

(Reprint No. 1)

SOUTH AUSTRALIA

PREVENTION OF CRUELTY TO ANIMALS ACT 1985

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 December 1994.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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PREVENTION OF CRUELTY TO ANIMALS ACT 1985

being

Prevention of Cruelty to Animals Act 1985 No. 106 of 1985
[Assented to 7 November 1985]¹

as amended by

Meat Hygiene Act 1994 No. 48 of 1994 [Assented to 9 June 1994]²

¹ Came into operation 1 August 1986: *Gaz.* 24 July 1986, p. 322.

² Came into operation 1 December 1994: *Gaz.* 1 December 1994, p. 1868.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

An Act to discourage cruelty to animals; to repeal the Prevention of Cruelty to Animals Act 1936; and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Prevention of Cruelty to Animals Act 1985*.

Commencement

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

"**animal**" means a member of any species of the sub-phylum *vertebrata* except—

(a) a human being; or

(b) a fish,

and includes any prescribed animal;

"**the Chief Inspector**" means the person appointed to be the Chief Inspector under Part 5;

"**the Committee**" means the Animal Welfare Advisory Committee established under this Act;

"**inspector**" means—

(a) a member of the police force; or

(b) the Chief Inspector; or

(c) a person holding an appointment as an inspector under Part 5;

"**owner**" includes—

(a) in relation to an animal, a person who has the custody and control of the animal; and

(b) in relation to real or personal property—a person entitled to possession of the property;

"**pain**" includes suffering and distress;

"**premises**" means any land, building or structure (including a moveable building or structure);

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"**the Society**" means the Royal Society for the Prevention of Cruelty to Animals (S.A.) Incorporated;

"**vehicle**" includes an aircraft or a vessel;

"**veterinary surgeon**" means a person who is registered as a veterinary surgeon under the *Veterinary Surgeons Act 1935*.

Repeal of Prevention of Cruelty to Animals Act 1936

4. The *Prevention of Cruelty to Animals Act 1936* is repealed.

Act to bind Crown

5. This Act binds the Crown.

PART 2
THE ANIMAL WELFARE ADVISORY COMMITTEE

The Animal Welfare Advisory Committee

6. (1) There shall be a committee entitled the "Animal Welfare Advisory Committee".

(2) The Committee shall consist of eight members appointed by the Governor, of whom—

- (a) one shall be a person nominated by the Minister of Agriculture; and
- (b) two shall be persons nominated by the United Farmers and Stockowners Association; and
- (c) one shall be a person nominated by the Society; and
- (d) two shall be persons who, in the opinion of the Minister, are suitable persons to represent the interests of animal welfare organisations; and
- (e) one shall be a person nominated by the Australian Veterinary Association; and
- (f) one shall be a person engaged in research activities involving animals nominated by the Minister of Health.

(3) Where the Minister, by notice in writing, requests—

- (a) the United Farmers and Stockowners Association; or
- (b) the Society; or
- (c) the Australian Veterinary Association,

to make a nomination for the purposes of this section, and the body to which the request is addressed fails to make such a nomination within the time allowed in the notice, the Minister may select a person for appointment as a member of the Committee, and a person so selected may then be appointed to the Committee as if nominated by the body to which the request was addressed.

(4) The Governor may appoint a member of the Committee to be the Chairman of the Committee and another member to be the Deputy Chairman.

(5) The Governor may appoint a suitable person to be the deputy of a member of the Committee (other than the Chairman), and the deputy may, in the absence of that member, act as a member of the Committee.

Term of office of members

7. (1) A member of the Committee shall be appointed for such term, not exceeding three years, as the Governor determines and specifies in the instrument of appointment, and on the expiration of a term of office, shall be eligible for reappointment.

(2) The Governor may remove a member of the Committee from office on the ground of—

- (a) mental or physical incapacity to carry out satisfactorily the duties of a member; or

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(b) dishonourable conduct; or

(c) neglect of duty.

(3) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office; or

(c) resigns by notice in writing to the Minister; or

(d) is removed from office by the Governor under subsection (2).

(4) On the office of a member of the Committee becoming vacant, a person shall be appointed to that office in accordance with this Act.

Allowances and expenses

8. A member of the Committee shall be entitled to receive such allowances and expenses as the Governor may from time to time determine.

