



## Prevention of Cruelty to Animals Amendment (Penalties)

### Bill.

#### Second Reading

**The Hon. IAN MACDONALD** (Minister for Agriculture and Fisheries) [9.22 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate my second reading speech in *Hansard*.

#### Leave granted.

The Prevention of Cruelty to Animals Act 1979 (the Act) is the principal Act of general application that, in relation to a broad range of animal welfare matters, protects the welfare of animals in New South Wales.

The stated 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 -
  - o to provide care for the animal,
  - o to treat the animal in a humane manner, and
  - o 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 which provide as follows -

- section 6 - 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 - 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, and
- section 21 - 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 (\$11,000) upon conviction of an individual for an offence under those sections, and a maximum penalty of 50 penalty units (\$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 are as equivalent in their level of seriousness as sections 6, 15 and 21 of POCTA but the current penalties do not reflect that fact. For example, section 17 of the Companion Animals Act makes it an offence to cause a dangerous or restricted dog to attack another animal or person. Where a dangerous or restricted dog inflicts actual harm on a person the penalty is 200 penalty units.

The Prevention of Cruelty to Animals Amendment (Penalties) Bill 2003 (the Bill) proposes to increase the maximum penalties provided under sections 6, 15 and 21 of the Act to 200 penalty units (\$22,000) for offences by individuals. In respect of offences committed by corporations the fines will be increased to 1000 penalty units (\$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,
- ensure 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, and
- implementing the Government's "Better care for pets and wildlife policy" approved by the electors at the March 2003 elections.

I commend the bill to the House.

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