

c2021-002H  
AJP--Animal Justice Party

LEGISLATIVE COUNCIL

Prevention of Cruelty to Animals Amendment Bill 2021

First print

Proposed amendments

No. 1 **Increased penalties**

Page 3, Schedule 1. Insert after line 21—

**[4A] Sections 7(1) and (2), 9(1) and (3), 10(1), (2) and (3), 12(1), 13, 16(2), 17, 18(1) and (2), 18A, 19, 19A(2) and (3), 20, 21A–21C, 22(1) and (3), 23(1) and (2) and 24N(2)**

Omit the penalty provisions wherever occurring. Insert instead—

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

**[4B] Section 7 Carriage and conveyance of animals**

Omit the penalty provision from section 7(2A). Insert instead—

Maximum penalty—400 penalty units or imprisonment for 1 year, or both.

No. 2 **Increased penalties**

Page 3, Schedule 1[5], line 25. Omit “750 penalty units”. Insert instead “2,000 penalty units”.

No. 3 **Increased penalties**

Page 3, Schedule 1[5], line 26. Omit “150 penalty units or imprisonment for 6 months”. Insert instead “400 penalty units or imprisonment for 1 year”.

No. 4 **Increased penalties**

Page 3, Schedule 1. Insert after line 27—

**[5A] Sections 15(2) and 21(1)**

Omit the penalty provisions wherever occurring. Insert instead—

Maximum penalty—

- (a) for a corporation—5,000 penalty units, or
- (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.

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**[5B] Section 23A Information required when dogs or cats are advertised for sale or for giving away**

Omit the penalty provisions wherever occurring in section 23A(1) and (2). Insert instead—

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units.

**No. 5 Increased penalties**

Page 4, Schedule 1[8], line 7. Omit “50 penalty units or imprisonment for 6 months”. Insert instead “400 penalty units or imprisonment for 1 year”.

**No. 6 Interim disqualification orders**

Page 4, Schedule 1[11], proposed section 30B(2), lines 20 and 21. Omit all words on those lines.

**No. 7 Prohibitions for persons convicted of certain offences**

Page 5, Schedule 1. Insert after line 2—

**[13A] Section 31AA**

Omit the section. Insert instead—

**31AA Prohibitions for persons convicted of certain offences**

If a person is convicted of an offence against section 79, 80, 530 or 531 of the *Crimes Act 1900*, the person must not—

- (a) purchase or own an animal, or
- (b) engage in work, whether paid or unpaid, involving direct contact with, or care of, an animal.

Maximum penalty—400 penalty units or imprisonment for 1 year, or both.

**No. 8 Recognition of interstate disqualification orders**

Page 5, Schedule 1. Insert before line 3—

**[13B] Section 31AB**

Insert before section 31A—

**31AB Recognition of interstate disqualification orders**

- (1) An interstate disqualification order applies in this State in the same way as it applies in the State or Territory in which it was made.
- (2) A person must comply with an interstate disqualification order.  
Maximum penalty—400 penalty units or imprisonment for 1 year, or both.
- (3) In this section—  
*interstate disqualification order* means an order, or part of an order, made by a court under the law of another State or a Territory that has the effect of a disqualification order.

**No. 9 Regulation-making power**

Page 5, Schedule 1. Insert after line 4—

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**[14A] Section 35 Regulations**

Omit section 35(3). Insert instead—

- (3) A regulation may create an offence punishable by a penalty not exceeding—
- (a) for a corporation—2,000 penalty units, or
  - (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

**No. 10 Increased penalties**

Page 6, Schedule 2, lines 3–5. Omit all words on those lines and the table following the lines. Insert instead—

- [1] Clauses 5(1), 6, 7(1), (2) and (3), 8(1), 9(1), (2) and (3), 10(2), 11(1), 13(2) and (4), 14(1), 15, 16(1), 17, 18, 26(1), 38(1) and 39(1)**

Omit the penalty provisions wherever occurring. Insert instead—

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

- [2] Clause 26 Conduct of animal trades**

Omit the penalty provision from clause 26(2). Insert instead—

Maximum penalty—400 penalty units or imprisonment for 1 year, or both.

**No. 11 Increased penalties under the Act**

Page 6, Schedule 2, lines 3–5. Omit all words on those lines and the table following the lines. Insert instead—

**Schedule 2 Penalty notice offences**

Omit the matter relating to the Act from the table, excluding the table headings. Insert instead—

Section 5	\$1,000	\$5,000
Section 7(1) and (2)	\$1,000	\$5,000
Section 7(2A)	\$1,000	—
Section 8(1)	\$1,000	\$5,000
Section 9(1) and (3)	\$1,000	\$5,000
Section 10(1), (2) and (3)	\$1,000	\$5,000
Section 12(1)	\$1,000	\$5,000
Section 12A(1), (2) and (3)	\$200	—
Section 13	\$1,000	\$5,000
Section 14	\$1,000	—
Section 16(2)	\$1,000	\$5,000
Section 17	\$1,000	\$5,000
Section 18(1) and (2)(a) and (c)	\$1,000	\$5,000
Section 18A	\$1,000	\$5,000

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Section 19	\$1,000	\$5,000
Section 19A(2) and (3)	\$1,000	\$5,000
Section 20	\$1,000	\$5,000
Section 21A	\$1,000	\$5,000
Section 21B	\$1,000	\$5,000
Section 21C	\$1,000	\$5,000
Section 22(1) and (3)	\$1,000	\$5,000
Section 23(1) and (2)	\$1,000	\$5,000
Section 23A(1) and (2)	\$1,000	\$5,000
Section 24N(2)	\$1,000	\$5,000

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No. 12

**Increased penalties under the Regulation**

Page 6, Schedule 2, lines 3–5. Omit all words on those lines and the table following the lines. Insert instead—

**Schedule 2 Penalty notice offences**

Omit the matter relating to the Regulation from the table, excluding the table headings. Insert instead—

Clause 5(1)	\$1,000	\$5,000
Clause 6	\$1,000	\$5,000
Clause 7(1), (2) and (3)	\$1,000	\$5,000
Clause 8(1)	\$1,000	\$5,000
Clause 9(1), (2) and (3)	\$1,000	\$5,000
Clause 10(2)	\$1,000	\$5,000
Clause 11(1)	\$1,000	\$5,000
Clause 13(2) and (4)	\$1,000	\$5,000
Clause 14(1)	\$1,000	\$5,000
Clause 15	\$1,000	\$5,000
Clause 16(1)	\$1,000	\$5,000
Clause 17	\$1,000	\$5,000
Clause 18	\$1,000	\$5,000
Clause 26(1)	\$1,000	\$5,000
Clause 26(2)	\$1,000	—
Clause 38(1)	\$1,000	\$5,000
Clause 39(1)	\$1,000	\$5,000

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