



New South Wales

Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018

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 *Exhibited Animals Protection Act 1986* (the *principal Act*) to prohibit the exhibition of exotic animals at a circus by:

- (a) making it an offence for a person to exhibit an exotic animal at a circus, and
- (b) making it an offence to breed, keep, train or transport an exotic animal for the purpose of exhibiting the animal at a circus, whether or not the circus is located in New South Wales, and
- (c) providing that animals that are not exotic animals may continue to be exhibited at a circus if authorised under the principal Act, and
- (d) requiring exotic animals currently exhibited at circuses to be rehomed in an animal display establishment or wildlife sanctuary approved by the Secretary within 12 months.

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.

Schedule 1 **Amendment of Exhibited Animals Protection Act 1986 No 123**

Schedule 1 [5] makes it an offence for a person to exhibit an exotic animal at a circus. It will also be an offence to breed, keep, train or transport an exotic animal for the purposes of exhibiting the

exotic animal at a circus, whether or not the circus is located in New South Wales. The proposed offences have a maximum penalty of \$2,200 or imprisonment for 6 months, or both. **Schedule 1 [4]** makes it clear that permits may not be issued under the principal Act authorising a person to exhibit or supervise the exhibition of an exotic animal at a circus. **Schedule 1 [2]** makes a consequential amendment.

Schedule 1 [3] provides that it continues to be an offence to exhibit an animal other than an exotic animal at a circus without an approval under the principal Act.

Schedule 1 [1] inserts definitions, including *exotic animal*, which means any animal other than a stock animal or a companion animal.

Schedule 1 [7] requires the owner of an exotic animal that is currently being exhibited at a circus to place the exotic animal at an animal display establishment or wildlife sanctuary approved by the Secretary within 12 months. If such a placement is not reasonably practicable, the owner must keep the exotic animal in accordance with standards currently prescribed under the principal Act.

Schedule 1 [6] allows savings and transitional regulations to be made consequent on the enactment of the proposed Act or any other Act that amends the principal Act.



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Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018

No. , 2018

A Bill for

An Act to amend the *Exhibited Animals Protection Act 1986* to prohibit the exhibition of certain animals in connection with a circus, amusement park, fair or similar place of public entertainment.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Act 2018*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 [2]–[4] and [5] (but only to the extent that it inserts section 31A) commence on the first anniversary of the date of assent to this Act.

Schedule 1	Amendment of Exhibited Animals Protection Act 1986 No 123	1
		2
[1] Section 5 Definitions		3
	Insert in alphabetical order in section 5 (1):	4
	<i>circus</i> means any premises occupied by temporary or moveable structures used for the purposes of a circus, fair, fun-fair, amusement park or similar place of public entertainment.	5
		6
		7
	<i>exotic animal</i> means any animal other than:	8
	(a) a stock animal within the meaning of the <i>Prevention of Cruelty to Animals Act 1979</i> , or	9
		10
	(b) a companion animal within the meaning of the <i>Companion Animals Act 1998</i> .	11
		12
[2] Section 22 Persons to be authorised to exhibit animals		13
	Omit “on premises occupied by temporary or movable structures used for the purposes of a circus, fair, fun-fair, amusement park or similar place of public entertainment, or” from section 22 (2).	14
		15
		16
[3] Section 22 (3)		17
	Insert after section 22 (2):	18
	(3) A person in charge of an animal of any species (other than an exotic animal) must not exhibit the animal at a circus unless the person is the holder, or is supervised by the holder, of an approval authorising the holder to exhibit animals of that species.	19
		20
		21
		22
	Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.	23
	Note. Section 31A prohibits the exhibition of exotic animals at a circus.	24
[4] Section 25 Issue of permits		25
	Insert after section 25 (3):	26
	(4) A permit may not be issued that authorises the holder to exhibit, or supervise the exhibition of, an exotic animal at a circus.	27
		28
[5] Sections 31A and 31B		29
	Insert after section 31:	30
31A Exotic animals must not be exhibited at circuses		31
	(1) A person must not exhibit an exotic animal at a circus.	32
	(2) A person must not keep, train or transport an exotic animal for the purpose of exhibiting the exotic animal at a circus, whether or not the circus is located in New South Wales.	33
		34
		35
	Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.	36

31B	Exotic animals must not be bred for exhibition at circuses	1
	A person must not engage in breeding an exotic animal for the purposes of exhibiting the exotic animal at a circus, whether or not the circus is located in New South Wales.	2 3 4
	Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.	5
[6]	Schedule 5 Savings, transitional and other provisions	6
	Insert at the end of clause 1 (1):	7
	any other Act that amends this Act	8
[7]	Schedule 5, Part 3	9
	Insert after Part 2:	10
Part 3	Provision consequent on enactment of Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Act 2018	11 12 13
3	Homing of circus animals	14
(1)	The owner of an exotic animal that is exhibited at a circus under an approval or permit in force immediately before the commencement of this clause must, within 12 months after that commencement:	15 16 17
(a)	cause the exotic animal to be placed in an animal display establishment or a wildlife sanctuary approved by the Secretary, or	18 19
(b)	if such a placement is not reasonably practicable, keep the exotic animal in accordance with any standards prescribed for the purposes of section 14 or 25 that apply to the exotic animal.	20 21 22
(2)	It is a condition of any approval or permit issued to the owner under this Act in respect of the exotic animal that the owner comply with this clause.	23 24