

ANIMALS PROTECTION (MISCELLANEOUS) AMENDMENT BILL

EXPLANATORY NOTE

THE object of this Bill is to increase the penalties for offences under the Animals Protection Act 1960 and to make other miscellaneous amendments.

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on the date it receives the Royal assent.

Clause 2 increases the amount of the fine which can be imposed upon a conviction for the following offences:

- Section 3 (offences of cruelty) from \$1,000 to \$5,000;
- Section 6 (2) (offences relating to the use of traps, nooses, and similar contrivances) from \$200 to \$1,000;
- Section 7 (3) (transport of animals) from \$1,000 to \$5,000;
- Section 8 (3) (injury to animal by vehicle on street or highway) from \$50 to \$250;
- Section 10 (7) (failure to comply with any requirement of an Inspector) from \$100 to \$500;
- Section 16 (3) (custody of any animal and contravention of an order) from \$1,000 to \$5,000;
- Section 17 (2) (failure to give name and address) from \$100 to \$500;
- Section 18 (obstructing an Inspector) from \$1,000 to \$5,000;
- Section 19b (offences against regulations) from \$1,000 to \$5,000.

Clause 3 amends section 2 of the principal Act to further define the term “Cruelty” to include pain or suffering inflicted on any animal by negligence and the term “Ill-treat” to include the overcrowding of animals. It also defines the term “Owner” to include a joint owner.

Clause 4 amends section 3 of the principal Act to extend the description of the offence of the intentional baiting of domestic animals.

Clause 5 repeals section 4 of the principal Act and substitutes a new section 4 to extend the definition of acts of aggravated cruelty and increase the fine which can be imposed for the offence from \$2,000 to \$10,000.

Clause 6 amends section 16 of the principal Act to provide that the power to disqualify a person convicted of cruelty to animals is not dependant upon a previous conviction.

Mr M. Williamson

**ANIMALS PROTECTION (MISCELLANEOUS)
AMENDMENT**

ANALYSIS

Title	4. Offences of cruelty
1. Short Title and commencement	5. Aggravated cruelty
2. Fines increased.	6. Power to disqualify persons convicted of cruelty to animals
3. Interpretation	

A BILL INTITLED

An Act to amend the Animals Protection Act 1960

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Animals Protection (Miscellaneous) Amendment Act 1988, and shall be read together with and deemed part of the Animals Protection Act 1960 (hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on the day on which it receives the Royal assent.

2. Fines increased—The principal Act is hereby amended—

- 15 (a) By omitting from section 3 the expression “\$1,000”, and substituting the expression “\$5,000”:
- (b) By omitting from section 6 (2) the expression “\$200”, and substituting the expression “\$1,000”:
- (c) By omitting from section 7 (3) the expression “\$1,000”, and substituting the expression “\$5,000”:
- 20 (d) By omitting from section 8 (3) the expression “\$50”, and substituting the expression “\$250”:
- (e) By omitting from section 10 (7) the expression “\$100”, and substituting the expression “\$500”:
- (f) By omitting from section 16 (3) the expression “\$1,000”, and substituting the expression “\$5,000”:

- (g) By omitting from section 17 (2) the expression “\$100”, and substituting the expression “\$500”;
- (h) By omitting from section 18 the expression “\$1,000”, and substituting the expression “\$5,000”;
- (i) By omitting from section 19B the expression “\$1,000”, and substituting the expression “\$5,000”. 5

3. Interpretation—Section 2 of the principal Act is hereby amended—

- (a) By inserting in the definition of the term “Cruelty” after the word “wilful”, the words “or negligent”: 10
- (b) By inserting in the definition of the term “Ill-treat” after the words “drive when overloaded,” the word “overcrowd,”;
- (c) By inserting, after the definition of the term “Minister”, the following definition: 15
 “ ‘Owner’ includes a joint owner.”

4. Offences of cruelty—Section 3 of the principal Act is hereby amended by repealing paragraph (r), and substituting the following paragraph:

- “ (r) Intentionally throws, casts, drops or lays in any place, a bait for an animal containing poison or any other substance which would have a harmful effect on the animal, with the intention of destroying or injuring a domestic animal; or” 20

5. Aggravated cruelty—The principal Act is hereby amended by repealing section 4, and substituting the following section: 25

“4. For the purposes of this Act, a person commits an act of aggravated cruelty upon an animal if he commits an act of cruelty upon the animal which results in— 30

- “ (a) The death, deformity or serious disablement of the animal; or
- “ (b) The animal being so seriously injured, so diseased or in such physical condition that it is cruel to keep it alive, thus becoming necessary to destroy the animal in order to terminate its suffering— 35

shall be liable on summary conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000 or to both.”

6. Power to disqualify persons convicted of cruelty to animals—Section 16 of the principal Act is hereby amended 40

by omitting from subsection (1) the words “and has previously been convicted of any offence against either of those sections,”.