Conduct of business

9. (1) The Chairman, if present at a meeting of the Committee, shall preside at that meeting and, in the absence of the Chairman, the Deputy Chairman shall preside.

(2) In the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee, the members present shall elect one of their number to preside at the meeting.

(3) Five members constitute a quorum of the Committee.

(4) Each member present at a meeting of the Committee is entitled to one vote on a question arising for decision at that meeting.

(5) A decision supported by the votes of not less than five members of the Committee shall be a decision of the Committee.

(6) Subject to this Act, the business of the Committee shall be conducted in such manner as it determines.

Saving provision

10. An act or proceeding of the Committee is not invalid by reason of a vacancy in its membership or a defect in an appointment.

The secretary

11. (1) There shall be a secretary to the Committee.

(2) The secretary shall be appointed, and hold office, under the *Public Service Act 1967*.

(3) The office of secretary to the Committee may be held in conjunction with any other office in the Public Service of the State.

Functions of the Committee

12. The functions of the Committee are—

- (a) to advise the Minister on any matter relating to the administration or enforcement of this Act; and
- (b) to consider, and report to the Minister on, legislative proposals affecting animal welfare; and
- (c) to examine proposed codes of practice relating to animals and report to the Minister on their likely effect upon animal welfare; and
- (d) to investigate and report to the Minister on any matters referred by the Minister to the Committee for advice.

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**PART 3
CRUELTY TO ANIMALS**

Ill treatment of animals

13. (1) A person who ill treats an animal shall be guilty of an offence.

Penalty: Ten thousand dollars or imprisonment for twelve months.

(2) Without limiting the generality of subsection (1), a person ill treats an animal if that person—

- (a) deliberately or unreasonably causes the animal unnecessary pain; or
- (b) being the owner of the animal—
 - (i) fails to provide it with appropriate, and adequate, food, water, shelter or exercise; or
 - (ii) fails to take reasonable steps to alleviate any pain suffered by the animal (whether by reason of age, illness or injury); or
 - (iii) abandons the animal; or
 - (iv) neglects the animal so as to cause it pain; or
- (c) releases the animal from captivity for the purpose of it then being hunted or killed by another animal; or
- (d) causes the animal to be killed or injured by another animal; or
- (e) organises, participates in, or is present at, an event at which the animal is encouraged to fight with another animal; or
- (f) having injured the animal (not being an animal of which that person is the owner), fails to take reasonable steps to alleviate any pain suffered by the animal; or
- (g) kills the animal in a manner that causes the animal unnecessary pain; or
- (h) kills the animal in a manner contrary to the regulations; or
- (i) conveys or transports the animal in a manner contrary to the regulations; or
- (j) traps, snares or otherwise catches the animal in a manner contrary to the regulations; or
- (k) poisons the animal or lays a poison bait for the animal in a manner contrary to the regulations; or
- (l) cages, tethers or otherwise confines the animal in a manner contrary to the regulations.

Electrical devices for controlling animals not to be used in contravention of regulations

14. A person shall not use an electrical goad or fence or any other electrical device designed for the purpose of controlling an animal in contravention of the regulations.

Penalty: Ten thousand dollars or imprisonment for twelve months.

Prohibited medical or surgical procedures

15. A person shall not carry out a medical or surgical procedure on an animal in contravention of the regulations.

Penalty: Ten thousand dollars or imprisonment for twelve months.

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**PART 4
TEACHING AND RESEARCH INVOLVING ANIMALS**

**DIVISION 1—LICENCES FOR TEACHING AND RESEARCH
INVOLVING ANIMALS**

Prohibition of use of animals for teaching or research unless licensed

16. (1) Subject to subsection (2), a person shall not use an animal for the purposes of—

- (a) teaching any science; or
- (b) research or experimentation,

without a licence under this Part.

Penalty: (a) in relation to a body corporate—fifty thousand dollars;

(b) in relation to a natural person—ten thousand dollars.

(2) A employee is not required to hold a licence under this Part in respect of anything done in the course of employment by a person who holds a licence under this Part.

Application for a licence

17. (1) A person may apply to the Minister for a licence under this Part.

