



New South Wales

Prevention of Cruelty to Animals Amendment (Prosecutions) Bill 2007

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 Act***) to specify that only the following organisations, persons or classes of persons are authorised to institute proceedings for an offence under the Act:

- (a) an approved charitable organisation, which currently includes only the Royal Society for the Prevention of Cruelty to Animals—New South Wales (***RSPCA***) and The NSW Animal Welfare League,
- (b) an officer (including an officer appointed by an approved charitable organisation) who is an authorised inspector under the Act with inspectorial powers and the power to issue penalty notices under the Act,
- (c) a police officer,
- (d) the Minister or the Director-General of the Department of Primary Industries,
- (e) a person with the written consent of the Minister or that Director-General,
- (f) any other person or body prescribed by the regulations for that purpose.

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 1 January 2008.

Clause 3 is a formal provision that gives effect to the amendments to the *Prevention of Cruelty to Animals Act 1979* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

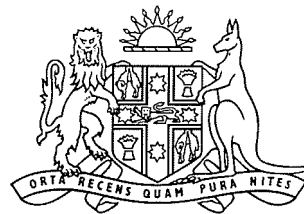
Schedule 1 Amendments

Schedule 1 [1] inserts a new section 34AA, which authorises the organisations, persons and classes of persons referred to in the Overview to institute proceedings for an offence against the Act or the regulations.

Schedule 1 [2] amends Schedule 2 to the Act to enable regulations containing provisions of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [3] inserts a transitional provision consequent on the enactment of the proposed amendments. The provision provides that the new section 34AA does not apply in relation to offences committed before the commencement of the section.

First print



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New South Wales

Prevention of Cruelty to Animals Amendment (Prosecutions) Bill 2007

No. , 2007

A Bill for

An Act to amend the *Prevention of Cruelty to Animals Act 1979* in relation to the persons and organisations authorised to institute proceedings under that Act.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007</i> .	3 4
2 Commencement	5
This Act commences on 1 January 2008.	6
3 Amendment of Prevention of Cruelty to Animals Act 1979 No 200	7
The <i>Prevention of Cruelty to Animals Act 1979</i> is amended as set out in Schedule 1.	8 9
4 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

Schedule 1 Amendments

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[3] Schedule 2, Part 5	1
Insert after Part 4:	2
Part 5 Provision consequent on enactment of Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007	3 4 5
8 Proceedings for offences	6
Section 34AA does not apply to offences committed before the commencement of that section.	7 8