



Western Australia

Criminal Investigation Amendment (Protection of Law Enforcement Animals) Act 2024

As at 14 May 2024

Official Version

No. 20 of 2024

Published on www.legislation.wa.gov.au

Criminal Investigation Amendment (Protection of Law Enforcement Animals) Act 2024

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Criminal Investigation Amendment (Protection of Law Enforcement Animals) Act 2024

No. 20 of 2024

An Act to amend the *Criminal Investigation Act 2006*.

[Assented to 14 May 2024]

The Parliament of Western Australia enacts as follows:

s. 11

1. Short title

This is the *Criminal Investigation Amendment (Protection of Law Enforcement Animals) Act 2024*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Criminal Investigation Act 2006*.

4. Part 14 Division 1 inserted

At the beginning of Part 14 insert:

Division 1 — Offences

152A. Terms used

In this Division —

apply force, to an animal, includes to apply heat, light, sound, electrical force, gas, odour or any other substance or thing so as to cause injury or discomfort to the animal;

assault, an animal, means, either directly or indirectly, to strike, touch or move the animal, or otherwise apply force of any kind to the animal;

circumstances of aggravation means circumstances in which during, or immediately before or after, the commission of the offence —

- (a) the offender is armed with a dangerous or offensive weapon or instrument; or
- (b) the offender is in company with another person or persons;

power, duty or responsibility, of an officer who is not a police officer, means a power, duty or responsibility conferred on the officer by this Act;

reasonable excuse has a meaning affected by sections 153C(2) and 153D.

5. Sections 153A to 153E inserted

After section 153 insert:

153A. Harm to animals being used in execution of law enforcement duties

- (1) A person who, without reasonable excuse, kills an animal that is being used by an officer in the execution of the officer's powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 10 years.

- (2) A person who, without reasonable excuse, in circumstances of aggravation, assaults or injures an animal that is being used by an officer in the execution of the officer's powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 10 years.

- (3) A person who, without reasonable excuse, assaults or injures an animal that is being used by an officer in the execution of the officer's powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 7 years.

Summary conviction penalty for this subsection:
imprisonment for 3 years and a fine of \$36 000.

153B. Harm to law enforcement animals generally

- (1) A person who, without reasonable excuse, kills an animal on account of the animal being an animal that is used, or trained or maintained for use, by officers in the execution of their powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 10 years.

- (2) A person who, without reasonable excuse, in circumstances of aggravation, assaults or injures an animal on account of the animal being an animal that is used, or trained or maintained for use, by officers in the execution of their powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 10 years.

- (3) A person who, without reasonable excuse, assaults or injures an animal on account of the animal being an animal that is used, or trained or maintained for use, by officers in the execution of their powers, duties or responsibilities commits a crime.

Penalty for this subsection: imprisonment for 7 years.

Summary conviction penalty for this subsection:
imprisonment for 3 years and a fine of \$36 000.

153C. General provisions about reasonable excuse for offences under s. 153A or 153B

- (1) In a prosecution for an offence under section 153A or 153B, the accused has the onus of proving that the accused had a reasonable excuse.
- (2) In sections 153A and 153B, *reasonable excuse* includes the following —
 - (a) being an officer acting in the course of executing a power, duty or responsibility;
 - (b) acting with the consent of an officer or the owner, or person in charge, of the animal that was assaulted, injured or killed;
 - (c) providing veterinary care or treatment to the animal that was assaulted, injured or killed;
 - (d) being a person authorised to train the animal that was assaulted, injured or killed and acting in the course of training the animal.

153D. Reasonable excuse includes self-defence for offences under s. 153A or 153B

- (1) In sections 153A and 153B, *reasonable excuse* includes circumstances in which —
 - (a) the animal that was assaulted, injured or killed was attacking, or threatening to attack, the accused, another person or another animal; and
 - (b) the accused was defending the accused, another person or another animal against the attack or threatened attack; and
 - (c) the accused did not use more force than was reasonably necessary.

- (2) Subsection (1) does not apply if —
 - (a) the animal that was assaulted, injured or killed was being used by an officer in the execution of the officer’s powers, duties or responsibilities; and
 - (b) the use of the animal was not unreasonable in the circumstances.
- (3) Subsection (1) does not apply to an accused who, in the course of, or for the purpose of, committing an unlawful act, enters or attempts to enter a place or vehicle —
 - (a) of which the person who has actual physical custody or control of the animal that was assaulted, injured or killed is the occupier; or
 - (b) occupied by the animal.
- (4) Subsection (1) does not apply if —
 - (a) the accused provoked the attack or threatened attack; or
 - (b) the accused permitted or encouraged another animal to attack or threaten the animal that was assaulted, injured or killed.

153E. Compensation order relating to offences under s. 153A or 153B

- (1) A court that convicts a person of an offence under section 153A or 153B in relation to an animal may, on application by the Commissioner of Police or the prosecutor, order the person to pay all or some of the reasonable expenses incurred or likely to be incurred as a result of the offence in relation to —
 - (a) the treatment, care, rehabilitation or re-training of the animal; or

- (b) the replacement of the animal with another suitably trained animal.
- (2) An order made under subsection (1) must direct the amount to be paid —
 - (a) to the Commissioner of Police, if the animal is or was an animal used by police officers; or
 - (b) to a person nominated by the prosecutor, if the animal is or was an animal used by officers other than police officers.
- (3) A court may, for the purpose of obtaining additional information or any other purpose it thinks fit, adjourn an application for an order made under subsection (1) for any period that the court thinks appropriate in the circumstances.
- (4) Except as provided by subsection (3), the *Sentencing Act 1995* Part 16 applies, with any necessary modifications, to and in respect of an order made under subsection (1) as if it were a compensation order made under that Part.

6. Part 14 Division 2 heading inserted

Before section 154 insert:

Division 2 — General

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