(2) An application for a licence must—

- (a) be made in the prescribed manner and form; and
- (b) contain the prescribed information; and
- (c) be accompanied by the prescribed application fee.

Grant of licences

18. (1) Where application is made under this Part for a licence, the Minister shall determine whether a licence should be granted having regard to—

- (a) the suitability of the applicant to be granted the licence; and
- (b) the adequacy of the applicant's premises and facilities for the care and handling of animals; and
- (c) the adequacy of arrangements made by the applicant for the provision of veterinary attention to animals; and
- (d) such other matters as may be prescribed.

(2) On granting a licence, the Minister shall forward to the applicant a licence in the prescribed form.

Conditions of licences

19. (1) A licence under this Part shall be subject to such conditions as the Minister may specify by notice in writing given to the holder of the licence.

(2) Without limiting the matters with respect to which conditions may be imposed, the Minister may impose conditions—

- (a) requiring the holder of the licence to establish an animal ethics committee in accordance with section 23; and
- (b) requiring the holder of the licence to consult with an animal ethics committee in relation to specified matters; and
- (c) requiring the holder of the licence to seek the approval of an animal ethics committee before—
 - (i) acquiring animals for the purposes of teaching, research or experimentation; or
 - (ii) using animals for the purposes of teaching, research or experimentation; and
- (d) requiring the holder of the licence to provide an animal ethics committee with such information in relation to teaching, research or experimentation involving animals as the animal ethics committee may request; and
- (e) requiring the holder of the licence to answer such questions in relation to teaching, research or experimentation involving animals as may be put by an animal ethics committee.

(3) The Minister may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further condition.

Renewal of licences

20. (1) Subject to this Part, a licence shall remain in force for a period of two years from the day on which it is granted and thereafter may be renewed for successive periods of two years.

(2) An application for renewal—

- (a) must be made in a manner and form determined by the Minister; and
- (b) must be delivered to the Minister not less than one month before the licence is due to expire; and
- (c) must be accompanied by the prescribed fee.

(3) The Minister has a discretion to determine an application for renewal notwithstanding that it is delivered out of time.

(4) Where an application for renewal is made in accordance with this Act, the Minister shall renew the licence of the applicant.

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Surrender of licences

21. The holder of a licence may at any time surrender the licence to the Minister.

Revocation of suspension of licences

22. (1) Where the holder of a licence—

- (a) has been found guilty of an offence against this Act; or
- (b) has obtained the licence improperly; or
- (c) has failed to comply with a condition of the licence,

the Minister may, by notice in writing addressed to the holder of the licence, revoke the licence, or suspend the licence for a period specified in the notice.

DIVISION 2—ANIMAL ETHICS COMMITTEES

Animal ethics committees

23. (1) The Minister may establish animal ethics committees for the purposes of this Act.

(2) Where a licensee is required, as a condition of the licence, to establish an animal ethics committee, the licensee shall establish an animal ethics committee in accordance with this section.

(3) An animal ethics committee shall consist of at least four members appointed by the Minister, of whom—

- (a) at least one shall be a veterinary surgeon; and
- (b) at least one shall be a person who is engaged in teaching or research activities involving animals; and
- (c) at least one shall be a person who is responsible for the daily care of animals kept for use in teaching or research activities; and
- (d) at least one shall be a person with an established commitment to the welfare of animals.

(4) In selecting persons for appointment to an animal ethics committee the Minister should act with a view to ensuring that the membership of the committee is, as nearly as possible, equally representative of each of the classes of person referred to in subsection (3).

(5) The Minister shall appoint a member of an animal ethics committee to be the chairman of the committee.

(6) A member of an animal ethics committee shall be entitled to receive—

- (a) in the case of an animal ethics committee established by the Minister—such allowances and expenses as the Governor may determine; and
- (b) in the case of an animal ethics committee established by a licensee—such allowances and expenses as may be determined by agreement between the licensee and the member.

(7) The term of office of a member of an animal ethics committee shall not exceed two years, and on the expiration of a term of office, the member shall be eligible for reappointment.

Procedure

24. (1) The quorum of an animal ethics committee shall consist of such number of members of the committee as may be determined by the Minister.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of an animal ethics committee is a decision of the committee.

