

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

*Schedule of the Amendments referred to in Legislative Council's
Message of 4 April, 1973.*

No. 1.—Page 5, clause 3, line 23. *After* “Any” insert “prescribed”.

No. 2.—Page 6, clause 3, line 1. *Insert* the following:—

- (3) A reference in subsection (2) to a prescribed person is a reference to—
- (a) a medical officer of health or an assistant medical officer of health appointed under the Public Health Act, 1902; or
 - (b) a veterinary inspector appointed under the Pastures Protection Act, 1934.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 March, 1973.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 4 April, 1973.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. —, 1973.

An Act to prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith.

BE

Prevention of Cruelty to Animals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows :—

1. This Act may be cited as the "Prevention of Cruelty to
Animals (Amendment) Act, 1973". Short title.

2. This Act shall commence on such day as may be
appointed by the Governor in respect thereof and as may be
10 notified by proclamation published in the Gazette. Commence-
ment.

3. The Prevention of Cruelty to Animals Act, 1901, is
amended— Amendment
of Act No.
64, 1901.

(a) (i) by omitting from the definition of "Officer" in
section 3 the words "as amended by subsequent
15 Acts,"; Sec. 3.
(Interpreta-
tion.)

(ii) by inserting at the end of section 3 the follow-
ing new definition :—

"Steel-jawed trap" means a trap of a
description prescribed for the purposes
20 of this definition.

(b) (i) by inserting at the end of section 4 (1) (t) the
following word and new paragraphs :— Sec. 4.
(Ill-treating
animals.)

or

(u)

Prevention of Cruelty to Animals (Amendment).

- (u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—
- 5 (i) fails to take reasonable steps to alleviate the suffering of that animal; or
- 10 (ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,
- 15 unless he is unable to do so by reason of injuries he sustained in the accident;
- 20 or
- (v) sets or causes to be set a steel-jawed trap in any prescribed area,
- 25 (ii) by inserting next after section 4 (1B) the following new subsection :—
- (1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat,
- 30 possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or
- 35 control

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

5 (c) (i) by omitting from section 7A (d) the words ^{Sec. 7A.} "under the authority of" and by inserting ^{(Exemp-} instead the words "in the course of complying ^{tions.)} with";

10 (ii) by omitting section 7A (e) and by inserting instead the following paragraph :—

(e) the hunting, shooting, snaring, trapping or capturing of any animal provided that the activity is carried out without the infliction of unnecessary suffering upon the animal; or;

15 (iii) by omitting from section 7A (h) the words "as amended by subsequent Acts";

20 (d) (i) by inserting in section 7C (1) (h) after the ^{Sec. 7C.} words "receptacles in" the words ", and the ^{(Regula-} conditions under,"; ^{tions.)}

(ii) by inserting next after section 7C (1) the following new subsections :—

25 (1A) A regulation may be made for or with respect to all animals, or to any specified class of animal, or to classes of animals other than those specified in the regulation.

(1B) A regulation for the purposes of—

30 (a) the definition of "Steel-jawed trap" in section 3 may prescribe a description of trap either by words or by reference

to

Prevention of Cruelty to Animals (Amendment).

to a photographic reproduction reproduced in the regulation or any other depiction therein depicted, or both; and

5 (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas
10 within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

15 (iii) by omitting section 7c (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
20

(e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may inspect sale-yards, etc.)

25 (2) Any **prescribed** person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such
30 premises and any animal found therein.

(3)

Prevention of Cruelty to Animals (Amendment).

(3) A reference in subsection (2) to a prescribed person is a reference to—

- 5 **(a) a medical officer of health or an assistant medical officer of health appointed under the Public Health Act, 1902; or**
- (b) a veterinary inspector appointed under the Pastures Protection Act, 1934.**

10 **(4) ~~(3)~~ Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.**

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[5c]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 March, 1973.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
Amendments.*

*Legislative Council Chamber,
Sydney, , 1973.*

Clerk of the Parliament

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith.

BE

Prevention of Cruelty to Animals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1973". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commence-ment.

3. The Prevention of Cruelty to Animals Act, 1901, is amended— Amendment of Act No. 64, 1901.

(a) (i) by omitting from the definition of "Officer" in section 3 the words "as amended by subsequent Acts,"; Sec. 3. (Interpretation.)

(ii) by inserting at the end of section 3 the following new definition:—

"Steel-jawed trap" means a trap of a description prescribed for the purposes of this definition.

