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LEGISLATIVE COUNCIL

**Crimes Amendment (Animal Sexual Abuse) Bill 2024**

**First print**

**Proposed amendments**

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No. 1      **Commencement**

Page 2, clause 2, lines 4 and 5. Omit all words on the lines. Insert instead—

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

No. 2      **Division heading**

Page 3, Schedule 1[2], line 7. Omit all words on the line. Insert instead—

Omit “**against adults and children**”.

No. 3      **Sexual touching**

Page 3, Schedule 1[3], proposed section 79AA, definition of *animal sexual abuse*, paragraph (a), lines 28–37. Omit all words on the lines. Insert instead “anus of a person, but”.

No. 4      **Sexual touching**

Pages 3 and 4, Schedule 1[3], proposed section 79AA, definition of *animal sexual abuse*, paragraph (b), line 38 on page 3 to line 4 on page 4. Omit all words on the lines. Insert instead—

(b) does not include an excluded act.

No. 5      **Authorising the commission of an act of animal sexual abuse**

Page 4, Schedule 1[3], proposed section 79AA, line 5. Omit all words on the line.

No. 6      **Meaning of “genitalia or anus”**

Page 4, Schedule 1[3], proposed section 79AA. Insert after line 5—

*genitalia or anus*, for an animal, includes a body cavity with an external orifice that is used for defecation, urination or producing offspring.

**Example—** a cloaca of a bird

No. 7      **Sexual touching**

Page 4, Schedule 1[3], proposed section 79AA. Insert after line 5—

*excluded act* means the following—

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- (a) an act carried out in good faith for one or more of the following purposes—
    - (i) veterinary purposes,
    - (ii) agricultural or aquacultural purposes,
    - (iii) hygiene purposes,
    - (iv) scientific research purposes,
  - (b) an act carried out to assist a female animal when giving birth,
  - (c) an act carried out in the best interests of an animal for the physical health and care of the animal,
  - (d) an act prescribed by the regulations.

No. 8      **Authorising the commission of an act of animal sexual abuse**

Page 4, Schedule 1[3], proposed section 79(2), lines 9 and 10. Omit all words on the lines.

No. 9      **Sexual touching**

Page 4, Schedule 1[3], proposed section 79A, lines 11–14. Omit all words on the lines. Insert instead—

**79A    Animal sexual touching**

- (1) A person must not sexually touch an animal.  
Maximum penalty—imprisonment for 5 years.
- (2) For this section, *sexual touching* means a person touching an animal—
  - (a) in circumstances where a reasonable person would consider the touching to be sexual, and
  - (b) whether or not the touching is—
    - (i) with a part of the body or something else, or
    - (ii) through anything, including anything worn by the person or the animal.
- (3) The matters to be taken into account in deciding whether a reasonable person would consider touching to be sexual include—
  - (a) whether the area of the body touched or doing the touching is a genital area, anal area or mammary structure, including a breast, or
  - (b) whether the person doing the touching does so for the purpose of obtaining sexual arousal or sexual gratification, or
  - (c) whether another aspect of the touching, including the circumstances in which the touching is done, makes it sexual.
- (4) An excluded act is not sexual touching.

No. 10      **Advertising and transferring animals for animal sexual abuse**

Page 4, Schedule 1[3], proposed section 79B(a), line 17. Omit “for use in acts”. Insert instead “intending the animal to be used in an act”.

No. 11      **Advertising and transferring animals for animal sexual abuse**

Page 4, Schedule 1[3], proposed section 79B(c), line 20. Omit “for the purpose of committing”. Insert instead “intending the animal to be used in”.

No. 12      **Animal sexual abuse in company**

Page 4, Schedule 1[4], lines 26–33. Omit all words on the lines.

No. 13      **Prohibited animal abuse material**

Page 4, Schedule 1[5], lines 34 and 35. Omit all words on the lines. Insert instead—

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**[5] Section 547E, heading**

Omit the heading. Insert instead—

**547E Prohibited animal abuse material**

**[5A] Section 547E(1), (2) and (6), definition of “bestiality or animal crush material”**

Omit “bestiality” wherever occurring. Insert instead “animal sexual abuse”.

**[5B] Section 547E(2A) and (2B)**

Insert after section 547E(2)—

(2A) A person who produces or disseminates animal sexual touching material is guilty of an offence.

Maximum penalty—imprisonment for 3 years.

(2B) A person who possesses animal sexual touching material is guilty of an offence.

Maximum penalty—imprisonment for 2 years.

**[5C] Section 547E(3)(a)**

Omit “was bestiality or animal crush material,”. Insert instead—

was—

(i) for an offence against subsection (1) or (2)—animal sexual abuse or animal crush material, or

(ii) for an offence against subsection (2A) or (2B)—animal sexual touching material,

**[5D] Section 547E(3)(f) and (6), definitions of “disseminate” and “possess”**

Omit “bestiality or animal crush” wherever occurring.

**[5E] Section 547E(6)**

Insert in alphabetical order—

*animal sexual touching material* means material depicting the sexual touching of an animal.

*sexual touching* has the same meaning as in section 79A.

**[5F] Section 547E(6), definition of “produce”**

Omit “bestiality or animal crush material includes”.

Insert instead “material includes”.

**[5G] Section 547E(6), definition of “produce”, paragraphs (a) and (b)**

Omit “bestiality or animal crush material” wherever occurring.

Insert instead “the material”.

**[5H] Section 585**

Insert after section 584—

**585 Review of provisions relating to animal sexual abuse**

(1) The Minister must conduct a review of the reviewable provisions to determine whether—

(a) the policy objectives of the provisions remain valid, and

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- (b) the terms of the provisions remain appropriate for securing the objectives.
  - (2) The review must be commenced as soon as practicable after the period of 3 years after the commencement date.
  - (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period.
  - (4) In this section—
    - commencement date* means the day on which Part 3, Division 10, Subdivision 13 is substituted by the *Crimes Amendment (Animal Sexual Abuse) Act 2025*.
    - reviewable provisions* means—
      - (a) Part 3, Division 10, Subdivision 13, and
      - (b) section 547E.

No. 14      **Procedure for offences**

Page 6, Schedule 2.3. Insert after line 19—

**[2]    Schedule 1 Indictable offences triable summarily**

Omit “80,” from Table 1, clause 2.

**[3]    Schedule 1, Table 2, clause 4C**

Omit the clause. Insert instead—

**4C    Offences involving animals**

An offence under the *Crimes Act 1900*, section 79A, 79B, 80, 530, 531 or 547E(2A) or (2B).