(3) Each member present at a meeting of an animal ethics committee is entitled to one vote on a question arising for decision at that meeting and, in the event of an equality of votes, the person presiding is entitled to a second, or casting, vote.

(4) Subject to this Act, the business of an animal ethics committee shall be conducted in such manner as the committee determines.

Functions of animal ethics committees

25. (1) Subject to this section, the functions of an animal ethics committee are—

- (a) to determine matters required under this Act to be referred to an animal ethics committee by the holder of a licence; and
- (b) to approve the use of animals for the purposes of teaching, research or experimentation proposed to be undertaken by the holder of a licence; and
- (c) to approve the acquisition, by the holder of a licence, of animals for the purposes of teaching, research or experimentation; and
- (d) to ensure that animals involved in teaching, research or experimentation are treated humanely, and that the regulations relating to such activities are complied with; and
- (e) to prepare annual returns for the Minister containing the prescribed information in relation to the matters referred to the committee in accordance with this Act; and
- (f) such other functions as are prescribed.

(2) An animal ethics committee may approve the use of an animal for the purposes of teaching, research or experimentation, or the acquisition of animals for such purposes, unconditionally, or subject to such conditions as the committee thinks fit.

(3) An animal ethics committee shall not approve the use of an animal for the purposes of research or experimentation, or the acquisition of an animal for such purposes, unless it is satisfied that—

- (a) the use of the animal is essential in order to obtain significant scientific data; and
- (b) the person who proposes to use the animal has appropriate experience and qualifications.

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DIVISION 3—APPEALS

Appeals against decisions of animal ethics committees

26. (1) A right of appeal to the Minister shall lie against any decision of an animal ethics committee under this Part.

(2) The appeal must be instituted within one month of the making of the decision appealed against, but the Minister may, if satisfied that in the circumstances it is just and reasonable to do so, extend the period within which an appeal may be instituted.

(3) The Minister shall not determine an appeal under this section unless the Committee has investigated, and furnished the Minister with a report upon, the appeal.

(4) The Minister may, on the hearing of the appeal, confirm, vary or reverse the decision appealed against.

Appeal against decisions of Minister

27. (1) A right of appeal to the Supreme Court shall lie against any decision of the Minister under this Part.

(2) The appeal must be instituted within one month of the making of the decision appealed against, but the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Supreme Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case:

- (a) affirm, vary or quash the decision appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Minister for further consideration;
- (c) make any further or other order as to costs or any other matter that the case requires.

(4) The Minister shall, if so required by any person affected by a decision, state in writing the reasons for that decision.

(5) If the reasons of the Minister were not given in writing at the time of making a decision or order and the appellant then requested the Minister to state the reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

PART 5
APPOINTMENT AND POWERS OF INSPECTORS

Inspectors

28. (1) The Governor may, by notice published in the *Gazette*—

- (a) appoint a person nominated by the Society to be the Chief Inspector for the purposes of this Act; and
- (b) appoint a person nominated by the Society to be an inspector for the purposes of this Act.

(2) The Minister shall provide each inspector with a certificate of identification in the prescribed form.

(3) An inspector shall produce the certificate at the request of any person in relation to whom the inspector is exercising powers or functions under this Act.

Powers of inspectors

29. (1) Subject to this section, an inspector may—

- (a) at any reasonable time, enter any premises that are—
 - (i) licensed under this Act; or
 - (ii) being used by the holder of a licence under this Act for the purposes of an activity for which the holder is required to be licensed under this Act; or
 - (iii) being used by the holder of an accreditation under the *Meat Hygiene Act 1994* for or in connection with meat processing within the meaning of that Act;
- (b) at any reasonable time, enter any premises or vehicle that is being used for holding or confining animals that have been herded or collected together for sale, transport or any other commercial purposes;
- (c) where the inspector reasonably suspects that an offence has been committed in any premises or vehicle (including any premises or vehicle referred to in paragraph (a) or (b)), enter or break into the premises or stop and detain the vehicle and open or break into any part of the premises or vehicle, or anything in or on the premises or vehicle.