(b) (i) by inserting at the end of section 4 (1) (t) the following word and new paragraphs:— Sec. 4. (Ill-treating animals.)

or

(u)

Prevention of Cruelty to Animals (Amendment)

(u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—

5

(i) fails to take reasonable steps to alleviate the suffering of that animal; or

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(ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,

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unless he is unable to do so by reason of injuries he sustained in the accident;

or

(v) sets or causes to be set a steel-jawed trap in any prescribed area,

25

(ii) by inserting next after section 4 (1B) the following new subsection :—

30

(1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat, possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or

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control

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

- 5 (c) (i) by omitting from section 7A (d) the words Sec. 7A.
“under the authority of” and by inserting (Exemp-
instead the words “in the course of complying tions.)
with”;
- 10 (ii) by omitting section 7A (e) and by inserting
instead the following paragraph :—
- 15 (e) the hunting, shooting, snaring, trapping
or capturing of any animal provided
that the activity is carried out without
the infliction of unnecessary suffering
upon the animal; or;
- (iii) by omitting from section 7A (h) the words
“, as amended by subsequent Acts”;
- 20 (d) (i) by inserting in section 7C (1) (h) after the Sec. 7C.
words “receptacles in” the words “, and the (Regula-
conditions under,”; tions.)
- (ii) by inserting next after section 7C (1) the
following new subsections :—
- 25 (1A) A regulation may be made for or with
respect to all animals, or to any specified class
of animal, or to classes of animals other than
those specified in the regulation.
- (1B) A regulation for the purposes of—
- 30 (a) the definition of “Steel-jawed trap” in
section 3 may prescribe a description
of trap either by words or by reference

Prevention of Cruelty to Animals (Amendment).

to a photographic reproduction reproduced in the regulation or any other depiction therein depicted, or both; and

5 (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas
10 within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

15 (iii) by omitting section 7C (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
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(e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may inspect sale-yards, etc.)

25 (2) Any **prescribed** person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for
30 physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.

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Prevention of Cruelty to Animals (Amendment).

(3) A reference in subsection (2) to a prescribed person is a reference to—

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- (b) a veterinary inspector appointed under the Pastures Protection Act, 1934.**

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BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

Provisions of Chapter 10, Section 10 (Amendment)

(1) A reference in subsection (2) to a prescribed person is a reference to—

(a) a medical officer of health or an authorized medical officer of health or a person authorized by the medical officer of health to act as such;

(b)

(3) A

except that the person referred to in subsection (2) shall be a person who is a medical officer of health or an authorized medical officer of health or a person authorized by the medical officer of health to act as such.

This Public Bill introduced in the Legislative Assembly, and
having this day passed, is now ready for presentation to the Legislative
Council for its concurrence.

L. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 29 March 1977.

The Legislative Council has not yet agreed to this Bill with
amendment.

in the Parliament.

INAR

provision in respect of the purpose for
which certain animals are kept at greyhound
training or racing establishments; to make
provision in respect of animals injured by
vehicles; to provide for the entry into and the
inspection of premises where certain operations
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of Cruelty to Animals Act, 1901; and for purposes
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BE

1977—250

Note—The words to be inserted are printed in black letters.

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I. P. K. VIDLER,
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*Legislative Assembly Chamber,
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(ii) by inserting at the end of section 3 the follow-
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"Steel-jawed trap" means a trap of a
description prescribed for the purposes
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(b) (i) by inserting at the end of section 4 (1) (t) the
following word and new paragraphs :— Sec. 4.
(Ill-treating
animals.)
or

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Prevention of Cruelty to Animals (Amendment).

(u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—

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(i) fails to take reasonable steps to alleviate the suffering of that animal; or

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(ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,

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unless he is unable to do so by reason of injuries he sustained in the accident;

or

(v) sets or causes to be set a steel-jawed trap in any prescribed area,

25

(ii) by inserting next after section 4 (1B) the following new subsection :—

30

(1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat, possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or

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Prevention of Cruelty to Animals (Amendment).

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5 (c) (i) by omitting from section 7A (d) the words Sec. 7A.
“under the authority of” and by inserting (Exemptions.)
instead the words “in the course of complying
with”;

10 (ii) by omitting section 7A (e) and by inserting
instead the following paragraph :—

(e) the hunting, shooting, snaring, trapping
or capturing of any animal provided
that the activity is carried out without
the infliction of unnecessary suffering
15 upon the animal; or;

(iii) by omitting from section 7A (h) the words
“, as amended by subsequent Acts”;

20 (d) (i) by inserting in section 7C (1) (h) after the Sec. 7C.
words “receptacles in” the words “, and the (Regulations.)
conditions under,”;

(ii) by inserting next after section 7C (1) the
following new subsections :—

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respect to all animals, or to any specified class
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5 (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas
10 within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

15 (iii) by omitting section 7c (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act,
20 1969.

