



New South Wales

Prevention of Cruelty to Animals Amendment (Tail Docking) Bill 2004

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* to allow the docking of a dog's tail only if the procedure is performed by a veterinary surgeon in the interests of the dog's welfare.

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 a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Prevention of Cruelty to Animals Act 1979* set out in Schedule 1.

Schedule 1 Amendments

Section 12 of the *Prevention of Cruelty to Animals Act 1979* (the *Principal Act*) makes it an offence for a person to dock the tail of a dog but provides a defence if the dog was less than 5 days old at the time of the docking or if the docking was performed by a veterinary surgeon in the circumstances prescribed, and in accordance with any conditions specified, in the regulations made under the Act.

Schedule 1 [1] and [2] remove these 2 defences.

Schedule 1 [3] creates a new defence if the docking was performed by a veterinary surgeon and was in the interests of the dog's welfare.

Schedule 1 [4] makes inapplicable to the offence a provision in section 24 of the Principal Act that would otherwise provide a defence if the docking was performed in the course of, and for the purpose of, providing the dog with veterinary treatment.

Schedule 1 [5] allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

First print



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No. , 2004

A Bill for

An Act to amend the *Prevention of Cruelty to Animals Act 1979* with respect to the tail docking of dogs.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Prevention of Cruelty to Animals Amendment (Tail Docking) Act 2004</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6
3 Amendment of Prevention of Cruelty to Animals Act 1979 No 200	7
The <i>Prevention of Cruelty to Animals Act 1979</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendments

	(Section 3)	1
		2
[1] Section 12 Certain operations not to be performed on animals		3
Omit section 12 (2) (a1).		4
[2] Section 12 (2) (b) (i)		5
Omit “, female calf or dog”. Insert instead “or female calf”.		6
[3] Section 12 (2A)		7
Insert after section 12 (2):		8
(2A) A person is not guilty of an offence against this section if the court is satisfied that the procedure comprising the alleged offence was the docking of the tail of a dog, was performed by a veterinary surgeon and was in the interests of the dog’s welfare.		9 10 11 12 13
[4] Section 24 Certain defences		14
Insert after section 24 (2):		15
(3) Subsection (1) (d) does not apply to a person accused of an offence against section 12 (1) if the alleged offence was the docking of the tail of a dog.		16 17 18
[5] Schedule 2 Savings and transitional provisions		19
Insert at the end of clause 1 (1):		20
<i>Prevention of Cruelty to Animals Amendment (Tail Docking) Act 2004</i>		21 22