(2) An inspector may, while in or on any premises or vehicle pursuant to this section—

- (a) ask questions of any person in the premises or vehicle; and
- (b) take copies of, or extracts from, documents or records in the premises or vehicle; and
- (c) examine any animal in the premises or vehicle, and where the inspector suspects on reasonable grounds that the animal is suffering unnecessary pain, seize and remove the animal for treatment and care; and
- (d) inspect any object in the premises or vehicle; and

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- (e) where the inspector suspects on reasonable grounds that an offence against this Act has been committed, seize and remove from the premises or vehicle any object that may, in the opinion of the inspector, afford evidence of the offence; and
- (f) take photographs or films; and
- (g) require the holder of any licence or permit under this Act to produce that licence or permit for inspection.

(3) An inspector shall not exercise the powers conferred by subsection (1)(c) except on the authority of a warrant issued by a justice, unless the inspector believes, on reasonable grounds, that an animal in or on the premises or vehicle is suffering, or is in danger of suffering, unnecessary pain, and that urgent action is required.

(4) A justice shall not issue a warrant under subsection (3) unless satisfied, on information given on oath—

- (a) that there are reasonable grounds to suspect that an offence against this Act has been committed; and
- (b) that a warrant is reasonably required in the circumstances.

(5) Where an inspector is of the opinion that the condition of an animal is such that the animal should not be worked or otherwise subjected to exertion, the inspector may by notice in writing—

- (a) direct the owner of the animal to rest the animal and provide it with such food, water or treatment as the inspector thinks necessary; and
- (b) require the owner to ensure that the animal is not worked or used for any purpose specified in the notice for such period as is specified in the notice.

(6) In the exercise of powers under this Act, an inspector may be accompanied by such persons as may be necessary or desirable in the circumstances.

(7) A person shall not hinder or obstruct an inspector, or a person accompanying an inspector, in the exercise by the inspector or the person accompanying the inspector, of the powers conferred by this Act.

Penalty: One thousand dollars.

(8) Subject to subsection (9), a person to whom a question is put under this section shall not refuse or fail to answer that question to the best of the knowledge, information or belief of that person.

Penalty: One thousand dollars.

(9) A person is not required to answer a question if the answer would tend towards self-incrimination.

(10) A person given a direction, or of whom a requirement is made, pursuant to this section shall not refuse or fail to comply with the direction or requirement.

Penalty: One thousand dollars.

Inspector or veterinary surgeon may kill animals in certain circumstances

30. (1) Subject to this section, where, in the opinion of an inspector or a veterinary surgeon, the condition of an animal is, by reason of age, illness or injury, such that the animal is so weak or disabled, or in such pain, that it should be killed, the inspector or veterinary surgeon may kill the animal.

(2) An inspector shall not exercise the power conferred on him by subsection (1) without the consent of the owner of the animal unless—

- (a) where the owner is not present—the inspector has been unable to contact the owner after taking reasonable steps to do so; or
- (b) where the owner is present and refuses to consent to the killing of the animal—the inspector has obtained a warrant issued by a justice authorising the destruction of the animal.

(3) A justice shall not issue a warrant under subsection (2) unless satisfied, on information given on oath, that in the circumstances the animal to which the warrant relates should be destroyed.

(4) An inspector who kills an animal in pursuance of the power conferred by this section does not incur any civil liability for the killing of the animal.

Falsely representing to be an inspector

31. A person shall not pretend, by words or conduct, to be an inspector appointed under this Act.

Penalty: One thousand dollars.

Immunity from liability

32. (1) No personal liability shall attach to an inspector or a person accompanying and assisting an inspector for an act or omission, in good faith, in the exercise, or purported exercise, or the discharge, or purported discharge, of any power, function, duty or responsibility conferred or imposed under this Act.

(2) A liability that would but for this section, lie against an inspector, or a person assisting an inspector, shall lie against the Crown.

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**PART 6
MISCELLANEOUS**

Duty of person in charge of vehicle in case of accidents involving animals

33. Where an animal is injured in an accident involving a vehicle, the person in charge of the vehicle shall—

- (a) take such steps as are reasonably practicable in the circumstances to inform the owner of the animal that the animal was injured; and
- (b) where, after taking such steps, that person has been unable to contact the owner—inform an inspector, within twenty-four hours of the accident occurring, of the circumstances of the accident.

Penalty: One thousand dollars.

Permits to hold rodeos

34. (1) A person shall not conduct a rodeo without a permit under this section.

