

c2026-153G
AJP--Animal Justice Party

LEGISLATIVE COUNCIL

Prevention of Cruelty to Animals Amendment (Enforcement and Operational Powers) Bill 2026

First print

Proposed amendments

No. 1 **Objects of Act**

Page 3, Schedule 1. Insert after line 2—

[1A] Section 3 Objects of Act

Insert before section 3(a)—

- (a1) to recognise that animals—
 - (i) are sentient beings that are able to subjectively feel and perceive the world around them, and
 - (ii) have intrinsic value, and
 - (iii) deserve to be treated with compassion, and
 - (iv) deserve to have a quality of life that reflects the intrinsic value of the animal, and

No. 2 **Definition of animal**

Page 3, Schedule 1[1], line 4. Insert “*animal*,” after “definitions of”.

No. 3 **Definition of animal**

Page 3, Schedule 1[1]. Insert after line 10—

animal means—

- (a) a member of a vertebrate species including the following—
 - (i) amphibians,
 - (ii) birds,
 - (iii) fish,
 - (iv) mammals, other than humans,
 - (v) reptiles, or
- (b) a cephalopod, or
- (c) a decapod crustacean.

No. 4 **Vehicle offences—animals**

Page 6, Schedule 1[7], proposed section 7A, line 12. Omit “**Dogs**”. Insert instead “**Animals**”.

No. 5 **Vehicle offences—companion animals**

Page 6, Schedule 1[7], proposed section 7A, line 12. Omit “**Dogs**”. Insert instead “**Companion animals**”.

No. 6 **Vehicle offences—animals**

Page 6, Schedule 1[7], proposed section 7A(2), line 15. Omit “a dog”. Insert instead “an animal”.

No. 7 **Vehicle offences—companion animals**

Page 6, Schedule 1[7], proposed section 7A(2), line 15. Omit “dog”. Insert instead “companion animal”.

No. 8 **Vehicle offences—companion animals**

Page 6, Schedule 1[7], proposed section 7A. Insert after line 32—

(6) In this section—

companion animal has the same meaning as in the *Companion Animals Act 1998*.

No. 9 **Minimum care requirements**

Page 6, Schedule 1. Insert after line 32—

[7A] Section 7B

Insert before section 8—

7B Minimum care requirements

(1) A person in charge of an animal must ensure—

- (a) the animal has access to appropriate food and drink, and
- (b) the animal has access to appropriate shelter, and
- (c) the animal is kept in an appropriate environment, and
- (d) the animal is provided with appropriate treatment for disease, illness or injury, including that—
 - (i) veterinary treatment is provided in a timely way when necessary, and
 - (ii) preventative treatment is provided, and
- (e) the animal is provided with appropriate opportunities to exercise, and
- (f) the animal is provided with appropriate opportunities to display normal behaviour, and
- (g) the animal is handled and transported in an appropriate way.

Maximum penalty—

- (a) for an individual—150 penalty units or imprisonment for 6 months, or both, or
- (b) otherwise—750 penalty units.

(2) It is a defence to an offence against subsection (1) if the person in charge shows—

- (a) the person took all steps a reasonable person would have taken in the circumstances to ensure the requirements of subsection (1) were met, or
- (b) the person was prevented from taking the steps by circumstances that could not have been reasonably foreseen.

Example— a natural disaster, including a bushfire or flood

No. 10 **Tethering**

Page 6, Schedule 1[8], proposed section 10(5), line 36. Insert “shelter, protection from the weather, food and” after “sufficient”.

No. 11 **Tethering**

Page 6, Schedule 1[8]. Insert after line 43—

- (6A) A person must not tether an animal for more than—
 - (a) for an animal under the supervision of a person in charge—3 hours in any 24 hour period, or
 - (b) otherwise—15 minutes.Maximum penalty—
 - (a) for an individual—400 penalty units or imprisonment for 1 year, or both, or
 - (b) otherwise—2,000 penalty units.
- (6B) A person, when tethering an animal—
 - (a) must not use a weighted chain, and
 - (b) must use a harness instead of a collar.Maximum penalty—
 - (a) for an individual—400 penalty units or imprisonment for 1 year, or both, or
 - (b) otherwise—2,000 penalty units.

No. 12 **Controlled procedures**

Page 8, Schedule 1[10], proposed section 12(2). Insert after line 13—

- (a1) surgically artificially inseminating a dog,

No. 13 **Reporting injuries**

Page 8, Schedule 1. Insert after line 34—

[14A] Section 14 Injuries to animals to be reported

Omit “(other than a bird)”.

No. 14 **Animal fighting implements**

Page 9, Schedule 1[17], proposed section 17(1), line 8. Omit “or use”. Insert instead “, use, offer to buy, offer to sell, import, export or lease”.

No. 15 **Animal fighting implements**

Page 9, Schedule 1[17], proposed section 17(2). Insert after line 18—

- (a1) a thing made or adapted to be used for the purpose of animal fighting,
- (a2) a thing that the person charged with the offence intended to be used for the purpose of animal fighting,

No. 16 **Animal fighting**

Page 9, Schedule 1[18], proposed section 18(1)(d), line 29. Omit all words on the line. Insert instead—

- (d) possess, use, sell, offer to sell, buy, offer to buy, import, export, capture, breed, train or lease an animal, including the genetic material of an animal, for an animal fight, or

No. 17 **Mules operation prohibition**

Page 10, Schedule 1[19], proposed section 21BA, lines 30–43. Omit all words on the lines. Insert instead—

21BA Prohibition of Mules operation

A person must not perform the Mules operation on an animal.

