

**PREVENTION OF CRUELTY TO ANIMALS  
(AMENDMENT) ACT 1987 No. 160**

NEW SOUTH WALES



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**PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT  
1987 No. 160**

NEW SOUTH WALES



**Act No. 160, 1987**

An Act to amend the Prevention of Cruelty to Animals Act 1979 with respect to certain offences relating to the protection of animals and so as to assist the administration of that Act; and for other purposes. [Assented to 18 November 1987]

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See also Justices (Prevention of Cruelty to Animals) Amendment Act 1987.

*Prevention of Cruelty to Animals (Amendment) 1987*

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**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 "Prevention of Cruelty to Animals (Amendment) Act 1987".

**Commencement**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this Act.

**(2)** Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Principal Act**

**3.** The Prevention of Cruelty to Animals Act 1979 is referred to in this Act as the Principal Act.

**Amendment of Act No. 200, 1979**

**4.** The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Transitional**

**5. (1)** Any amendment made by this Act to the Principal Act does not have the effect of repealing any regulation made under the Principal Act before the date of assent to this Act and any such regulation shall continue in force.

**(2)** Section 26 (1) (c) of the Principal Act, as amended by this Act, applies to an animal in the possession of an officer on the commencement of Schedule 1 (14) to this Act as if that provision, as so amended, were in force at the time the officer took possession of the animal.

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*Prevention of Cruelty to Animals (Amendment) 1987*

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## SCHEDULE 1

(Sec. 4)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 4 (**Interpretation**)—

## (a) Section 4 (1), definition of “authorise”—

Omit the definition, insert instead:

“authorise” includes direct and permit;

## (b) Section 4 (1), definitions of “cat”, “charitable organisation”—

After the definition of “cage”, insert:

“cat” means an animal which is a member of the family Felidae;

“charitable organisation” means—

(a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales; and

(b) any other organisation or association which has as one of its objects the promotion of the welfare of, or the prevention of cruelty to, animals, or any class of animals, and which is registered as a charity under the Charitable Collections Act 1934;

## (c) Section 4 (1), definition of “officer”—

(i) From paragraph (a), omit “or” where secondly occurring.

(ii) At the end of paragraph (b), insert:

; or

(c) a public servant who is appointed by the Minister as an officer for the purposes of this Act;

## (d) Section 4 (1), definition of “pinion”—

After the definition of “person in charge”, insert:

“pinion”, in relation to an animal, means cut off the pinion of a wing of a bird or otherwise disable the wing or wings of a bird;

SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (c) Section 4 (1), definition of “veterinary surgeon”—

Omit the definition, insert instead:

“veterinary surgeon” means a registered veterinary surgeon under the Veterinary Surgeons Act 1986;

## (f) Section 4 (2)—

Omit the subsection, insert instead:

(2) For the purposes of this Act, a reference to an act of cruelty committed upon an animal includes a reference to any act or omission as a consequence of which the animal is unreasonably, unnecessarily or unjustifiably—

- (a) beaten, kicked, killed, wounded, pinioned, mutilated, maimed, abused, tormented, tortured, terrified or infuriated;
- (b) over-loaded, over-worked, over-driven, over-ridden or over-used;
- (c) exposed to excessive heat or excessive cold; or
- (d) inflicted with pain.

## (g) Section 4 (3)—

After “animal” where secondly occurring, insert “or (being the person in charge of the animal) contravenes section 5 (3) in a way”.

## (2) Section 5—

Omit the section, insert instead:

**Cruelty to animals**

5. (1) A person shall not commit an act of cruelty upon an animal.

(2) A person in charge of an animal shall not authorise the commission of an act of cruelty upon the animal.

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*continued*

(3) A person in charge of an animal shall not fail at any time—

- (a) to exercise reasonable care, control or supervision of an animal to prevent the commission of an act of cruelty upon the animal;
- (b) where pain is being inflicted upon the animal, to take such reasonable steps as are necessary to alleviate the pain; or
- (c) where it is necessary for the animal to be provided with veterinary treatment, whether or not over a period of time, to provide it with that treatment.

Penalty : \$2,000 or imprisonment for 6 months, or both.

(3) Section 7 (**Carriage and conveyance of animals**)—

(a) Section 7—

Omit "\$1,000", insert instead "\$2,000".

(b) Section 7 (2), (3)—

At the end of section 7, insert:

(2) Without limiting the generality of subsection (1), a person shall not—

- (a) carry or convey a horse on a multi-deck vehicle; or
- (b) where the person is a person in charge of the horse—  
authorise the carriage or conveyance of a horse on a multi-deck vehicle.

Penalty : \$2,000 or imprisonment for 6 months, or both.

(3) In this section—

"multi-deck vehicle" means a motor vehicle or a trailer drawn by a motor vehicle that—

- (a) is used to carry or convey animals; and
- (b) on which animals are carried or conveyed in two or more vertically layered sections.

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SCHEDULE 1—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(4) Section 8 (**Animals to be provided with food, drink or shelter**)—

(a) Section 8 (1)—

Omit the subsection, insert instead:

(1) A person in charge of an animal shall not fail to provide the animal with food, drink or shelter, or any of them, which, in each case, is proper and sufficient.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(b) Section 8 (2)—

Omit “food, drink and shelter”, insert instead “food, drink or shelter”.

