



New South Wales

# Prevention of Cruelty to Animals Amendment (Gassing Devices Prohibition) Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Prevention of Cruelty to Animals Act 1979* (the *Act*) to make it an offence to use gassing devices on pigs in abattoirs and to clarify that guidelines prescribed or adopted under the Act, section 34A(1) have no effect to the extent of an inconsistency with the Act or regulations made under the Act.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the first anniversary of the date of assent to the proposed Act.

**Clause 3** amends the Act to—

- (a) insert proposed section 16A, which makes it an offence for a person to use, or cause or permit the use of, gassing devices on pigs in abattoirs, and
- (b) exclude certain defences from being available to a person accused of the offence in proposed section 16A, and
- (c) make clear that guidelines prescribed or adopted by the regulations under the Act, section 34A(1) have no effect to the extent the guidelines are inconsistent with a provision of the Act or the regulations.



New South Wales

# Prevention of Cruelty to Animals Amendment (Gassing Devices Prohibition) Bill 2023

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New South Wales

# Prevention of Cruelty to Animals Amendment (Gassing Devices Prohibition) Bill 2023

No. , 2023

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## **A Bill for**

An Act to amend the *Prevention of Cruelty to Animals Act 1979* to prohibit the use of gassing devices on pigs in abattoirs.

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|---|----------------|
| <b>The Legislature of New South Wales enacts—</b>   | 1              |
| <b>1 Name of Act</b>  | 2              |
| This Act is the <i>Prevention of Cruelty to Animals Amendment (Gassing Devices Prohibition) Act 2023</i> .  | 3<br>4         |
| <b>2 Commencement</b>   | 5              |
| This Act is to commence on the first anniversary of the date of assent to this Act.   | 6              |
| <b>3 Amendment of Prevention of Cruelty to Animals Act 1979 No 200</b>  | 7              |
| (1) <b>Section 16A</b>  | 8              |
| Insert after section 16—  | 9              |
| <b>16A Gassing devices not to be used on pigs</b>   | 10             |
| (1) A person must not use, or cause or permit the use of, a gassing device on a pig in an abattoir.   | 11<br>12       |
| Maximum penalty—  | 13             |
| (a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or  | 14<br>15       |
| (b) otherwise—5,000 penalty units.  | 16             |
| (2) In this section—  | 17             |
| <i>gassing device</i> means a device that exposes a pig to a gas, or a combination of gases, to induce loss of consciousness and includes the following—            | 18<br>19<br>20 |
| (a) a dip lift system,  | 21             |
| (b) an oval tunnel system,  | 22             |
| (c) a paternoster system.   | 23             |
| (2) <b>Section 24 Certain defences</b>  | 24             |
| Insert after section 24(1)—   | 25             |
| (1A) Subsection (1)(b) and (c) do not apply to a person accused of an offence against section 16A.  | 26<br>27       |
| (3) <b>Section 34A Guidelines relating to welfare of farm or companion animals</b>  | 28             |
| Insert at the end of section 34A, with appropriate subsection numbering—  | 29             |
| Guidelines prescribed or adopted under subsection (1) have no effect to the extent the guidelines are inconsistent with a provision of this Act or the regulations. | 30<br>31<br>32 |