



New South Wales

Prevention of Cruelty to Animals Amendment Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Prevention of Cruelty to Animals Act 1979* as follows:

- (a) to enable the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services to authorise the seizure and disposal of distressed stock animals following the failure of the owner or person in charge of the animals to take notified remedial action in relation to them,
- (b) to require the Director-General, in determining whether to authorise the seizure and disposal of stock animals, to consider the reports of a Stock Welfare Panel in relation to the animals' state and welfare, and implementation of the notified remedial action,
- (c) to provide for associated matters (including the constitution and functions of Stock Welfare Panels, the recovery of costs and expenses incurred in connection with the seizure and disposal of stock animals, and the exclusion of personal liability in the exercise of proposed functions),
- (d) to enable the Director-General to delegate the Director-General's powers under the Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Prevention of Cruelty to Animals Act 1979 No 200

Schedule 1 [2] inserts proposed Part 2B, which deals with the procedure by which the Director-General may deal with stock animals that the Director-General reasonably suspects are in distress due to specified types of neglect, and associated matters.

Proposed section 24O limits the application of proposed Part 2B to stock animals depastured on rateable land (within the meaning of the *Rural Lands Protection Act 1998*) and defines and interprets certain terms and references for the purposes of the Part.

Proposed section 24P enables the Director-General to issue an official warning (by way of written notice) to the owner or person in charge of a relevant stock animal, that the Director-General intends to authorise the seizure and disposal of the animal if the remedial measures specified in the notice are not taken within the specified period. The official warning may only be issued if the Director-General reasonably suspects that the animal is in distress, or is likely to become distressed, due to a lack of necessary veterinary treatment or proper and sufficient food, drink or shelter.

Before issuing the official warning, the Director-General must constitute a Stock Welfare Panel and consider its report on the state of, and appropriate care for, the animal.

The Panel is to monitor compliance with the official warning and, on the expiry of the period specified for compliance, provide a further report to the Director-General on the results of its monitoring, and the appropriate action to be taken in relation to the animal.

Proposed section 24Q enables the Director-General, by written order, to authorise an inspector to seize and dispose of the animal if, after considering the Panel's report on compliance with an official warning, the Director-General is satisfied that it has not been complied with and that the animal remains in distress or likely to become distressed.

Compensation is not recoverable against any person in respect of the seizure and disposal of a stock animal in accordance with the proposed section.

Proposed section 24R provides for the recovery of costs and expenses incurred in connection with the seizure, keeping and disposal of a stock animal under proposed section 24Q, and the application of the proceeds of any sale of a stock animal under that section.

Proposed section 24S provides that a purchaser of a stock animal sold under proposed section 24Q acquires a good title to the animal.

Proposed section 24T provides for the constitution of Stock Welfare Panels.

Proposed section 24U excludes personal liability for things done or omitted to be done in good faith by the Director-General, a member of the Stock Welfare Panel or an inspector in the exercise of functions conferred or imposed under proposed Part 2B.

Proposed section 24V confers powers on inspectors for the purposes of proposed Part 2B.

Schedule 1 [1] inserts a standard definition relating to functions under the Act.

Schedule 1 [3] enables the Director-General to delegate the Director-General's functions under the Act to any member of staff of the Department.

Schedule 1 [4] enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act or any other Act that amends the *Prevention of Cruelty to Animals Act 1979*.