

c2021-006E
GRNS--The Greens

LEGISLATIVE COUNCIL

Prevention of Cruelty to Animals Amendment Bill 2021

First print

Proposed amendments

No. 1 **Objects of Act**

Page 3, Schedule 1. Insert after line 2—

[1A] Section 3

Omit the section. Insert instead—

3 Objects of Act

- (1) The main object of this Act is to recognise that—
 - (a) animals are sentient beings that are able to subjectively feel and perceive the world around them, and
 - (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value, and
 - (c) people have a duty to care for the physical and mental welfare of animals.
- (2) This is to be achieved particularly by—
 - (a) promoting and protecting the welfare of animals, and
 - (b) providing for the proper and humane care, management and treatment of animals, and
 - (c) deterring and preventing animal cruelty and the abuse and neglect of animals, and
 - (d) enforcing laws about the matters mentioned in paragraphs (a)–(c).
- (3) The other objects of this Act are—
 - (a) to prevent cruelty to animals, and
 - (b) to promote the welfare of animals by requiring a person in charge of an animal—
 - (i) to provide care for the animal, and
 - (ii) to treat the animal in a humane manner, and
 - (iii) to ensure the welfare of the animal, and
 - (c) to promote the welfare of dogs and cats by requiring information about them to be provided when they are advertised for sale.

No. 2 **Meanings of “cruelty” and “pain”**

Page 3, Schedule 1. Insert after line 9—

[2A] Section 4(1)

Insert in alphabetical order—

cruelty, to an animal, includes doing, or omitting to do, anything that—

- (a) causes, or is likely to cause, the animal—
 - (i) to suffer from hunger or thirst, or
 - (ii) to suffer from discomfort, pain, injury or disease, or
 - (iii) to suffer unnecessary fear or distress, or
- (b) prevents, or is likely to prevent, the animal from expressing normal behaviour.

[2B] Section 4(1), definition of “pain”

Insert “emotional or mental” after “includes”.

No. 3 **Prosecution of offences**

Page 5, Schedule 1. Insert after line 4—

[14A] Section 34(4)

Omit “12 months”. Insert instead “3 years”.

[14B] Section 34(4)

Omit “alleged to be the date on which the offence was committed”.

Insert instead “evidence of the alleged offence first came to the attention of an officer”.

[14C] Section 34AA Authority to prosecute

Omit the section.

No. 4 **Adoption of Code of Practice**

Page 5, Schedule 1. Insert after line 4—

[14D] Section 34A Guidelines relating to welfare of farm or companion animals

Insert after section 34A(4)—

- (5) The Minister must, before 31 May 2021, cause a revised version of *Animal Welfare Code of Practice – Breeding dogs and cats*, ISBN 978 0 7347 1945 4, to be published.
- (6) The revised version, when published, is taken to be adopted by the regulations.