Penalty: One thousand dollars.

- (2) An application for a permit—
 - (a) must be made to the Minister; and
 - (b) must be made in the prescribed manner and form; and
 - (c) must be accompanied by the prescribed fee.

(3) The term for which a permit is issued under this section and the conditions (if any) on which the permit is granted shall be specified in the permit.

Power to provide food to neglected animals

35. Where a person believes on reasonable grounds that over a period of 24 hours or more an animal has not been provided with adequate food or water, the person may, with the authority of an inspector, enter the premises for the purpose of providing the animal with food and water.

Power of court upon conviction to deprive person of animal

36. (1) Where the owner of an animal is convicted of an offence against this Act in respect of the animal, the court may make an order—

- (a) directing that the person surrender the animal to an inspector; and
- (b) forbidding the person to acquire, or have custody of, any other animal or any other animal of a specified class, either until further order, or for the period specified in the order.

(2) A person in relation to whom an order under subsection (1) is in force shall comply with the order.

Penalty: One thousand dollars.

Service of notices

37. A notice or document required or authorised to be given or served under this Act may be given or served personally or by post.

Offences by bodies corporate

38. Where a body corporate is guilty of an offence against this Act, every member of the governing body of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the member could not by the exercise of reasonable diligence have prevented the commission of that offence.

Continuing offences

39. (1) A person convicted of an offence against any provision of this Act in respect of a continuing act or omission—

- (a) shall be liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum monetary penalty prescribed for that offence; and
- (b) shall, if the act or omission continues after conviction, be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act or omission continued after that conviction of not more than the amount equal to one-tenth of the maximum monetary penalty prescribed for that offence.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required to be done, the omission shall, for the purposes of subsection (1), be deemed to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement.

Employers guilty of offence in some circumstances

40. (1) Where a person commits an offence against this Act in the course of employment by another, the employer shall be guilty of an offence.

Penalty: Five thousand dollars.

(2) It shall be a defence to a charge of an offence against this section to prove that the defendant could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the employee.

Proceedings for offences

41. (1) The offences constituted by this Act are summary offences.

(2) Proceedings for an offence against this Act shall be commenced within twelve months after the date on which the offence is alleged to have been committed.

Evidentiary provision

42. In proceedings for an offence against this Act, an allegation in a complaint that, at a specified time—

- (a) a person was the owner of a specified animal; or
- (b) a person was, or was not, the holder of a licence or a permit under this Act; or

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(c) a licence or a permit was subject to specified conditions,

shall, in the absence of proof to the contrary, be proof of the matter so alleged.

Act does not render unlawful practices that are in accordance with prescribed code of animal husbandry practice.

43. Nothing in this Act renders unlawful anything done in accordance with a prescribed code of practice relating to animals.

Regulations

44. (1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

- (a) regulate the slaughtering, trapping, snaring, catching, poisoning, caging or confining of animals;
- (b) regulate medical or surgical procedures in relation to animals;
- (c) require any specified class of persons or premises to be licensed for specified purposes;
- (d) regulate—
 - (i) the hiring out of animals; or
 - (ii) the boarding of animals; or
 - (iii) the sale of animals; or
 - (iv) the transport of animals; or
 - (v) the husbandry of animals; or
 - (vi) the use of animals for entertainment;
- (e) prescribe the form of any notice, application, permit, licence or other document given, made or granted under this Act;
- (f) prescribe fees in respect of anything to be done under this Act;
- (g) exempt, conditionally or unconditionally, any person or class of persons or any animal or class of animals from any provision of this Act;
- (h) prescribe penalties, not exceeding one thousand dollars, for breach of, or non-compliance with, any regulation.

(3) The regulations may incorporate (with or without modification) or operate by reference to any code of practice relating to animals as in force at a particular time or as amended from time to time by the authority responsible for its publication.

(4) A regulation under this Act may be of general or limited application according to—

(a) the classes of persons or animals; or

(b) the circumstances; or

(c) any other specified factor,

to which the regulation is expressed to apply.

Prevention of Cruelty to Animals Act 1985

APPENDIX

LEGISLATIVE HISTORY

Section 29(1):

amended by 48, 1994, Sched. 2 cl. 2