

Explanatory note

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

Overview of Bill

The objects of this Bill are:

(a) to amend the Exhibited Animals Protection Act 1986 (the Act):

(i) to specify the matters that the Director-General of the Department of Industry and Investment (the Director-General) may consider when deciding whether to grant or refuse an application by a person for an authority for the display or exhibition of animals, and

(ii) to enable the Director-General to disqualify a person who holds such an authority that is cancelled on misconduct grounds from holding an authority for a period of up to 5 years, and

(iii) to provide for applications for the review of certain decisions under the Act to be made to the Administrative Decisions Tribunal, instead of those decisions being subject to appeal to the Minister for Primary Industries (the Minister) or the Local Court, as is currently the case, and

(b) to amend the Prevention of Cruelty to Animals Act 1979 to enable an order made by a court in another State or a Territory that prohibits a person from buying or possessing any animal to be enforceable in New South Wales, and

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(c) to amend the Apiaries Act 1985 to enable the regulations to exempt a person or class of persons from the requirement to be registered as a beekeeper.

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 Exhibited Animals

Protection Act 1986 No 123

Schedule 1 [1] specifies the matters the Director-General may consider in considering whether to grant or refuse an application for a licence, approval or permit (an authority). In addition, the Director-General must refuse to grant an application to a person who is disqualified from holding an authority or to a corporation if any officer of that corporation is disqualified. Schedule 1 [3] defines an officer of a corporation to mean a director of the corporation or a person who is otherwise concerned in its management.

Schedule 1 [4] enables the Director-General, by order in writing served on a person, to disqualify the person from holding an authority for up to 5 years, if the person's authority is cancelled on misconduct grounds. If the person who is disqualified is a corporation, any person who was an officer of the corporation at the time the authority was cancelled may also be disqualified.

Schedule 1 [5] replaces the provisions that enable a person who is aggrieved by certain decisions made by the Director-General in relation to authorities to appeal to the Minister or the Local Court. Under the amendment, a person aggrieved by such a decision (and by a decision that results in a person being disqualified from holding an authority) will instead be able to apply to the Administrative Decisions Tribunal for a review of the decision. Schedule 1 [2] is a consequential amendment.

Schedule 1 [7] provides that the amendment in Schedule 1 [5] applies only to decisions made on or after the amendment and enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [6] is a consequential amendment.

Schedule 2 Amendment of Prevention of Cruelty to

Animals Act 1979 No 200

Schedule 2 enables the Minister to recognise, by order in writing, an order made by a court in another State or a Territory prohibiting a person from purchasing or acquiring, or taking possession or custody of, any animal. If a person who is served with notice of the Minister's decision to recognise the interstate order fails to comply

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with the order in NSW, the person will be guilty of the same offence as a person who fails to comply with a NSW order (maximum penalty: 25 penalty units, currently \$2,750).

Schedule 3 Amendment of Apiaries Act 1985 No 16

Schedule 3 [1] enables the regulations to exempt a person or class of persons from the requirement to be registered as a beekeeper. Schedule 3 [2] is a related amendment.