(e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may inspect sale-yards, etc.)

25 (2) Any person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for
30 physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.

(3)

Prevention of Cruelty to Animals (Amendment).

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(3) Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973
[5c]

No. , 1973.

A BILL

To prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith.

[Mr GRIFFITH—21 March, 1973.]

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(ii) by inserting at the end of section 3 the following new definition :—

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or

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Prevention of Cruelty to Animals (Amendment).

(u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—

5 (i) fails to take reasonable steps to alleviate the suffering of that animal; or

10 (ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,

15 unless he is unable to do so by reason of injuries he sustained in the accident;

or

20 (v) sets or causes to be set a steel-jawed trap in any prescribed area,

25 (ii) by inserting next after section 4 (1B) the following new subsection :—

30 (1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat, possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant

35 kept or had in his custody, possession, care or

control

(2)

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

- 5 (c) (i) by omitting from section 7A (d) the words Sec. 7A.
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 following new subsections :—
- 25 (1A) A regulation may be made for or with
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5 (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas
10 within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

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(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
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(e) by inserting at the end of section 12A the following new subsections :—

(2) Any person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.
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Sec. 12A.
(Officer may inspect sale-yards, etc.)

(3)

Prevention of Cruelty to Animals (Amendment).

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(3) Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

[5c]

1772. 1st. 12.

My dear friend, I have received your

letter of the 10th inst. and am
glad to hear that you are
well. I am also well and hope
to hear from you again soon.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL, 1973

EXPLANATORY NOTE

THE objects of this Bill are:—

- (a) to prohibit the use of certain steel-jawed traps in prescribed areas except in the course of complying with any Act, regulation or by-law;
- (b) to provide that evidence that any person has certain live animals in his possession at any place used for training or racing greyhounds shall be evidence that the animals were kept by that person for the purpose of training or racing greyhounds;
- (c) to provide that the driver of a vehicle which in an accident strikes and injures an animal other than a bird shall be guilty of an offence if—
 - (i) he fails to take reasonable steps to alleviate the suffering of the animal; or
 - (ii) in the case of an animal which he knows or ought reasonably to believe to be a domestic animal, he fails to report the accident to the owner or person in charge of the animal or to an officer,unless he is unable to do so by reason of injuries he sustained in the accident;
- (d) to provide that the hunting, snaring, trapping, shooting or capturing of any animal shall be carried out without the infliction upon the animal of unnecessary suffering;
- (e) to provide that a person authorised by the Minister may enter and inspect premises where certain operations or experiments on animals are carried out;
- (f) to provide that the conditions under which animals are kept in captivity may be prescribed by regulation;
- (g) to make other provisions of a minor or ancillary nature.

PROOF

No. , 1973.

A BILL

To prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith.

[Mr GRIFFITH—21 March, 1973.]

BE

Prevention of Cruelty to Animals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1973". Short title.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commence-ment.

3. The Prevention of Cruelty to Animals Act, 1901, is amended— Amendment of Act No. 64, 1901.

(a) (i) by omitting from the definition of "Officer" in section 3 the words "as amended by subsequent Acts,"; Sec. 3. (Interpretation.)

(ii) by inserting at the end of section 3 the following new definition :—

"Steel-jawed trap" means a trap of a description prescribed for the purposes of this definition.

(b) (i) by inserting at the end of section 4 (1) (t) the following word and new paragraphs :— Sec. 4. (Ill-treating animals.)

or

(u)

Prevention of Cruelty to Animals (Amendment).

- (u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—
- 5 (i) fails to take reasonable steps to alleviate the suffering of that animal; or
- 10 (ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,
- 15 unless he is unable to do so by reason of injuries he sustained in the accident;
- 20 or
- (v) sets or causes to be set a steel-jawed trap in any prescribed area,
- 25 (ii) by inserting next after section 4 (1B) the following new subsection :—
- (1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat,
- 30 possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or
- 35 control

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

- 5 (c) (i) by omitting from section 7A (d) the words Sec. 7A.
“under the authority of” and by inserting (Exemp-
instead the words “in the course of complying tions.)
with”;

- 10 (ii) by omitting section 7A (e) and by inserting
instead the following paragraph :—

(e) the hunting, shooting, snaring, trapping
or capturing of any animal provided
that the activity is carried out without
the infliction of unnecessary suffering
upon the animal; or;

- 15 (iii) by omitting from section 7A (h) the words
“, as amended by subsequent Acts”;

- 20 (d) (i) by inserting in section 7C (1) (h) after the Sec. 7c.
words “receptacles in” the words “, and the (Regula-
conditions under,”; tions.)

