



New South Wales

# Companion Animals Amendment (Rehoming Animals) Bill 2021

## 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 *Companion Animals Act 1998* to set out actions a council must take towards rehoming a seized or surrendered animal.

## 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 Companion Animals Act 1998 No 87**

**Schedule 1** inserts proposed section 64B into the *Companion Animals Act 1998* to set out actions a council must take towards rehoming a seized or surrendered animal before destroying the animal under section 64(1) or 64A(1), and the records the council is required to keep and make available for inspection.



New South Wales

# Companion Animals Amendment (Rehoming Animals) Bill 2021

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New South Wales

# Companion Animals Amendment (Rehoming Animals) Bill 2021

No. , 2021

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## **A Bill for**

An Act to amend the *Companion Animals Act 1998* to set out actions a council must take towards rehoming a seized or surrendered animal; and for related purposes.

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**The Legislature of New South Wales enacts—**

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**1 Name of Act**

2

This Act is the *Companion Animals Amendment (Rehoming Animals) Act 2021*.

3

**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Companion Animals Act 1998 No 87</b>	1
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<b>Section 64B</b>		3
Insert after section 64A—		4
<b>64B Rehoming seized or surrendered animals</b>		5
(1) A council must, before taking action under section 64 or 64A to destroy a seized or surrendered animal—		6
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(a) give written notice to at least 2 rehoming organisations that the animal is available for rehoming, and		8
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(b) take reasonable steps to advertise the animal as available for rehoming.		10
(2) The notice given under subsection (1)(a) must specify the period of time, not less than 7 days from the date the notice is given, during which the animal is available for rehoming.		11
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(3) If a rehoming organisation, whether or not the organisation was given written notice under subsection (1)(a), gives the council written notice that it is able to rehome an animal, the council must—		14
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(a) not destroy the animal, and		17
(b) make arrangements to transfer the animal to the organisation for rehoming.		18
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(4) Subsection (3) does not apply if the rehoming organisation fails to take custody of the animal within—		20
		21
(a) 7 days of giving the written notice, or		22
(b) a longer period agreed in writing between the council and the organisation.		23
		24
(5) A council must keep and make available for inspection the following records—		25
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(a) for an animal rehomed under this section—a record identifying the animal,		27
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(b) for an animal destroyed under section 64 or 64A—		29
(i) a record identifying the animal, and		30
(ii) the actions the council took under this section to rehome the animal, and		31
		32
(iii) alternative action the council considered before destroying the animal.		33
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(6) This section does not apply to an animal that, in the opinion of a veterinary practitioner, is so severely injured, so diseased or in such a physical condition that it is cruel to keep the animal alive.		35
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- (7) In this section—
- rehoming organisation* does not include a council or another operator of a council pound.
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