

LEGISLATIVE COUNCIL

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

First print

Proposed amendments

No. 1 **Definition of “independent veterinary practitioner”**

Page 4, Schedule 1[1]. Insert after line 9—

independent veterinary practitioner means a veterinary practitioner who is not—

- (a) an officer, or
- (b) involved in, or associated with, an approved charitable organisation.

No. 2 **Prong collar exemption**

Page 11, Schedule 1[20], proposed section 22A. Insert after line 10—

- (1A) A person does not commit an offence under this section if the person possesses or uses a prong collar for professional or training purposes, or for corrective behaviour management of an animal under veterinary advice.
- (1B) The regulations may provide for the following in relation to the possession and use of a prong collar—
 - (a) conditions of use,
 - (b) the professional or training purposes exempt under subsection (1A),
 - (c) the professional or training standards,
 - (d) record keeping requirements.

No. 3 **Powers of inspectors**

Page 13, Schedule 1. Insert after line 18—

[34A] Section 24E

Omit the section.

Insert instead—

24E Power to enter

- (1) An inspector may enter land, a vehicle or vessel for the purpose of exercising a function under this part but only if—
 - (a) the occupier or owner of the land, vehicle or vessel has consented to the entry, or

-
- (b) the entry is authorised by a search warrant, or
 - (c) the inspector reasonably believes entry is necessary—
 - (i) because of an immediate and serious risk to animal welfare, or
 - (ii) to prevent imminent death or serious injury to an animal.
 - (2) An inspector who exercises a function to enter land, a vehicle or vessel under subsection (1)(c)—
 - (a) must provide the occupier or owner a written notice, within 24 hours before entering, containing the following information—
 - (i) the reasons for entry,
 - (ii) the powers to be exercised,
 - (iii) the animals to be seized or treated,
 - (iv) the property subject to entry, and
 - (b) must document the exercise of the function as soon as practicable, and
 - (c) is subject to review after exercising the function by an authority prescribed by the regulations.
 - (3) In this section—
land includes a building or facility on the land.

No. 4 **Powers of inspectors**

Page 13, Schedule 1[35], line 19. Omit “**24E(1),**”.

No. 5 **Use of body-worn recording devices**

Page 14, Schedule 1. Insert after line 37—

[41A] Section 24NB

Insert after section 24NA—

24NB Use of body-worn recording devices when exercising certain functions

- (1) An inspector, when exercising a power under this part, must use a body-worn recording device.
- (2) The regulations may provide for circumstances in which subsection (1) does not apply.
- (3) The Secretary must keep recordings made under this section in accordance with the *State Records Act 1998*.
- (4) The Secretary may, in accordance with another law, grant access to a person to a recording if—
 - (a) the person is identifiable in the recording, and
 - (b) the recording may be used in a legal proceeding against the person.
- (5) In this section—
body-worn recording device means a listening device or an optical surveillance device, or both, worn on a person.

No. 6 **Miscellaneous amendments to Prevention of Cruelty to Animals Act 1979**

Page 21, Schedule 1. Insert after line 44—

[52A] Sections 26C–26H

Insert after section 26B—

26C Independent veterinary assessments

- (1) A stock animal to be seized, destroyed or disposed of under this Act must be assessed by an independent veterinary practitioner before the seizure, destruction or disposal of the animal.
- (2) The independent veterinary practitioner must provide a written assessment to the Secretary.
- (3) In making an assessment, the independent veterinary practitioner must consider whether there is a genuine reason the animal should not be seized, destroyed or disposed of.
- (4) In this section—
genuine reason includes an emergency prescribed by the regulations.

26D Drought and natural disasters

- (1) The Secretary, a court or inspector must consider the impact of the following circumstances on the condition of a stock animal before exercising a power under this Act to seize, destroy or dispose of the stock animal—
 - (a) droughts,
 - (b) floods,
 - (c) bush fires,
 - (d) feed shortages,
 - (e) supply chain disruptions,
 - (f) other natural disasters or exceptional circumstances, including a biosecurity emergency, as prescribed by the regulations.
- (2) Temporary hardship arising from a circumstance referred to in subsection (1) is not in itself sufficient justification for an exercise of power under this Act to seize, destroy or dispose of a stock animal.

26E Administrative review by Civil and Administrative Tribunal

- (1) An eligible person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision, or exercise of a function, under this Act in relation to a stock animal.
- (2) The regulations may provide for applications made under subsection (1).
- (3) A stock animal the subject of an application must not be destroyed or disposed of before the determination of the application.
- (4) Subsection (3) does not apply if an independent veterinary practitioner determines it is necessary to destroy or dispose of the animal.

26F Secretary to publish policies and guidelines

- (1) The Secretary must publish the following in relation to an exercise of power under this Act—
 - (a) enforcement policies,
 - (b) operation procedures,
 - (c) compliance guidelines.

26G Review of Act relating to approved charitable organisations

- (1) The Minister must ensure an independent review of the operation of this Act in relation to an approved charitable organisation is conducted to

determine whether the organisation should continue to exercise functions and powers under this Act while engaging in the following—

- (a) political advocacy and campaigning, including lobbying,
 - (b) fundraising campaigns.
- (2) A report on the outcome of the review must be—
- (a) undertaken within 12 months after the *Prevention of Cruelty to Animals Amendment (Enforcement and Operational Powers) Act 2026* commences, and
 - (b) tabled in each House of Parliament as soon as possible after the review is completed.

26H Annual reports to Parliament

- (1) The Minister must prepare a report (an *annual report*) containing the following information during each year—
- (a) the number of the following—
 - (i) inspections conducted,
 - (ii) warrants obtained,
 - (iii) seizures undertaken,
 - (iv) prosecutions commenced and withdrawn,
 - (v) convictions obtained,
 - (b) the complaints, and outcomes of the complaints, made against inspectors.
- (2) The regulations may provide for the content, making and tabling of an annual report in each House of Parliament.

No. 7 Regulation-making powers

Page 22, Schedule 1. Insert after line 35—

[61A] Section 34B Approved charitable organisations

Insert after section 34B(3)—

- (3A) In addition to matters prescribed by the regulations, the report must include—
- (a) the number of prosecutions resulting in conviction, and
 - (b) the number of substantiated complaints, and details of any disciplinary action taken as a result of a complaint, about the organisation or the organisation's officers.

No. 8 Regulation-making powers

Page 24, Schedule 1. Insert after line 18—

[64A] Section 35(6) and (7)

Insert after section 35(5)—

- (6) The Minister must not recommend the making of a regulation under this section unless the Minister has consulted the following—
- (a) agricultural industry bodies,
 - (b) regional communities,
 - (c) stock animal organisations,
 - (d) working dog organisations,
 - (e) another entity prescribed by the regulations.

-
- (7) Despite the *Subordinate Legislation Act 1989*, section 6, a regulatory impact statement must be prepared in connection with a regulation made under this section as if the regulation were a principal statutory rule within the meaning of that Act.