



New South Wales

Animal Protection and Crimes Legislation Amendment (Reporting Animal Cruelty and Protection of Animal Enterprises) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Prevention of Cruelty to Animals Act 1979* to require persons who record serious acts of cruelty to animals to report the act, and provide the recording, to a police officer or other relevant officer under that Act (which includes an RSPCA inspector),
- (b) to amend the *Crimes Act 1900* to create the following offences:
 - (i) destroying or damaging property used in connection with a lawful animal enterprise with the intention of interfering with the carrying on of the enterprise,
 - (ii) engaging in conduct involving threats, vandalism, damage to property, trespass, harassment or intimidation against or in relation to persons who are carrying on (or are connected with) a lawful animal enterprise.

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 3 months after the date of assent unless commenced sooner by proclamation.

Schedule 1 amends the *Prevention of Cruelty to Animals Act 1979* to give effect to the object described in paragraph (a) of the above Overview.

Schedule 2 amends the *Crimes Act 1900* to give effect to the object described in paragraph (b) of the above Overview.



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New South Wales

Animal Protection and Crimes Legislation Amendment (Reporting Animal Cruelty and Protection of Animal Enterprises) Bill 2018

No. , 2018

A Bill for

An Act to amend the *Prevention of Cruelty to Animals Act 1979* to require recorded acts of serious animal cruelty to be reported and to amend the *Crimes Act 1900* to prohibit persons interfering with, or engaging in certain other conduct against, the carrying on of lawful animal-related enterprises.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Animal Protection and Crimes Legislation Amendment (Reporting Animal Cruelty and Protection of Animal Enterprises) Act 2018*.

2 Commencement

This Act commences 3 months after the date of assent to this Act, unless commenced sooner by proclamation.

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Schedule 1	Amendment of Prevention of Cruelty to Animals Act 1979 No 200	1
		2
Section 6A		3
Insert after section 6:		4
6A Requirement to report serious animal cruelty after recording it		5
If a person (other than an officer) records an act involving a domestic animal being injured or killed and the person knows, or ought reasonably to have known, that the act was committed with the intention of inflicting unnecessary pain on the animal, the person must:		6
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		9
(a) report the act to an officer within 1 business day after recording the act, and		10
		11
(b) provide the recording or a copy of the recording to an officer within 5 business days after making the recording.		12
		13
Maximum penalty: 50 penalty units.		14

Schedule 2 Amendment of Crimes Act 1900 No 40

Part 4AD Criminal destruction and damage

Insert after Division 5:

Division 6 Protection of animal enterprises

203F Definitions

In this Division:

animal enterprise includes any of the following:

- (a) a commercial or academic enterprise that uses, sells, houses or stores animals or animal products for profit, food, fibre production, agriculture, education, research or testing,
- (b) a zoo, aquarium, animal shelter, pet shop, animal breeding establishment or circus,
- (c) a rodeo or other lawful competitive animal event,
- (d) any show or similar event intended to advance agricultural arts and sciences.

economic damage includes any of the following:

- (a) the costs of replacing lost or damaged property,
- (b) the costs of repeating an interrupted or invalidated experiment,
- (c) lost profits or an increase in costs,

but does not include the costs of any lawful economic disruption (including a lawful boycott) that results from a lawful public, government or business response to the disclosure of information about an animal enterprise.

serious bodily injury means any of the following:

- (a) injury posing a substantial risk of death,
- (b) extreme physical pain,
- (c) protracted and obvious disfigurement,
- (d) protracted loss or impairment of the function of any part of the body or mental faculty.

substantial bodily injury means any of the following:

- (a) deep cuts or serious burns or abrasions,
- (b) significant physical pain,
- (c) fractured or dislocated bones,
- (d) short-term or non-obvious disfigurement,
- (e) illness,
- (f) short-term loss or impairment of the function of any part of the body or mental faculty,
- (g) any other significant injury to the body.

203G Engaging in conduct that interferes with animal enterprises

(1) A person is guilty of an offence if:

- (a) the person engages in conduct that destroys or damages property:
 - (i) used in carrying on an animal enterprise, or

(ii)	belonging to another person who carries on an animal enterprise, or	1 2
(iii)	belonging to a person who is otherwise connected with, or related to, an animal enterprise, and	3 4
(b)	the person engages in that conduct with the intention that it will interfere with the carrying on of the animal enterprise.	5 6
	Maximum penalty:	7
(a)	in the case of an offence to which section 203I (1) applies— imprisonment for 5 years, or	8 9
(b)	in the case of an offence to which section 203I (2) applies— imprisonment for 10 years, or	10 11
(c)	in the case of an offence to which section 203I (3) applies— imprisonment for 20 years, or	12 13
(d)	in the case of an offence to which section 203I (4) applies— imprisonment for life, or	14 15
(e)	in any other case—imprisonment for 1 year.	16
(2)	For the purposes of this section, it does not matter whether the conduct actually interferes with the carrying on of the animal enterprise.	17 18
203H	Other unlawful conduct relating to animal enterprises	19
(1)	A person (the <i>relevant person</i>) is guilty of an offence if:	20
(a)	the relevant person engages in conduct involving threats, vandalism, damage to property, trespass, harassment or intimidation (the <i>unlawful conduct</i>), and	21 22 23
(b)	the unlawful conduct causes another person (the <i>other person</i>) reasonably to fear that any person will cause death or serious injury to a person (the <i>targeted person</i>) who is:	24 25 26
(i)	the other person, or	27
(ii)	a close family member of the other person, or	28
(iii)	an employee of the other person, or	29
(iv)	a contractor engaged by the other person to participate in the carrying on of an enterprise, and	30 31
(c)	the other person or the targeted person carries on an animal enterprise or is otherwise connected with, or related to, an animal enterprise, and	32 33
(d)	the relevant person engages in the unlawful conduct with the intention that it will interfere with the carrying on of the animal enterprise.	34 35
	Maximum penalty:	36
(a)	in the case of an offence to which section 203I (1) applies— imprisonment for 5 years, or	37 38
(b)	in the case of an offence to which section 203I (2) applies— imprisonment for 10 years, or	39 40
(c)	in the case of an offence to which section 203I (3) applies— imprisonment for 20 years, or	41 42
(d)	in the case of an offence to which section 203I (4) applies— imprisonment for life, or	43 44
(e)	in any other case—imprisonment for 1 year.	45

(2)	For the purposes of this section, it does not matter whether the conduct actually interferes with the carrying on of the animal enterprise.	1 2
203I	Aggravated offences	3
(1)	This subsection applies to an offence under this Division if the conduct constituting the offence results in economic damage exceeding \$10,000.	4 5
(2)	This subsection applies to an offence under this Division if the conduct constituting the offence results in:	6 7
	(a) substantial bodily injury to any person, or	8
	(b) economic damage exceeding \$100,000.	9
(3)	This subsection applies to an offence under this Division if the conduct constituting the offence results in:	10 11
	(a) serious bodily injury to any person, or	12
	(b) economic damage exceeding \$1,000,000.	13
(4)	This subsection applies to an offence under this Division if the conduct constituting the offence results in the death of any person.	14 15