

### **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 specify that only the following organisations, persons or classes of persons are authorised to institute proceedings for an offence under the Act:

- (a) an approved charitable organisation, which currently includes only the Royal Society for the Prevention of Cruelty to Animals—New South Wales (**RSPCA**) and The NSW Animal Welfare League,
- (b) an officer (including an officer appointed by an approved charitable organisation) who is an authorised inspector under the Act with inspectorial powers and the power to issue penalty notices under the Act,
- (c) a police officer,
- (d) the Minister or the Director-General of the Department of Primary Industries,
- (e) a person with the written consent of the Minister or that Director-General,
- (f) any other person or body prescribed by the regulations for that purpose.

#### 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 1 January 2008.

**Clause 3** is a formal provision that gives effect to the amendments to the *Prevention of Cruelty to Animals Act 1979* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

#### **Schedule 1 Amendments**

**Schedule 1 [1]** inserts a new section 34AA, which authorises the organisations, persons and classes of persons referred to in the Overview to institute proceedings for an offence against the Act or the regulations.

**Schedule 1 [2]** amends Schedule 2 to the Act to enable regulations containing provisions of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

**Schedule 1 [3]** inserts a transitional provision consequent on the enactment of the proposed amendments. The provision provides that the new section 34AA does not apply in relation to offences committed before the commencement of the section.