Maximum penalty—

- (a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or
- (b) otherwise—5,000 penalty units.

No. 18 **Mules operation pain relief**

Page 10, Schedule 1[19], proposed section 21BA(a), line 32. Omit “pain relief product”. Insert instead “multi-modal combination of pain relief products”.

No. 19 **Mules operation pain relief**

Page 10, Schedule 1[19], proposed section 21BA. Insert after line 36—

- (a1) the pain relief products include at least one topical anaesthetic and at least one non-steroidal anti-inflammatory, and

No. 20 **Mules operation pain relief**

Page 10, Schedule 1[19], proposed section 21BA(b), line 37. Omit “product is”. Insert instead “products are”.

No. 21 **Fruit netting**

Page 10, Schedule 1. Insert after line 43—

[19A] Section 21D

Insert after section 21C—

21D Prohibited fruit netting

- (1) A person must not, for the purposes of covering household fruit trees, vegetables or other fruiting plants—
 - (a) possess or use prohibited fruit netting, or
 - (b) advertise or offer for sale prohibited fruit netting.

Maximum penalty—

- (a) for an individual—400 penalty units or imprisonment for 1 year, or both, or
 - (b) otherwise—2,000 penalty units.
- (2) In this section—
prohibited fruit netting means netting with a mesh size greater than 5mm by 5mm when fully stretched.

No. 22 **Maceration of live chicks**

Page 10, Schedule 1. Insert after line 43—

[19B] Section 21E

Insert after section 21C—

21E Maceration of live chicks

A person must not macerate a live chick.

Maximum penalty—

- (a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or
- (b) otherwise—5,000 penalty units.

No. 23 **Boiling live crustaceans**

Page 10, Schedule 1. Insert after line 43—

[19C] Section 21F

Insert after section 21C—

21F Boiling live crustaceans

A person must not boil a live crustacean.

Maximum penalty—

- (a) for an individual—1,000 penalty units or imprisonment for 2 years, or both, or
- (b) otherwise—5,000 penalty units.

No. 24 **Sale of prohibited items**

Page 11, Schedule 1[20], proposed section 22A, line 3. Insert “, sale” after “**Possession**”.

No. 25 **Sale of prohibited items**

Page 11, Schedule 1[20], proposed section 22A(1)(a), line 5. Insert “, sell or offer for sale” after “possess”.

No. 26 **Sale of prohibited items**

Page 11, Schedule 1[21], line 20. Insert “, sale” after “**Possession**”.

No. 27 **Sale of prohibited items**

Page 11, Schedule 1[22], proposed section 23(1), line 24. Insert “, sell, offer for sale” after “possess”.

No. 28 **Sale of prohibited items**

Page 11, Schedule 1. Insert after line 31—

[22A] Section 23(2)(b)

Omit the paragraph.

Insert instead—

- (b) possess, sell or offer for sale a steel-jawed trap.

No. 29 **Mules operation prohibition**

Page 11, Schedule 1. Insert after line 36—

[24A] Section 23B(1)(a)(iv)

Omit “animal, or”.

Insert instead “animal,”.

[24B] Section 23B(1)(a)(v)

Omit the subparagraph.

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- No. 30 **Minimum staffing all times**
Page 12, Schedule 1[30], proposed section 23I(2A), line 32. Omit “for part of each day”.
- No. 31 **Minimum staffing for 8 hours each day**
Page 12, Schedule 1[30], proposed section 23I(2A), line 32. Omit “for part of each day”. Insert instead “for at least 8 hours between 5am and 8pm on each day”.
- No. 32 **Powers of inspectors**
Page 13, Schedule 1[35], line 19. Omit all words on the lines. Insert instead—
 [35] Sections 24E, 24F(3)(b), 24L, 24NA(1)(a) and 24M
- No. 33 **Recordings**
Page 14, Schedule 1. Insert after line 31—
 [40A] Section 24K Power of seizure of evidence of offences
 Insert after section 24K(5)—
 (6) An inspector who is lawfully on land exercising a function under this Act or the regulations may take photographs, films, audio, video and other recordings as the inspector considers necessary.
- No. 34 **Prohibited animal abuse material**
Page 22, Schedule 1. Insert after line 32—
 [60A] Sections 31(1AA)(a) and 31AB
 Omit “or 531” wherever occurring.
 Insert instead “, 531 or 547E”.
- No. 35 **Powers in relation to land lawfully entered**
Page 24, Schedule 1[67]. Insert after line 34—
 2 Powers in relation to land lawfully entered
 A power exercised on land before the amendment of section 24K by the *Prevention of Cruelty to Animals Amendment (Enforcement and Operational Powers) Act 2026* is taken to have been lawfully exercised if the power could have been lawfully exercised after that amendment.
- No. 36 **Sale of prohibited items**
Page 28, Schedule 3[14], proposed section 42(1), line 26. Insert “, sell, offer for sale” after “possess”.