



New South Wales

Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007 No 81

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New South Wales

Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007 No 81

Act No 81, 2007

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.
[Assented to 7 December 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007*.

2 Commencement

This Act commences on 1 January 2008.

3 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

The *Prevention of Cruelty to Animals Act 1979* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 34AA

Insert after section 34:

34AA Authority to prosecute

- (1) Proceedings for an offence against this Act or the regulations may be instituted only by:
 - (a) an approved charitable organisation, or
 - (b) an inspector within the meaning of Division 2 of Part 2A, other than a police officer, or
 - (c) a police officer, or
 - (d) the Minister or the Director-General of the Department of Primary Industries, or
 - (e) a person with the written consent of the Minister or that Director-General, or
 - (f) any other person or body prescribed by the regulations for the purpose of this section.
- (2) In proceedings for an offence against this Act or the regulations, a consent to institute the proceedings, purporting to have been signed by the Minister or the Director-General of the Department of Primary Industries, is evidence of that consent without proof of the signature of the Minister or Director-General.

[2] Schedule 2 Savings and transitional provisions

Insert at the end of clause 1 (1):

*Prevention of Cruelty to Animals Amendment (Prosecutions) Act
2007*

Prevention of Cruelty to Animals Amendment (Prosecutions) Act 2007
No 81

Schedule 1 Amendments

[3] Schedule 2, Part 5

Insert after Part 4:

**Part 5 Provision consequent on enactment of
Prevention of Cruelty to Animals
Amendment (Prosecutions) Act 2007**

8 Proceedings for offences

Section 34AA does not apply to offences committed before the commencement of that section.

[Agreement in principle speech made in Legislative Assembly on 13 November 2007
Second reading speech made in Legislative Council on 29 November 2007]

BY AUTHORITY