintaining the animal in reasonable body condition and, if appropriate, allowing for growth and reproduction; and
 - (ii) as often as appropriate for the digestive system and metabolism of the animal; or
- (b) in relation to the provision of drink, that fluids of sufficient quality are provided in sufficient quantity to keep the animal hydrated at all times; or

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(c) in relation to the provision of shelter, that shelter which affords protection for the animal from the adverse effects of weather conditions is provided;

“pest animal” means an animal of a kind or class which is entered in the pest register;

“pest register” means the pest register established and maintained under section 8A.

8. Section 8A inserted

After section 8 of the Principal Act, the following section is inserted in Part 2:

8A. Pest register

- (1) The Minister is to establish and maintain a register of kinds or classes of animals which are pests.
- (2) The Minister, after consulting the Advisory Committee, may enter in, or remove from, the register –

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- (a) the kind or class of an animal which is a pest; and
 - (b) injurious drugs, toxic substances and noxious substances that may be administered or otherwise used to control such an animal of such a kind or class.
- (3) The register is to be in a form determined by the Minister.
- (4) The Minister may correct the register or an entry in the register without a recommendation from the Advisory Committee.

9. Section 9 amended (Aggravated cruelty)

Section 9 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) of the penalty “200” and substituting “1 000”;
- (b) by omitting from paragraph (b) of the penalty “100” and substituting “200”.

10. Section 10 amended (Baiting and shooting)

Section 10 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1)(b) “a match or competition” and substituting “an activity”;
- (b) by omitting from paragraph (a) of the penalty under subsection (1) “100” and substituting “1 000”;
- (c) by omitting from paragraph (b) of the penalty under subsection (1) “50” and substituting “200”;
- (d) by omitting from subsection (2) “a match or competition” and substituting “an activity”;
- (e) by omitting from paragraph (a) of the penalty under subsection (2) “100” and substituting “1 000”;
- (f) by omitting from paragraph (b) of the penalty under subsection (2) “50” and substituting “200”;
- (g) by omitting from paragraph (a) of the penalty under subsection (3) “100” and substituting “1 000”;
- (h) by omitting from paragraph (b) of the penalty under subsection (3) “50” and substituting “200”.

11. Sections 11A, 11B and 11C inserted

After section 11 of the Principal Act, the following sections are inserted in Part 2:

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11A. Rodeos

- (1) A person responsible for the organisation and conduct of a rodeo must ensure that it is conducted in accordance with –
- (a) the Code of Practice for rodeos approved under section 11C; and
 - (b) the prescribed requirements, if any.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
 - (b) a natural person, a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (2) A person responsible for the organisation and conduct of a rodeo must ensure that a veterinary surgeon is in attendance at all events at the rodeo that involve an animal.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
- (b) a natural person, a fine not exceeding 50 penalty

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units or imprisonment for
a term not exceeding 12
months, or both.

- (3) A person must not participate in an event at a rodeo except in accordance with –
- (a) the Code of Practice for rodeos approved under section 11C; and
 - (b) the prescribed requirements, if any.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
- (b) a natural person, a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (4) A person must not organise, or participate in, an event at a rodeo that involves the riding of sheep, calves or goats.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
- (b) a natural person, a fine not exceeding 50 penalty

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units or imprisonment for
a term not exceeding 12
months, or both.

11B. Functions of veterinary surgeon at rodeos

- (1) A veterinary surgeon who is attending a rodeo at the request of a person who is responsible for the organisation and conduct of the rodeo has the following functions:
 - (a) the examination of animals for fitness for use in the rodeo before they compete;
 - (b) the examination and treatment of sick or injured animals;
 - (c) the euthanasia of an animal if the veterinary surgeon considers it in the best interests and welfare of the animal;
 - (d) other functions imposed by the Code of Practice for rodeos approved under section 11C.
- (2) A veterinary surgeon who is attending a rodeo at the request of a person who is responsible for the organisation and conduct of the rodeo has the following powers:
 - (a) if the veterinary surgeon considers that an animal is not fit

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for use in the rodeo, the veterinary surgeon may require –

