



ANNO VICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

A.D. 1973

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**No. 46 of 1973**

An Act to amend the Prevention of Cruelty to  
Animals Act, 1936, as amended.

[Assented to 8th November, 1973]

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament thereof,  
as follows:

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

(2) The Prevention of Cruelty to Animals Act, 1936-1970, as  
amended by this Act, may be cited as the "Prevention of Cruelty  
to Animals Act, 1936-1973".

(3) The Prevention of Cruelty to Animals Act, 1936-1970, is  
hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended—

(a) by striking out paragraph (i) of subsection (1) and inserting  
in lieu thereof the following paragraph:—

(i) being the owner or person in charge of a dog that  
is habitually tied up or kept in close confine-  
ment, fails to exercise, or to cause to be exercised,  
the dog by releasing or walking the dog for a  
period of not less than one hour in any period  
of twelve hours;;

(b) by striking out from subsection (1) the passage "fifty pounds"  
and inserting in lieu thereof the passage "two hundred  
dollars";

Amendment of  
principal Act,  
s. 5—  
Ill-treating  
animals.

(c) by striking out from subsection (2) the passage "ten pounds" and inserting in lieu thereof the passage "fifty dollars";

and

(d) by striking out from subsection (3) the passage "twenty pounds" and inserting in lieu thereof the passage "one hundred dollars".

Amendment of  
principal Act,  
s. 5a—  
Prohibition of  
shooting at  
captive birds.

3. Section 5a of the principal Act is amended by striking out from subsection (1) the passage "fifty pounds" and inserting in lieu thereof the passage "two hundred dollars".

Repeal of  
s. 5b of  
principal Act  
and enactment  
of section in  
its place—  
Caging of  
animals.

4. Section 5b of the principal Act is repealed and the following section is enacted and inserted in its place:—

5b. (1) Any person who keeps or confines any animal, other than poultry, in a cage or receptacle that—

(a) is not sufficient in height, length or breadth to permit that animal reasonable opportunity for exercise, or if a bird, to permit that bird to stretch its wings freely;

or

(b) is smaller in any dimension than the minimum dimension prescribed,

shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars or to imprisonment for any term not exceeding six months.

(2) This section shall not apply to the keeping or confining of any animal—

(a) while that animal is in the course of conveyance, whether by land, air or water;

(b) while that animal is being shown for any period not exceeding in the aggregate twelve hours in any period of twenty-four hours for the purposes of any public exhibition or competition other than for the purpose of sale;

(c) while that animal is undergoing examination or treatment.

(3) This section shall not apply to the keeping or confining of horses, sheep, cattle, swine or goats for the purposes of de-horning, branding, shearing, sale or slaughter.

5. Section 5c of the principal Act is amended by striking out from subsection (1) the passage "one hundred dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 5c—  
Capturing animals with a trap.

6. The following section is enacted and inserted in the principal Act immediately after section 5c thereof:—

Enactment of s. 5d of principal Act—

5d. Any owner or person in charge of an animal who abandons that animal, or causes or permits it to be abandoned in circumstances likely to cause the animal unnecessary suffering, shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars or to imprisonment for any term not exceeding six months.

Abandonment of animals.

7. Section 9 of the principal Act is amended—

Amendment of principal Act, s. 9—  
Sale and purchase of decrepit animals.

(a) by striking out from subsection (1) the passage "two pounds" and inserting in lieu thereof the passage "ten dollars";

and

(b) by striking out from subsection (1) the passage "six pounds" and inserting in lieu thereof the passage "twenty-five dollars".

8. Section 10 of the principal Act is amended—

Amendment of principal Act, s. 10—  
Penalty for using or employing animal condemned to be slaughtered.

(a) by striking out from subsection (1) the passage "two pounds" and inserting in lieu thereof the passage "ten dollars";

and

(b) by striking out from subsection (2) the passage "two pounds" and inserting in lieu thereof the passage "ten dollars".

9. Section 11 of the principal Act is amended by striking out from subsection (3) the passage "five pounds" and inserting in lieu thereof the passage "fifty dollars".

Amendment of principal Act, s. 11—  
Power to prohibit use of animal unfit for work.

10. Section 16 of the principal Act is amended by striking out from subsection (2) the passage "ten pounds" and inserting in lieu thereof the passage "fifty dollars".

Amendment of principal Act, s. 16—  
Power to inspect saleyards, etc.

11. Section 23 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "fifty dollars".

Amendment of principal Act, s. 23—  
Obstructing constable.

Amendment of  
principal Act,  
s. 24—  
Proprietors of  
vehicles to be  
summoned to  
produce their  
servants.

**12.** Section 24 of the principal Act is amended by striking out from subsection (4) the passage “two pounds” and inserting in lieu thereof the passage “ten dollars”.

Amendment of  
principal Act,  
s. 26—  
Power to  
deprive  
convicted  
person of  
ownership of  
animals.

**13.** Section 26 of the principal Act is amended by striking out from subsection (2) the passage “twenty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of  
principal Act,  
s. 28—  
Regulations.

**14.** Section 28 of the principal Act is amended—

(a) by inserting immediately after subsection (1) the following subsection:—

(1a) Without limiting the generality of subsection (1) of this section, the Governor may make regulations providing for the display of copies of regulations made under this Act in any premises or any premises of a class or kind in which animals or cages or receptacles for the confinement of animals are offered for sale;

and

(b) by striking out from subsection (3) the passage “twenty pounds” and inserting in lieu thereof the passage “two hundred dollars”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor