



New South Wales

Crimes Amendment (Animal Sexual Abuse) Bill 2025

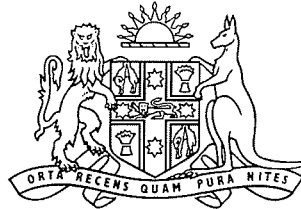
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2025

Clerk of the Parliaments



New South Wales

Crimes Amendment (Animal Sexual Abuse) Bill 2025

Act No , 2025

An Act to amend the *Crimes Act 1900* to replace the offence of bestiality with the offence of animal sexual abuse; and for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Crimes Amendment (Animal Sexual Abuse) Act 2025*.

2 Commencement

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

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

animal sexual abuse has the same meaning as in Part 3, Division 10, Subdivision 13.

[2] Part 3, Division 10, heading

Omit “against adults and children”.

[3] Part 3, Division 10, Subdivision 13

Omit the subdivision. Insert instead—

Subdivision 13 Animal sexual abuse

79AA Definitions

In this subdivision—

animal sexual abuse—

(a) includes the following—

- (i) the penetration to any extent of the genitalia or anus of an animal by—
 - (A) a part of the body of a person, or
 - (B) an object manipulated by a person,
- (ii) the penetration to any extent of the genitalia or anus of a person by a part of the body of an animal,
- (iii) the introduction of a part of the genitalia of an animal into the mouth of a person,
- (iv) the introduction of a part of the genitalia of a person into the mouth of an animal,
- (v) the application of a person’s mouth or tongue to the genitalia or anus of an animal,
- (vi) the application of an animal’s mouth or tongue to the genitalia or anus of a person, but

(b) does not include an excluded act.

excluded act means the following—

- (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.

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

79 Animal sexual abuse

A person must not commit an act of animal sexual abuse.
Maximum penalty—imprisonment for 14 years.

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.

79B Advertisement, sale or transfer of animals for animal sexual abuse

A person must not do the following—

- (a) advertise or offer an animal intending the animal to be used in an act of animal sexual abuse,
- (b) sell, transfer ownership of or supply an animal with the intention that the animal will be used in an act of animal sexual abuse,
- (c) purchase or otherwise obtain an animal intending the animal to be used in an act of animal sexual abuse.

Maximum penalty—2,500 penalty units or imprisonment for 5 years, or both.

80 Animal sexual abuse attempts

A person must not attempt to commit an act of animal sexual abuse.
Maximum penalty—imprisonment for 5 years.

[4] Section 547E, heading

Omit the heading. Insert instead—

547E Prohibited animal abuse material

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

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

[6] 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.

[7] 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,

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

Omit “bestiality or animal crush” wherever occurring.

[9] 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.

[10] Section 547E(6), definition of “produce”

Omit “bestiality or animal crush material includes”.

Insert instead “material includes”.

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

Omit “bestiality or animal crush material” wherever occurring.

Insert instead “the material”.

[12] 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
 - (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.

[13] Schedule 11 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

**Part Provisions consequent on enactment of Crimes
Amendment (Animal Sexual Abuse) Act 2025**

Application of amendments

An amendment made to this Act by the *Crimes Amendment (Animal Sexual Abuse) Act 2025* applies only in relation to an offence committed, or alleged to have been committed, on or after the commencement of the amendment.

Schedule 2 Consequential amendments to other Acts and regulations

2.1 Bail Regulation 2021

Section 15 Police to give notice of bail decisions for sexual assault and personal violence offences

Insert “, 79A, 79B” after “section 79” in section 15(4), definition of *sexual assault offence*, paragraph (a).

2.2 Child Protection (Working with Children) Act 2012 No 51

[1] Section 26 Persons not entitled to apply for review or enabling order

Insert “, 79A, 79B, 80” after “section 79” in section 26(1)(a)(viii).

[2] Section 33A Notification of animal cruelty offences

Insert “, 79A, 79B” after “section 79” in section 33A(2), definition of *animal cruelty offence*, paragraph (b).

[3] Schedule 2 Disqualifying offences

Omit “or 79” from clause 1(1)(j). Insert instead “, 79, 79A, 79B or 80”.

2.3 Criminal Procedure Act 1986 No 209

[1] Section 348 Offences in respect of which an intervention program may be conducted

Omit “against adults and children” from section 348(2)(b).

Insert instead “against adults, children and animals”.

[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).

2.4 Criminal Records Act 1991 No 8

Section 7 Which convictions are capable of becoming spent?

Insert “, 79A, 79B” after “79” in section 7(4), definition of *sexual offences*, paragraph (a).

2.5 Exhibited Animals Protection Act 1986 No 123

[1] Section 30 Suspension and cancellation

Insert “, 79A, 79B” after “section 79” in section 30(1A)(c).

[2] Section 31A Prohibition on employing persons convicted of, or charged with, certain offences

Insert “, 79A, 79B” after “section 79” in section 31A(2), definition of *relevant offence*, paragraph (b).

2.6 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Section 46A Searchable offences

Omit “against adults and children” from section 46A(2), definition of *serious offence*, paragraph (b).

Insert instead “against adults, children and animals”.

2.7 National Disability Insurance Scheme (Worker Checks) Regulation 2020

Schedule 1 Disqualifying offences

Omit item 5 from Part 1, table. Insert instead—

5	Animal sexual abuse	<i>Crimes Act 1900</i>	ss 79 and 80, as in force before the commencement of the <i>Crimes Amendment (Animal Sexual Abuse) Act 2025</i> , if the offence relates to bestiality
			ss 79, 79A, 79B and 80, as in force on and from the day the <i>Crimes Amendment (Animal Sexual Abuse) Act 2025</i> commenced, if the offence relates to animal sexual abuse

2.8 Prevention of Cruelty to Animals Act 1979 No 200

[1] Section 4 Definitions

Insert “, 79A, 79B” after “section 79” in section 4(1), definition of *animal cruelty offence*, paragraph (b).

[2] Section 24CB Officers’ powers relating to animals kept by convicted persons

Insert “, 79A, 79B” after “section 79” in section 24CB(1)(c).

[3] Section 30B Court may make interim disqualification order during proceedings

Insert “, 79A, 79B” after “section 79” in section 30B(2)(a).

[4] Section 31 Court may make further orders following findings of guilt etc

Insert “, 79A, 79B” after “section 79” in section 31(1AA)(a).

[5] Section 31AB Prohibitions for persons convicted of certain offences

Insert “, 79A, 79B” after “section 79”.