



New South Wales

# Prevention of Cruelty to Animals Amendment Bill 2009

## 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*:

- (a) to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trades and the confinement or use of laying fowl for commercial egg production, and
- (b) to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal.

## 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**

**Schedule 1 [1]** revises the current provision of the *Prevention of Cruelty to Animals Act 1979* (the *Act*) that enables an inspector to issue a notice to a person if the inspector is satisfied on reasonable grounds that the person is contravening a provision of the Act or the regulations. The current provision allows the inspector to specify in the notice the action that the inspector considers must be taken to avoid a further contravention. The notice can be used as evidence in proceedings against a person for a contravention of the Act or the regulations. Under the new provisions, a person will be required to take the action specified in the notice and it will be an offence for a person to fail, without reasonable excuse, to comply with such a notice. The maximum penalty will be 25 penalty units (currently, \$2,750). A person will not be able to be convicted for both the new offence and another offence against the Act or the regulations in respect of the same act or omission. The amendment removes the provision relating to the use of a notice as evidence in proceedings, as it is no longer required as a consequence of the creation of the new offence. The amendment also broadens the power of an inspector to issue a notice so that a notice may be issued in respect of any contravention of the Act or the regulations in relation to an animal and not only in relation to the care of an animal as is currently the case.

**Schedule 1 [2]** increases the maximum penalty that may be imposed for offences under the regulations in relation to animal trades and the confinement or use of laying fowl for commercial egg production from 25 penalty units to 200 penalty units for a corporation and 50 penalty units for an individual.

**Schedule 1 [3]** enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

First print



New South Wales

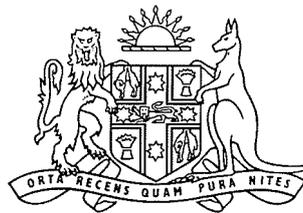
# Prevention of Cruelty to Animals Amendment Bill 2009

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200	3





New South Wales

# Prevention of Cruelty to Animals Amendment Bill 2009

No. , 2009

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## **A Bill for**

An Act to amend the *Prevention of Cruelty to Animals Act 1979* to make further provision for the prevention of cruelty to animals.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Prevention of Cruelty to Animals Amendment Act 2009</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5

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<b>Schedule 1</b>	<b>Amendment of Prevention of Cruelty to Animals Act 1979 No 200</b>	1
		2
<b>[1] Section 24N</b>		3
	Omit the section. Insert instead:	4
<b>24N Notices in relation to animals</b>		5
(1)	If an inspector is satisfied on reasonable grounds that a person is contravening a provision of this Act or the regulations in relation to an animal, the inspector may give the person a notice in writing requiring the person to take such specified action in relation to the animal as the inspector considers necessary to avoid any further contravention.	6 7 8 9 10 11
(2)	A person who, without reasonable excuse, fails to comply with a notice is guilty of an offence. Maximum penalty: 25 penalty units.	12 13 14
(3)	A person cannot be convicted for both an offence against this section and another offence under this Act or the regulations in respect of the same act or omission.	15 16 17
<b>[2] Section 35 Regulations</b>		18
	Omit section 35 (3). Insert instead:	19
(3)	A regulation may create an offence punishable by a penalty not exceeding the relevant maximum amount, being:	20 21
(a)	in the case of an offence relating to animal trades or the confinement or use of laying fowl (domesticated chickens) for commercial egg production—200 penalty units for an offence committed by a corporation and 50 penalty units for an offence committed by an individual, or	22 23 24 25 26
(b)	in any other case—25 penalty units.	27

Prevention of Cruelty to Animals Amendment Bill 2009

Schedule 1      Amendment of Prevention of Cruelty to Animals Act 1979 No 200

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**[3]    Schedule 2 Savings and transitional provisions**

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Insert at the end of clause 1 (1):

2

*Prevention of Cruelty to Animals Amendment Act 2009*

3