- (i) the person responsible for the organisation and conduct of the rodeo to prevent the use of the animal in the rodeo; and
 - (ii) the person who has control of the animal not to use, or allow the use of, the animal in the rodeo;
- (b) if the veterinary surgeon considers that certain actions need to be taken to allow him or her to properly assess the health, welfare or fitness of an animal or that any actions need to be taken, or should not be taken, in relation to the treatment, health, best interests or welfare of an animal, the veterinary surgeon may require –
- (i) the person responsible for the organisation and conduct of the rodeo to do or refrain from doing any action, or to ensure that any action is taken or not taken, in relation to that animal; and

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- (ii) the person who has control of the animal to do or refrain from doing any action, or to allow or prevent the taking of any action, in relation to that animal;
 - (c) other powers provided by the Code of Practice for rodeos approved under section 11C;
 - (d) the power to do all things necessary or convenient for the performance of the functions of the veterinary surgeon.
- (3) A person who has been required to do or refrain from doing any action under subsection (2) must not contravene that requirement.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

11C. Code of Practice for rodeos

The Minister, after consulting the Advisory Committee, may approve a Code of Practice to –

- (a) regulate the organisation and conduct of, and participation in, rodeos; and
- (b) ensure the welfare of animals used in, or for the purposes of, rodeos.

12. Section 12 amended (Traps)

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “leghold trap or snare.” and substituting “leghold trap, glueboard trap or snare.”;
- (b) by omitting from subsection (2) “leghold trap or snare.” and substituting “leghold trap, glueboard trap or snare.”;
- (c) by inserting the following subsection after subsection (5):

(6) In this section –

“**glueboard trap**” means a device that uses an adhesive substance to entrap an animal.

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13. Section 13A inserted

After section 13 of the Principal Act, the following section is inserted in Part 3:

13A. Functions of officer

An officer has the following functions:

- (a) to protect, and secure the welfare of, animals;
- (b) to advise and instruct persons with the care or charge of animals;
- (c) to investigate whether this Act has been contravened and, if so, take appropriate action.

14. Section 14 amended (Instructions by officers)

Section 14 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) An officer may give to one or more of the following persons such instructions as may be necessary to enable the officer to assess or ensure the welfare of an animal:
 - (a) a person who has the care or charge of the animal;

- (b) a person who usually has the care or charge of the animal;
- (c) a person who the officer has reasonable grounds for believing will have the care or charge of the animal in the future.

15. Section 16 amended (Power to enter, search and inspect premises)

Section 16 of the Principal Act is amended by omitting subsection (2A) and substituting the following subsection:

- (2A) An officer may seize anything found on premises searched or inspected under subsection (1) or (2) that the officer reasonably believes –
- (a) is being, or has been, used in committing an offence against this Act; or
 - (b) is evidence that an offence is being, or has been, committed against this Act.

16. Section 26 substituted

Section 26 of the Principal Act is repealed and the following section is substituted:

26. Power to require information

- (1) In the course of performing functions or exercising powers under this Act, an officer may require any person to do one or more of the following:
 - (a) provide his or her name and address to the officer;
 - (b) answer any question relating to the health or welfare of an animal or to any other matter to which this Act applies;
 - (c) provide a document, or a copy of a document, that is in the person's possession or control and that relates to the health or welfare of an animal or to any other matter to which this Act applies;
 - (d) provide information to which the person has access and that relates to the health or welfare of an animal or to any other matter to which this Act applies.
- (2) A requirement under subsection (1)(c) or (d) may require that the person provide the document, the copy of the document or the information in accordance with one or more of the following:
 - (a) at a specified place;

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- (b) to a specified person;
 - (c) at, by or within a specified time;
 - (d) in a specified manner.
- (3) A person must comply with a requirement of an officer made under subsection (1).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
 - (b) a natural person, a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (4) A person must not provide an answer, a document, a copy of a document or information under this section that he or she knows to be false or misleading in a material particular.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 200 penalty units; or
- (b) a natural person, a fine not exceeding 50 penalty units or imprisonment for

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a term not exceeding 12
months, or both.

- (5) If an answer, document, copy of a document or information is obtained from a person by an officer under this section, the answer, document, copy of the document or information is inadmissible against the person in any civil or criminal proceedings, other than proceedings for an offence under this Act.

