

MISCELLANEOUS ACTS (ANIMAL RESEARCH) AMENDMENT
ACT 1985 No. 124

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 124, 1985

An Act to amend certain Acts in consequence of the enactment of the
Animal Research Act 1985; and for other purposes. [Assented to, 25th
November, 1985.]

Miscellaneous Acts (Animal Research) Amendment 1985

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 "Miscellaneous Acts (Animal Research) Amendment Act 1985".

Commencement

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 4 (1), section 5 (1), Schedule 1 and clause 1 of Schedule 4 shall commence on the commencement of Part V of the Animal Research Act 1985.

(3) Section 4 (2) and (3), section 5 (2), Schedules 2 and 3 and clause 2 of Schedule 4 shall commence on—

(a) the commencement of Part VI of the Animal Research Act 1985;
or

(b) the commencement of the Search Warrants Act 1985,

whichever is the later.

Schedules

3. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE PREVENTION OF
CRUELTY TO ANIMALS ACT 1979

SCHEDULE 2—AMENDMENT TO THE SEARCH WARRANTS
ACT 1985

SCHEDULE 3—AMENDMENTS TO THE ANIMAL RESEARCH
ACT 1985

SCHEDULE 4—SAVINGS PROVISIONS

Miscellaneous Acts (Animal Research) Amendment 1985

Amendments

4. (1) The Prevention of Cruelty to Animals Act 1979 is amended in the manner set forth in Schedule 1.

(2) The Search Warrants Act 1985 is amended in the manner set forth in Schedule 2.

(3) The Animal Research Act 1985 is amended in the manner set forth in Schedule 3.

Savings provisions

5. (1) Clause 1 of Schedule 4 has effect.

(2) Clause 2 of Schedule 4 has effect.

SCHEDULE 1

(Sec. 4 (1))

AMENDMENTS TO THE PREVENTION OF CRUELTY TO ANIMALS ACT 1979

(1) Section 4 (1), paragraph (a) of the definition of "officer"—

After "force", insert "or an inspector within the meaning of the Animal Research Act 1985".

(2) Section 24 (e)—

Omit the paragraph, insert instead:

(e) in the course of, and for the purpose of—

(i) carrying out animal research; or

(ii) supplying animals for use in connection with animal research,
in accordance with the provisions of the Animal Research Act 1985.

(3) (a) Section 25 (2)—

Omit the subsection, insert instead:

(2) Subsection (1) does not authorise an officer to exercise the powers referred to in that subsection in respect of designated land within the meaning of the Animal Research Act 1985 unless the officer is an inspector within the meaning of that Act.

(b) Section 25 (3)—

Omit " , or a prescribed person,".

Miscellaneous Acts (Animal Research) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PREVENTION OF CRUELTY TO ANIMALS ACT
1979—*continued*

- (c) Section 25 (4)—
Omit the subsection.
- (4) (a) Section 26 (7A)—
After section 26 (7), insert:
(7A) Subsection (7) does not authorise an officer to exercise the powers referred to in that subsection in respect of designated land within the meaning of the Animal Research Act 1985 unless the officer is an inspector within the meaning of that Act.
- (b) Section 26 (8) (c)—
After “force”, insert “or an inspector within the meaning of the Animal Research Act 1985”.
- (5) Schedule 2, clause 4—
Omit the clause.

SCHEDULE 2

(Sec. 4 (2))

AMENDMENT TO THE SEARCH WARRANTS ACT 1985

- Section 10, definition of “search warrant”—
After “Part II of this Act:”, insert:
section 51 of the Animal Research Act 1985;

SCHEDULE 3

(Sec. 4 (3))

AMENDMENTS TO THE ANIMAL RESEARCH ACT 1985

- (1) Section 51 (3), (4)—
Omit section 51 (3), insert instead:
(3) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.
(4) Without limiting the generality of section 18 of the Search Warrants Act 1985, a member of the police force may accompany an inspector executing a search warrant under this section and take all reasonable steps to

Miscellaneous Acts (Animal Research) Amendment 1985

SCHEDULE 3—*continued*

AMENDMENTS TO THE ANIMAL RESEARCH ACT 1985—*continued*

assist the inspector in the exercise of the inspector's functions under this Act.

(2) Schedule 3—

Omit the Schedule.

SCHEDULE 4

(Sec. 5)

SAVINGS PROVISIONS

Defences under section 24 (e) of the Prevention of Cruelty to Animals Act 1979

1. Section 24 (e) of the Prevention of Cruelty to Animals Act 1979 continues to apply in relation to proceedings for an offence alleged to have been committed before the commencement of this clause as if this Act had not been enacted.

Search warrants under the Animal Research Act 1985

2. (1) A search warrant issued before the commencement of this clause under section 51 of the Animal Research Act 1985 may be executed as if this Act had not been enacted.

(2) The Search Warrants Act 1985 does not apply to a search warrant referred to in subclause (1).

(3) Unless it sooner ceases to have effect, a search warrant referred to in subclause (1) ceases to have effect on the expiration of the period of one month after the commencement of this clause.
