

**PREVENTION OF CRUELTY TO ANIMALS  
(AMENDMENT) ACT.**

**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).*

**B**E it enacted by the Queen's Most Excellent Majesty, by **No. 45, 1973** 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 Short title.  
Animals (Amendment) Act, 1973".

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

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

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

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

or

(u)

*Prevention of Cruelty to Animals (Amendment).*

No. 45, 1973

(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. No. 45, 1973

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

No. 45, 1973

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.

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

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

(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 No. 45, 1973 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.