



New South Wales

# Prevention of Cruelty to Animals Amendment Bill 2021

## 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 *principal Act*) as follows—

- (a) to increase maximum penalties for certain offences,
- (b) to enable certain powers of a court under the principal Act, to make orders or discharge a defendant and issue a summons against an alternative person, to be available in relation to animal cruelty offences under sections 79, 80, 530 and 531 of the *Crimes Act 1900*,
- (c) to allow a court, in proceedings for an animal cruelty offence, to make an interim order against a person if the court is satisfied that, were the person to be in charge of an animal, the person would be likely to commit an animal cruelty offence,
- (d) to remove the maximum penalty available in proceedings brought before the Local Court.

## 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 the date of assent to the proposed Act.

## **Schedule 1      Amendment of Prevention of Cruelty to Animals Act 1979 No 200**

### **Increased penalties**

**Schedule 1[3]–[5] and [8]** increase maximum penalties for cruelty to animals, aggravated cruelty to animals, failure to provide animals with food, drink or shelter, failure to comply with a summons to produce an animal and failure to comply with an order to dispose of an animal or to not have certain responsibilities in respect of an animal.

**Schedule 1[14]** removes the maximum penalty, currently 200 penalty units, available to a magistrate for an offence in Local Court proceedings.

### **Orders available for animal cruelty offences**

**Schedule 1[1]** defines an *animal cruelty offence* as an offence under the principal Act or sections 79, 80, 530 or 531 of the *Crimes Act 1900*.

**Schedule 1[6]** defines a *disqualification order* as an order that a person must not, for a period specified in the order, have certain responsibilities for an animal.

**Schedule 1[7], [9] and [13]** provide that the following orders, currently available in relation to certain offences under the principal Act and regulations, may be made in relation to an animal cruelty offence—

- (a) production of an animal under section 29,
- (b) destruction of an animal under section 30,
- (c) payment of care and maintenance costs of an animal under section 30A,
- (d) disposal of an animal under section 31,
- (e) a disqualification order under section 31,
- (f) discharge of a defendant from proceedings and issuing of a summons against an alternative person for the animal cruelty offence under section 33.

**Schedule 1[11]** provides that a court may, in proceedings against a person for an animal cruelty offence, make an interim disqualification order against the person if the court is satisfied that the person would be likely to commit an animal cruelty offence if the person were in charge of an animal.

The interim disqualification order does not apply to an animal if the person is in charge of the animal at the time of the proceedings. The interim disqualification order expires on completion of relevant proceedings against the person or at the end of the period of the order. A penalty of 50 penalty units or imprisonment for 6 months, or both, applies for failure to comply with an interim disqualification order.

**Schedule 1[2], [10] and [12]** make consequential amendments.

**Schedule 1[15]** inserts savings and transitional provisions.

## **Schedule 2      Amendment of Prevention of Cruelty to Animals Regulation 2012**

**Schedule 2** increases maximum penalties for certain penalty notice offences.