



New South Wales

Prevention of Cruelty to Animals Amendment (Prohibitions for Convicted Persons) Bill 2022

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* (the **POCTA Act**) and the *Exhibited Animals Protection Act 1986* (the **EAP Act**) to prohibit persons convicted of certain offences in relation to animals from caring for or working with animals.

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[1] extends the definition of *animal cruelty offence* to include offences, in relation to animals, under regulations made under the POCTA Act.

Schedule 1[2] defines *serious interstate animal offence* to mean certain bestiality and serious animal cruelty offences under legislation of other States and the Territories.

Schedule 1[3] allows an officer under the POCTA Act to seize an animal—

- (a) kept in contravention of certain court orders, or
- (b) kept by a person convicted of certain offences in relation to animals, or

- (c) if a person convicted of an animal cruelty offence is breeding the animal or is involved in a business relating to breeding the animal.

Schedule 1[4] requires, rather than allows, a court to make a disqualification order against a person convicted of an animal cruelty offence unless special circumstances justify not making the order. Schedule 1[4] also changes the circumstances in which a court may make a disposal order against a person convicted of an animal cruelty offence.

Currently, an interstate prohibition order applies in New South Wales only if the Minister administering the POCTA Act recognises the order. **Schedule 1[6]** provides that interstate prohibition orders automatically apply in New South Wales. **Schedule 1[5] and [7]** make consequential amendments.

Schedule 1[8] inserts—

- (a) proposed section 31AC to prohibit a person convicted of a serious interstate animal offence from owning or working with an animal, and
- (b) proposed section 31AD to prohibit a person convicted of an animal cruelty offence from—
- (i) breeding animals, or
 - (ii) being involved in a business relating to breeding animals.

Schedule 2 Amendment of Exhibited Animals Protection Act 1986 No 123

Schedule 2 provides that the holder of an authority under the EAP Act must not knowingly cause or permit a person convicted of, or charged with, certain offences in relation to animals to work with, or care for, an animal exhibited under the authority.