



New South Wales

Prevention of Cruelty to Animals Amendment (Battery Cage Prohibition) Bill 2023

Explanatory note

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

Overview of Bill

The objects of this Bill are to—

- (a) amend the *Prevention of Cruelty to Animals Act 1979 (the Act)* to—
 - (i) make it an offence to confine a laying hen in a cage, and
 - (ii) clarify that guidelines prescribed or adopted by regulations made under the Act have no effect to the extent of an inconsistency with the Act or the regulations, and
- (b) make consequential amendments to the *Prevention of Cruelty to Animals Regulation 2012*.

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 first anniversary of the date of assent to the proposed Act.

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

Schedule 1[1] defines *laying hen*, for the Act, as a chicken kept for commercial egg production. **Schedule 1[5]** makes a consequential amendment.

Schedule 1[2] makes it an offence for a person to confine a laying hen in a cage. **Schedule 1[3]** excludes certain defences from being available to a person accused of the offence.

Schedule 1[4] makes clear that guidelines prescribed or adopted by the regulations under the Act, section 34A(1) have no effect to the extent the guidelines are inconsistent with a provision of the Act or the regulations.

Schedule 2 Amendment of Prevention of Cruelty to Animals Regulation 2012

Schedule 2 omits provisions that become obsolete as a result of the proposed amendments in Schedule 1 and makes other consequential amendments.

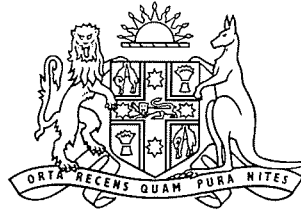


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New South Wales

Prevention of Cruelty to Animals Amendment (Battery Cage Prohibition) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Prevention of Cruelty to Animals Act 1979* to prohibit keeping laying hens in battery cages; and for other purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Prevention of Cruelty to Animals Amendment (Battery Cage Prohibition) Act 2023*.

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4

2 Commencement

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This Act commences on the first anniversary of the date of assent to this Act.

6

Schedule 1	Amendment of Prevention of Cruelty to Animals Act 1979 No 200	1
		2
[1] Section 4 Definitions		3
	Insert in alphabetical order in section 4(1)—	4
	<i>laying hen</i> means a chicken kept for commercial egg production.	5
[2] Section 21D		6
	Insert after section 21C—	7
21D Prohibition on keeping laying hens in cages		8
	(1) A person must not confine a laying hen in a cage.	9
	Maximum penalty—	10
	(a) for a corporation—2,000 penalty units, or	11
	(b) for an individual—400 penalty units or imprisonment for 1 year, or both.	12
	(2) Subsection (1) does not apply to a person carrying or conveying a laying hen.	13
[3] Section 24 Certain defences		14
	Insert after section 24(2)—	15
	(3) This section does not apply to a person accused of an offence against section 21D.	16
[4] Section 34A Guidelines relating to welfare of farm or companion animals		17
	Insert at the end of the section, with appropriate subsection numbering—	18
	Guidelines prescribed or adopted under subsection (1) have no effect to the extent the guidelines are inconsistent with a provision of this Act or the regulations.	19
[5] Section 35 Regulations		20
	Omit “fowl (domesticated chickens) for commercial egg production” from section 35(3)(a).	21
	Insert instead “hens”.	22
		23
		24
		25
		26

Schedule 2	Amendment of Prevention of Cruelty to Animals Regulation 2012	1
		2
[1] Part 2, heading		3
	Omit “fowl for egg production”. Insert instead “laying hens”.	4
[2] Clauses 4A and 4, definition of “non-cage housing”, Division 3, heading and clauses 13(2), (3)(a), (4) and (5), 14(1), (2) and (3), definition of “nest box”, 15, 16, 17, 18 and 19(2)		5
	Omit “fowl” wherever occurring. Insert instead “hens”.	6
		7
[3] Clause 4, heading		8
	Omit “Definitions”. Insert instead “Definition”.	9
		10
[4] Clause 4, definitions of “floor area”, “fowl” and “laying fowl”		11
	Omit the definitions.	12
		13
[5] Part 2, Division 2		14
	Omit the division.	15
		16
[6] Clauses 13(1) and (3)(b) and 14(3), definition of “single-bird nest”		17
	Omit “fowl” wherever occurring. Insert instead “hen”.	18
		19
[7] Clause 13 Access to food and water		20
	Omit “feeding laying fowl” from clause 13(3). Insert instead “feeding laying hens”.	21