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Prevention of Cruelty to Animals Amendment (Penalties) Bill.

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PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (PENALTIES) BILL

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Bill introduced and read a first time.

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Campbell [11.08 a.m.] I move:

That this bill be now read a second time.

The Prevention of Cruelty to Animals Act is the principal Act in relation to a broad range of animal welfare matters. The objects of the Act are to prevent cruelty to animals and to promote the welfare of animals by requiring a person in charge of an animal to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal. Offences under the Act are enforced primarily by officers of the RSPCA and the Animal Welfare League, which are each approved charitable organisations under the Act.

The most serious offences under the Act are found at sections 6, 15 and 21. Section 6 provides penalties for acts of aggravated cruelty by which an animal that has been cruelly treated is killed, deformed or seriously disabled, or is left in such a condition that it would be cruel to keep it alive. Section 15 of the Act provides penalties for administration of a poison or other bait to a domestic animal, and possession of a poison with the intention of using it to injure or kill a domestic animal. Section 21 provides penalties for the involvement of a person in coursing or any activity where an animal is chased, caught or confined by a dog.

Sections 6, 15 and 21 of the Act each presently provide a maximum penalty of 100 penalty units, or \$11,000, upon the conviction of an individual for an offence under those sections, and a maximum penalty of 500 penalty units, or \$55,000, upon conviction of a corporation for offences under sections 6 and 21 of the Act. Despite the current level of penalty, offenders continue to treat animals with horrendous cruelty. When an act of cruelty to an animal involves extreme sadism the penalty provided under the Act must match the crime. By comparison, the Companion Animals Act 1998 regulates the keeping of dogs and cats. It contains serious offences in respect of dangerous and restricted dogs. These offences could be equivalent to the level of seriousness reflected in sections 6, 15 and 21 of the Prevention of Cruelty to Animals Act but the current penalties in the Prevention of Cruelty to Animals Act do not reflect that fact.

The Prevention of Cruelty to Animals Amendment (Penalties) Bill 2003, hereinafter called the bill, proposes to double the maximum penalties provided under sections 6, 15 and 21 of the Act to 200 penalty units, or \$22,000, for offences by individuals. In respect of penalties committed by corporations it is proposed to increase the fines to a maximum 1,000 penalty units, or \$110,000. The bill also proposes to increase the jurisdiction of the Local Court so that it can impose penalties of up to \$22,000, avoiding the necessity of taking proceedings for serious offences in the Supreme Court.

This bill demonstrates the Government's commitment to protecting the welfare of animals by increasing the range of monetary penalties available to the courts for the most serious offences

provided under the Act. This bill also ensures that uniform penalties are provided under comparable legislation. The Companion Animals Act 1998 already provides for maximum penalties of \$22,000 for the most serious offences under that Act. Importantly, the bill is one part of the implementation of the Government's "Better care for pets and wildlife policy" that was approved by the electors at the March 2003 elections. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

Subjects: [Animals](#); [Fines and Penalties](#).

Speakers: [Gaudry, Mr.](#)

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