New South Wales

Crimes Amendment (Animal Cruelty) Act 2005 No 94

Contents

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Act No 94, 2005

An Act to amend the *Crimes Act 1900*, the *Criminal Procedure Act 1986* and the *Law Enforcement (Powers and Responsibilities) Act 2002* with respect to animal cruelty offences; and for other purposes. [Assented to 24 November 2005]

The Legislature of New South Wales enacts:

1   Name of Act

This Act is the *Crimes Amendment (Animal Cruelty) Act 2005*.

2   Commencement

This Act commences on a day or days to be appointed by proclamation.

3   Amendment of Crimes Act 1900 No 40

The *Crimes Act 1900* is amended as set out in Schedule 1.

4   Amendment of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1   Amendment of Crimes Act 1900

(Section 3)

Sections 530 and 531

Insert in appropriate numerical order:

530   Serious animal cruelty

(1)   A person who, with the intention of inflicting severe pain:

    (a)   tortures, beats or commits any other serious act of cruelty on an animal, and

    (b)   kills or seriously injures or causes prolonged suffering to the animal,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

(2)   A person is not criminally responsible for an offence against this section if:

    (a)   the conduct occurred in accordance with an authority conferred by or under the *Animal Research Act 1985* or any other Act or law, or

    (b)   the conduct occurred in the course of or for the purposes of routine agricultural or animal husbandry activities, recognised religious practices, the extermination of pest animals or veterinary practice.

(3)   In this section:

animal means a mammal (other than a human being), a bird or a reptile.

531   Killing or seriously injuring animals used for law enforcement

(1)   A person who intentionally kills or seriously injures an animal:

    (a)   knowing that the animal is being used by a law enforcement officer in the execution of the officer's duty, or

    (b)   as a consequence of, or in retaliation for, the use of the animal by a law enforcement officer while in the execution of the officer's duty,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

(2)   In this section:

animal means a dog, horse or other mammal (other than a human being).

law enforcement officer means:

(a)   a police officer (including a member of the police force of the Commonwealth or another State or Territory), or

(b)   any other official of this State, the Commonwealth or another State or Territory who is authorised to use an animal in connection with the detention of persons or the enforcement of the laws of this State, the Commonwealth or another State or Territory.

Schedule 2   Amendment of other Acts

(Section 4)

2.1 Criminal Procedure Act 1986 No 209

[1]   Section 268 Maximum penalties for Table 2 offences

Insert after section 268 (1):

(1A)   The maximum term of imprisonment that a Local Court may impose for an offence is, subject to this section, 2 years or the maximum term of imprisonment provided by law for the offence, whichever is the shorter term.

[2]   Schedule 1 Indictable offences triable summarily

Insert after Part 2 of Table 2:

Part 2A Other offences under Crimes Act 1900

4C   Animal cruelty

An offence under section 530 or 531 of the *Crimes Act 1900*.

2.2 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Section 134 Orders for the taking of identification particulars

Insert after section 134 (5) (c):

(c1)   an offence under section 5 or 6 of the *Prevention of Cruelty to Animals Act 1979*,