



New South Wales

Prevention of Cruelty to Animals Amendment (Penalties) Bill 2003

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* to increase the maximum penalties for certain offences under that Act and to enable the recovery of those increased penalties in proceedings in a Local Court.

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.

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.

Schedule 1 Amendments

Schedule 1 [1] amends section 6 (1) of the *Prevention of Cruelty to Animals Act 1979* to increase the maximum penalty that may be imposed for the offence of aggravated cruelty to animals:

- (a) in the case of a corporation, from 500 penalty units (currently \$55,000) to 1,000 penalty units (currently \$110,000), or
- (b) in the case of an individual, from 100 penalty units (currently \$11,000) or imprisonment for 2 years, or both, to 200 penalty units (currently \$22,000) or imprisonment for 2 years, or both, for an individual.

Schedule 1 [2] amends section 15 of the *Prevention of Cruelty to Animals Act 1979* to increase the maximum penalty that may be imposed for the offence of poisoning an animal from 100 penalty units (currently \$11,000) or imprisonment for 2 years, or both, for a corporation or individual to 1,000 penalty units (currently \$110,000) for a corporation and 200 penalty units (currently \$22,000) or imprisonment for 2 years, or both, for an individual.

Schedule 1 [3] amends section 21 (1) of the *Prevention of Cruelty to Animals Act 1979* to increase the maximum penalty that may be imposed for the offences of coursing and related activities:

- (a) in the case of a corporation, from 500 penalty units (currently \$55,000) to 1,000 penalty units (currently \$110,000), or
- (b) in the case of an individual, from 100 penalty units (currently \$11,000) or imprisonment for 2 years, or both, to 200 penalty units (currently \$22,000) or imprisonment for 2 years, or both.

Schedule 1 [4] makes a consequential amendment to section 34 of the *Prevention of Cruelty to Animals Act 1979* to provide that if proceedings are brought before a Local Court for an offence against that Act, the maximum pecuniary penalty that a magistrate may impose for the offence is, despite any other provision of that Act, 200 penalty units rather than 100 penalty units as is presently the case.

Under that Act, pecuniary penalties exceeding 200 penalty units can be imposed by the Supreme Court in its summary jurisdiction.

Section 19 of the *Crimes (Sentencing Procedure) Act 1999* ensures that the increased penalties under the proposed Act apply only to offences committed after the commencement of the proposed Act.

First print



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No. , 2003

A Bill for

An Act to amend the *Prevention of Cruelty to Animals Act 1979* to provide for increased penalties.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Prevention of Cruelty to Animals Amendment (Penalties) Act 2003</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	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

Schedule 1 Amendments

(Section 3)

[1] Section 6 Aggravated cruelty to animals

Omit “500 penalty units” and “100 penalty units” from section 6 (1).

Insert instead “1,000 penalty units” and “200 penalty units”, respectively.

[2] Section 15 Poisons not to be administered to animals

Omit “Maximum penalty: 100 penalty units or imprisonment for 2 years, or both.”.

Insert instead “Maximum penalty: 1,000 penalty units in the case of a corporation and 200 penalty units or imprisonment for 2 years, or both, in the case of an individual.”.

[3] Section 21 Coursing etc prohibited

Omit “500 penalty units” and “100 penalty units” from section 21 (1).

Insert instead “1,000 penalty units” and “200 penalty units”, respectively.

[4] Section 34 Proceedings for offences

Omit “100 penalty units” from section 34 (2).

Insert instead “200 penalty units”.