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”.

(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 confinement, 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”;
(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”.

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”.

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 Section 5b of the principal Act is repealed and the following section is enacted and inserted in its place: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

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

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.

7. Section 9 of the principal Act is amended—

(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—

(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”.

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”.

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”.

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”.

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”.

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