17. Section 27 amended (Animal research)

Section 27 of the Principal Act is amended by omitting subsection (2).

18. Section 30 amended (Grant of licences)

Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “inspector and after consultation with the Advisory Committee,” and substituting “inspector,”;
- (b) by omitting from subsection (2) “Practice.” and substituting “Practice approved under section 34.”;

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(c) by omitting paragraph (c) from subsection (3) and substituting the following paragraphs:

(c) that the licensed institution is to be inspected at regular intervals and at least once in every 12 months to ensure compliance with the conditions of the licence;

(ca) that the licensed institution is to advise an inspector of the date, nature and result of any external review of the compliance by the institution with the Code of Practice;

19. Section 32 amended (Cancellation of licences)

Section 32(1) of the Principal Act is amended by omitting “inspector or the Advisory Committee,” and substituting “inspector,”.

20. Section 35 amended (Annual reports)

Section 35 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

(1) A licensed institution must submit a report to the Minister on its activities in relation to animal research carried out by it no later than –

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- (a) the date specified for the submission of the report in the licence, or the conditions of the licence, of the institution; or
 - (b) if no date is specified in the licence or its conditions, 14 months after the issue of the licence.
- (2) After submitting a report under subsection (1), a licensed institution must submit a report to the Minister at 12-month intervals.

21. Section 39 amended (Membership of Advisory Committee)

Section 39(1)(l) of the Principal Act is amended by omitting “the Australian and New Zealand Federation of Animal Societies;” and substituting “Animals Australia Incorporated;”.

22. Section 40 amended (Functions of Advisory Committee)

Section 40(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (h) “or animal welfare guidelines” after “standards”;
- (b) by inserting the following paragraph after paragraph (h):

- (ha) any other functions imposed by this Act;

23. Sections 43AA and 43AAB inserted

After section 43 of the Principal Act, the following sections are inserted in Part 7:

43AA. Forfeiture of animal for contravention of section 43 order

- (1) On the application of an officer, a magistrate may order that an animal is forfeited to the Crown if he or she is satisfied that a person has custody of the animal in contravention of an order made under section 43(1) or such an order as varied under section 43(5).
- (2) An application for an order under subsection (1) may be made –
 - (a) in conjunction with proceedings for an offence against section 43(7), separately from proceedings for such an offence or orally on a finding of guilt (including a plea of guilty) in proceedings for such an offence; and
 - (b) whether or not proceedings for such an offence have been instituted.

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- (3) An officer may take possession of and detain a forfeited animal.
- (4) A forfeited animal may be disposed of in any manner determined by the Secretary.
- (5) In this section –

“forfeited animal” means –

- (a) a particular animal referred to in an order made under subsection (1) and which is forfeited to the Crown by reason of that order; or
- (b) if an order is made under subsection (1) which forfeits an animal in the custody of a person to the Crown without referring to a particular animal, the animal in the custody of the person that an officer determines is to be so forfeited in accordance with that order.

43AAB. Registering an interstate order

- (1) The Minister is to establish and maintain a register of interstate orders.
- (2) The Minister is to record in the register an interstate order, or a variation of a registered interstate order, if –

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- (a) requested to do so in writing by an interstate Minister; and
 - (b) provided with a copy, or an extract of the operative provisions, of the order or variation by the interstate Minister.
- (3) As soon as practicable after the registration of an interstate order, or the variation of a registered interstate order, the Minister is to ensure that a notice is served on the person who is the subject of the order informing him or her that –
- (a) the interstate order has been –
 - (i) recorded in the register under this section; or
 - (ii) varied and the variation of the order has been recorded in the register under this section; and
 - (b) the registration of the order, or variation of the order, does not take effect until 14 days after the day on which the notice is served on the person; and
 - (c) from the time the registration takes effect, a contravention of the order, or order as varied, in Tasmania is an offence under subsection (5).

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- (4) The registration of an interstate order, or variation of a registered interstate order, takes effect 14 days after notice is served, in accordance with subsection (3), on the person who is the subject of the order.
- (5) A person who is the subject of a registered interstate order –
 - (a) must not contravene the order in Tasmania; or
 - (b) if the order has been varied and the variation registered, must not contravene the order as so varied in Tasmania.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 20 penalty units; or
 - (b) a natural person, a fine not exceeding 10 penalty units or imprisonment for a term not exceeding 3 months, or both.
- (6) In proceedings for an offence against subsection (5), a certificate purporting to be signed by the Minister certifying one or more of the following matters is evidence of the matters so certified:

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- (a) that on the day specified in the certificate an interstate order was or was not registered;
- (b) that on the day specified in the certificate a variation of a registered interstate order was or was not registered;
- (c) that on the day specified in the certificate the registration of a registered interstate order, or the variation of a registered interstate order, had or had not taken effect;
- (d) that on the day specified in the certificate the terms set out in the certificate were the terms of a registered interstate order, the terms of a registered variation of such an order or the terms of such an order as varied by a registered variation.

(7) In this section –

“corresponding law” means a provision of a law of another State or a Territory that relates to animal welfare or the prevention of cruelty to animals and that the Minister accepts to be a corresponding law for the purposes of this section;

“interstate Minister” means the Minister in another State or a

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Territory who is responsible for the administration of a corresponding law;

“interstate order” means an order of a court made in another State or a Territory under a corresponding law;

“registration”, in relation to an interstate order or the variation of a registered interstate order, means the recording of the interstate order or variation in the register.

24. Part 7A inserted

After section 43AAB of the Principal Act, the following Part is inserted:

PART 7A – INFRINGEMENT NOTICES

43A. Service of infringement notices

- (1) An officer may serve an infringement notice on a person if the officer is of the opinion that the person has committed an offence under this Act or the regulations.
- (2) An infringement notice is not to be served on a person who has not attained the age of 18 years.

43B. Form of infringement notice

An infringement notice –

- (a) is to be in a form approved by the Secretary; and
- (b) may not relate to more than 3 offences; and
- (c) is to specify –
 - (i) each offence to which it relates; and
 - (ii) the person alleged to have committed each such offence; and
 - (iii) the prescribed penalty for each such offence; and
 - (iv) the total amount payable under the infringement notice; and
 - (v) the place at which the penalty for each such offence is to be paid; and
 - (vi) any other prescribed details; and
- (d) is to state that the person on whom it is served may disregard the notice but that, on doing so, he or she may be prosecuted for

each offence to which the notice relates.

43C. Acceptance of infringement notice

A person may accept an infringement notice by doing either of the following within 21 days after being served with the notice:

- (a) paying the total amount payable;
- (b) giving, at the place specified in the notice, a written undertaking to pay the total amount payable.

43D. Extension of acceptance

If an infringement notice is not accepted within 21 days after being served, a clerk of petty sessions may allow one further period of up to 14 days commencing on the expiry of the 21-day period for the acceptance of the infringement notice.

43E. Payment

- (1) If a person undertakes under section 43C(b) to pay the total amount payable under an infringement notice –
 - (a) the person may make representations to a clerk of petty

sessions in respect of the person's ability to pay the amount; and

- (b) the clerk of petty sessions, taking into account those representations, may determine the period, not exceeding 60 days commencing on the day on which the notice was served, within which the amount is to be paid.
- (2) If a person fails to pay any amount in accordance with an undertaking, proceedings may be taken against the person in respect of the amount remaining outstanding as if it were a penalty imposed on the person on summary conviction.

43F. Effect of acceptance

- (1) The acceptance of an infringement notice is not an admission of liability in any civil proceedings.
- (2) Proceedings against a person for an offence to which an infringement notice that has not been withdrawn relates must not be brought –
 - (a) if the person has accepted the infringement notice; or
 - (b) within –

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- (i) 28 days after the infringement notice was served if the person has not been allowed a further period under section 43D; or
- (ii) 42 days after the notice was served if the person has been allowed a further period under section 43D.

43G. Withdrawal of infringement notice

- (1) An officer, or the Secretary, may withdraw an infringement notice served on a person if the officer or Secretary is of the opinion that –
 - (a) the infringement notice should not have been served; or
 - (b) the person should not be proceeded against for the offence to which the infringement notice relates.
- (2) An infringement notice may be withdrawn whether or not it has been accepted.
- (3) An infringement notice is withdrawn by serving a notice stating that the infringement notice has been withdrawn

on the person who was served with the infringement notice.

- (4) A clerk of petty sessions must repay to a person any amount paid by that person in respect of an infringement notice that has been withdrawn.

43H. Certain evidence not admissible

Evidence of the service, acceptance or withdrawal of an infringement notice is not admissible in any proceedings for the offence to which the notice relates unless it is alleged that the proceedings have been taken in contravention of section 43F(2).

43I. Delegation by clerk of petty sessions

A clerk of petty sessions may delegate any of his or her functions or powers under this Part, other than this power of delegation.

25. Section 44 substituted

Section 44 of the Principal Act is repealed and the following sections are substituted:

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44. Delegation by Minister

The Minister may delegate any of his or her powers under this Act other than this power of delegation.

44A. Animal welfare standards

The regulations may prescribe standards which must be followed in the care and management of animals.

44B. Animal welfare guidelines

- (1) The Minister, after consultation with the Advisory Committee, may approve guidelines on animal welfare.
- (2) Animal welfare guidelines are to include guidelines for the education and guidance of persons involved in the care and management of animals.

26. Section 48 amended (Immunity from action)

Section 48(a)(i) of the Principal Act is amended by omitting “duty” and substituting “function”.

27. Sections 48A, 48B and 48C inserted

After section 48 of the Principal Act, the following sections are inserted in Part 8:

48A. Liability of employer or body corporate

- (1) If an employee is charged with an offence under this Act and the employee proves to the satisfaction of a court that he or she was acting on the instructions of his or her employer, the court may –
 - (a) while continuing to hear the proceedings against the employee, order the employer to appear and answer the charge as if the employer had also been charged with the offence; or
 - (b) dismiss the charge against the employee and order the employer to appear and answer the charge as if the employer had been charged with the offence; or
 - (c) continue to hear the proceedings against the employee and take no further action in respect of the employer; or
 - (d) dismiss the charge against the employee and take no further action in respect of the charge.
- (2) If a body corporate commits an offence against this Act –
 - (a) each person concerned in the management of the body corporate is taken to have also committed the offence and may

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be convicted of the offence unless the person shows that –

- (i) the act or omission constituting the offence took place without the person's knowledge or consent; or
 - (ii) the person used all due diligence to prevent the act or omission by the body corporate; and
- (b) the obligations of the body corporate under this Act are not dissolved by the dissolution of the body corporate, or by the body corporate becoming an externally administered body corporate within the meaning of the Corporations Act, after the day the offence took place.

48B. Evidentiary matters

- (1) In any legal proceedings under this Act, a document purporting to be a report signed by a veterinary surgeon is taken to be evidence of the particulars contained in the report in the absence of evidence to the contrary.
- (2) In any legal proceedings under this Act, a certificate purporting to be signed by the Minister certifying one or more of the

following matters is evidence of the matters so certified:

- (a) that on a day specified in the certificate an animal was or was not entered in the register maintained under section 8A;
 - (b) that on a day specified in the certificate an injurious drug or a toxic or noxious substance was entered in that register in respect of the control of an animal entered in that register.
- (3) In any legal proceedings under this Act, an inspector or officer is taken to have been validly appointed as inspector or officer in the absence of evidence to the contrary.

48C. Limitation period for offences

- (1) Proceedings for an offence against section 9 or 10 may be commenced within 5 years after the day on which the offence is alleged to have been committed.
- (2) Proceedings for an offence against any other provision of this Act may be commenced within 2 years after the day on which the offence is alleged to have been committed.

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28. Section 50 amended (Regulations)

Section 50 of the Principal Act is amended by inserting after subsection (5) the following subsections:

- (6) A regulation under this section may authorise any matter or thing to be from time to time determined, applied or regulated by any person specified in the regulations.
- (7) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence –
 - (i) in the case of an offence by a body corporate, provide for the imposition of a fine not exceeding 100 penalty units and, if the offence is a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
 - (ii) in the case of an offence by a natural person, provide for the imposition of a fine not exceeding 50 penalty units and, if the

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offence is a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.