



New South Wales

# Prevention of Cruelty to Animals Amendment (Increased Penalties) Bill 2020

## 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*) to—

- (a) increase penalties for offences, and
- (b) introduce minimum penalties for the offences of cruelty to animals and aggravated cruelty to animals, and
- (c) prohibit a person convicted of the offence of aggravated cruelty to animals under the principal Act, or the offence of bestiality or serious animal cruelty against the *Crimes Act 1900*, from owning, taking custody of or having certain contact or involvement with an animal.

The Bill also amends the *Prevention of Cruelty to Animals Regulation 2012* to increase penalties for offences and the *Crimes Act 1900* to make consequential amendments.

## 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 and minimum penalties**

**Schedule 1[2] and [3]** increase the maximum penalties, and introduce minimum penalties, for the offences of cruelty to animals and aggravated cruelty to animals. **Schedule 1[1]** provides for the interpretation of provisions imposing minimum penalties.

**Schedule 1[4], [5] and [7]–[9]** increase the maximum penalties for other offences against the principal Act.

**Schedule 1[11]** increases the maximum penalty for offences against the regulations.

### **Prohibitions on persons convicted of serious offences**

**Schedule 1[10]** provides that a person convicted of an offence of aggravated cruelty to animals under the principal Act, or an offence of bestiality or serious animal cruelty against the *Crimes Act 1900*, is prohibited for life from owning, taking custody of or having certain contact or involvement with an animal.

### **Wild animals not abandoned**

**Schedule 1[6]** provides that for the purposes of the offence of abandoning an animal, it is not abandonment if a person releases into the wild an animal that was previously living in the wild and is, in the person's reasonable opinion, capable of surviving in the wild.

## **Schedule 2      Amendment of Crimes Act 1900 No 40**

**Schedule 2[1] and [3]** insert notes into the *Crimes Act 1900*, consequential on the new offence inserted by Schedule 1[10]. **Schedule 2[2]** makes a consequential amendment.

## **Schedule 3      Amendment of Prevention of Cruelty to Animals Regulation 2012**

**Schedule 3[1] and [2]** increase the maximum penalties for offences against the *Prevention of Cruelty to Animals Regulation 2012*.

**Schedule 3[3]** increases the penalty notice amounts payable for offences under the principal Act and the *Prevention of Cruelty to Animals Regulation 2012*.