- (ii) by inserting next after section 7C (1) the
following new subsections :—

25 (1A) A regulation may be made for or with
respect to all animals, or to any specified class
of animal, or to classes of animals other than
those specified in the regulation.

(1B) A regulation for the purposes of—

- 30 (a) the definition of “Steel-jawed trap” in
section 3 may prescribe a description
of trap either by words or by reference

to

Prevention of Cruelty to Animals (Amendment).

to a photographic reproduction reproduced in the regulation or any other depiction therein depicted, or both; and

- 5 (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas
10 within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

- 15 (iii) by omitting section 7c (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
20

- (e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may inspect sale-yards, etc.)

- 25 (2) Any person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for physiological or pathological investigation or any
30 operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.

(3)

Prevention of Cruelty to Animals (Amendment).

5 (3) Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.

BY AUTHORITY

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 45, 1973.

An Act to prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

Prevention of Cruelty to Animals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1973".

Commence- **2.** This Act shall commence on such day as may be
ment. appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment **3.** The Prevention of Cruelty to Animals Act, 1901, is
of Act No. amended—
64, 1901.

Sec. 3. (a) (i) by omitting from the definition of "Officer" in
(Interpreta- section 3 the words "as amended by subsequent
tion.) Acts,";

(ii) by inserting at the end of section 3 the follow-
ing new definition :—

"Steel-jawed trap" means a trap of a
description prescribed for the purposes
of this definition.

Sec. 4. (b) (i) by inserting at the end of section 4 (1) (t) the
(Ill-treating following word and new paragraphs :—
animals.)

or

(u)

Prevention of Cruelty to Animals (Amendment).

(u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—

(i) fails to take reasonable steps to alleviate the suffering of that animal; or

(ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,

unless he is unable to do so by reason of injuries he sustained in the accident;

or

(v) sets or causes to be set a steel-jawed trap in any prescribed area,

(ii) by inserting next after section 4 (1B) the following new subsection :—

(1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat, possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or

control

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

Sec. 7A.
(Exemptions.)

- (c) (i) by omitting from section 7A (d) the words “under the authority of” and by inserting instead the words “in the course of complying with”;
- (ii) by omitting section 7A (e) and by inserting instead the following paragraph :—
 - (e) the hunting, shooting, snaring, trapping or capturing of any animal provided that the activity is carried out without the infliction of unnecessary suffering upon the animal; or;
- (iii) by omitting from section 7A (h) the words “, as amended by subsequent Acts”;

Sec. 7C.
(Regulations.)

- (d) (i) by inserting in section 7C (1) (h) after the words “receptacles in” the words “, and the conditions under,”;
- (ii) by inserting next after section 7C (1) the following new subsections :—
 - (1A) A regulation may be made for or with respect to all animals, or to any specified class of animal, or to classes of animals other than those specified in the regulation.
 - (1B) A regulation for the purposes of—
 - (a) the definition of “Steel-jawed trap” in section 3 may prescribe a description of trap either by words or by reference

to

Prevention of Cruelty to Animals (Amendment).

to a photographic reproduction reproduced in the regulation or any other depiction therein depicted, or both; and

- (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

- (iii) by omitting section 7c (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

- (e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may inspect sale-yards, etc.)

(2) Any prescribed person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.

Prevention of Cruelty to Animals (Amendment).

(3) A reference in subsection (2) to a prescribed person is a reference to—

(a) a medical officer of health or an assistant medical officer of health appointed under the Public Health Act, 1902; or

(b) a veterinary inspector appointed under the Pastures Protection Act, 1934.

(4) Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.

BY AUTHORITY:

V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 12 April, 1973, A.M.*

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 45, 1973.

An Act to prohibit the use of certain traps for trapping animals in certain areas; to make certain evidentiary provision with respect to the purpose for which certain animals are kept at greyhound training or racing establishments; to make provision in respect of animals injured by vehicles; to provide for the entry into and the inspection of premises where certain operations or experiments on animals are conducted; for these and other purposes to amend the Prevention of Cruelty to Animals Act, 1901; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Prevention of Cruelty to Animals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1973".

Commence- **2.** This Act shall commence on such day as may be
ment. appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment **3.** The Prevention of Cruelty to Animals Act, 1901, is
of Act No. amended—
64, 1901.

Sec. 3. (a) (i) by omitting from the definition of "Officer" in
(Interpreta- section 3 the words "as amended by subsequent
tion.) Acts,";

(ii) by inserting at the end of section 3 the follow-
ing new definition :—

"Steel-jawed trap" means a trap of a
description prescribed for the purposes
of this definition.

Sec. 4. (b) (i) by inserting at the end of section 4 (1) (t) the
(Ill-treating following word and new paragraphs :—
animals.)

or

(u)

Prevention of Cruelty to Animals (Amendment).

(u) being the driver of a vehicle that, in an accident, strikes and injures any animal (other than a bird) on any public road—

(i) fails to take reasonable steps to alleviate the suffering of that animal; or

(ii) in the case of an animal which he knows or ought reasonably to believe to be, a domestic animal, fails to take reasonable steps to report, as soon as possible, the accident to the owner or person in charge of the animal, if he knows or can reasonably ascertain the name and address of the owner or person in charge of the animal, or to an officer,

unless he is unable to do so by reason of injuries he sustained in the accident ;

or

(v) sets or causes to be set a steel-jawed trap in any prescribed area,

(ii) by inserting next after section 4 (1B) the following new subsection :—

(1C) In any prosecution under paragraph (s) of subsection (1) evidence that the defendant kept or had in his custody, possession, care or control any live rabbit, cat, possum, bird or dog (other than a greyhound) at any place used for the training or racing of greyhounds shall, unless the defendant proves to the contrary, be evidence that the defendant kept or had in his custody, possession, care or

control

Prevention of Cruelty to Animals (Amendment).

control such live rabbit, cat, possum, bird or dog at that place for the purpose of using it in connection with the training or racing of greyhounds.

Sec. 7A.
(Exemptions.)

- (c) (i) by omitting from section 7A (d) the words "under the authority of" and by inserting instead the words "in the course of complying with";
- (ii) by omitting section 7A (e) and by inserting instead the following paragraph :—
 - (e) the hunting, shooting, snaring, trapping or capturing of any animal provided that the activity is carried out without the infliction of unnecessary suffering upon the animal; or;
- (iii) by omitting from section 7A (h) the words ", as amended by subsequent Acts";

Sec. 7C.
(Regulations.)

- (d) (i) by inserting in section 7C (1) (h) after the words "receptacles in" the words ", and the conditions under,";
- (ii) by inserting next after section 7C (1) the following new subsections :—
 - (1A) A regulation may be made for or with respect to all animals, or to any specified class of animal, or to classes of animals other than those specified in the regulation.
 - (1B) A regulation for the purposes of—
 - (a) the definition of "Steel-jawed trap" in section 3 may prescribe a description of trap either by words or by reference

to

Prevention of Cruelty to Animals (Amendment).

to a photographic reproduction reproduced in the regulation or any other depiction therein depicted, or both; and

- (b) paragraph (v) of subsection (1) of section 4 may, without limiting the operation of subsection (1), prescribe as an area the whole of the State of New South Wales except such areas within the meaning of the Local Government Act, 1919, or any part or parts thereof, as may be specified in the regulation.

- (iii) by omitting section 7C (4) and (5) and by inserting instead the following subsection :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

- (e) by inserting at the end of section 12A the following new subsections :—

Sec. 12A.
(Officer may
inspect sale-
yards, etc.)

(2) Any prescribed person who is the holder of an authority in writing issued by the Minister for the purposes of this subsection, may, on production of that authority to the person in charge or apparently in charge of the premises, enter any premises at or in which that person has reasonable cause to suspect and believes that any animals are kept for the purpose of any surgical operation, any operation for physiological or pathological investigation or any operation of the nature of an inoculation or for the purpose of a feeding experiment, and inspect such premises and any animal found therein.

(3)

Prevention of Cruelty to Animals (Amendment).

(3) A reference in subsection (2) to a prescribed person is a reference to—

(a) a medical officer of health or an assistant medical officer of health appointed under the Public Health Act, 1902; or

(b) a veterinary inspector appointed under the Pastures Protection Act, 1934.

(4) Any person who assaults, resists or obstructs or incites any person to assault, resist or obstruct an officer or a person authorised under subsection (2) in the execution of his powers under this section shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding \$200.

In the name and on behalf of Her Majesty I assent to this Act.

JOHN R. KERR,
Administrator.

*Government House,
Sydney, 8th May, 1973.*