(5) Section 9 (**Confined animals to be exercised**)—

(a) Section 9 (1), (1A)—

Omit section 9 (1), insert instead:

(1) A person in charge of an animal which is confined shall not fail to provide the animal with adequate exercise.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(1A) Subsection (1) does not apply to a person in charge of an animal if the animal is—

(a) a stock animal other than a horse; or

(b) an animal of a species which is usually kept in captivity by means of a cage.

(b) Section 9 (4) (b)—

Omit “48”, insert instead “24”.

(6) Section 12 (**Certain operations not to be performed on animals**)—

(a) Section 12 (a)—

After “horse”, insert “, bull, ox, bullock, steer, cow, heifer or calf”.

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SCHEDULE 1—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(b) Section 12 (b)—

Omit “or”.

(c) Section 12 (c), (d)—

At the end of section 12 (c), insert:

; or

(d) remove one or more of the claws of a cat.

(d) Section 12 (2)—

At the end of section 12, insert:

(2) A person is not guilty of an offence against this section if the court is satisfied that the procedure comprising the alleged offence—

(a) was docking the tail of a calf less than 6 months old when the offence was alleged to have been committed; or

(b) was—

(i) docking the tail of a cow, heifer or female calf;

(ii) operating upon a dog for the purpose of preventing the dog from being able to bark; or

(iii) removing one or more of the claws of a cat,

by a veterinary surgeon,

and the procedure was performed in the prescribed circumstances and in accordance with any conditions specified in the regulations.



SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (7) Section 12A—

After section 12, insert:

**Registers relating to certain procedures**

12A. (1) A veterinary surgeon who carries out a procedure referred to in section 12 (1) shall, not later than 7 days after carrying out the procedure, enter the prescribed particulars of the procedure in a register kept in the prescribed form by the veterinary surgeon or the employer of the veterinary surgeon.

Penalty: \$2,000.

(2) A register containing the prescribed particulars of a procedure shall be kept by—

- (a) the veterinary surgeon or former veterinary surgeon who carried out the procedure; or
- (b) if the veterinary surgeon who carried out the procedure did so in the course of employment by another person, by that employer or former employer,

for a period of not less than 2 years after the procedure is carried out.

Penalty: \$2,000.

(3) A person shall, at the request of an officer, make available for inspection by the officer any register required to be kept by the person under this section.

Penalty: \$2,000.

(4) Nothing in subsection (3) limits the powers of an officer under section 25.

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SCHEDULE 1—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(8) Section 16—

Omit the section, insert instead:

**Electrical devices not to be used upon animals**

16. (1) In this section—

“electrical device” means a device, article or appliance which is manufactured, adapted or used for the purpose of administering an electric shock to an animal;

“sell” includes—

- (a) auction or exchange;
- (b) offer, expose, supply or receive for sale; and
- (c) send, forward or deliver for sale or on sale.

(2) A person shall not—

- (a) use an electrical device upon an animal;
- (b) sell any electrical device; or
- (c) have in his or her possession or custody any electrical device.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(3) Nothing in subsection (2) prevents a person from—

- (a) using an electrical device of a prescribed type upon an animal belonging to a prescribed species; or
- (b) selling or having in his or her possession or custody an electrical device of such a type for use upon an animal belonging to a prescribed species.

(9) Section 17 (**Certain spurs etc. not to be kept**)—

Omit “keep”, insert instead “have”.

SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (10) Section 18—

Omit the section, insert instead:

**Animal baiting prohibited**

18. A person shall not—

- (a) use any place, or manage or control any place which is used;
- (b) authorise any place to be used; or
- (c) receive money for the admission of another person to any place which is used.

for the purpose of conducting a bull-fight, baiting an animal or causing an animal to fight.

Penalty: \$2,000 or imprisonment for 6 months, or both.

## (11) Section 19A—

After section 19, insert:

**Game parks prohibited**

19A. (1) In this section—

“animal” does not include a bird, reptile, amphibian or fish;

“game park” means premises within the boundaries of which—

- (a) animals are confined; and
- (b) the taking or killing of those animals as a sport or recreation is permitted by virtue of the payment of an admission fee or the giving of other consideration;

“take”, in relation to any animal, includes hunt, shoot, poison, net, snare, spear, pursue, capture and injure the animal.

(2) A person shall not—

- (a) use any premises, or manage or control any premises which are used;

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*continued*

(b) authorise any premises to be used; or

(c) receive money or any other consideration for the admission of another person to any premises which are used.

for the purposes of a game park.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(3) A person admitted to a game park by virtue of the payment of an admission fee or the giving of other consideration shall not take or kill any animal in the game park.

Penalty: \$2,000 or imprisonment for 6 months, or both.

(4) Nothing in this section applies to—

(a) such animals; or

(b) the taking or killing of animals in such circumstances by such persons or in or on such premises,

as may be prescribed for the purposes of this section.

(12) Section 24 (**Certain defences**)—

Section 24 (2)—

At the end of section 24, insert:

(2) Subsection (1) (b) does not apply to a person accused of an offence against section 19A.

(13) Section 25 (**Powers of officers in respect of certain places**)—

(a) Section 25 (1)—

Omit the subsection, insert instead:

(1) An officer who is the holder of a prescribed authority, and any veterinary surgeon accompanying the officer, may—

(a) enter a place—

(i) which is used for the purpose of a sale-yard or an animal trade; or

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*continued*

- (ii) in or on which an animal is being used, or kept for use, in connection with any other trade, or any business or profession (including a place used by a veterinary surgeon for the purpose of carrying on his or her profession); and
  - (b) inspect and examine—
    - (i) the place;
    - (ii) any animal which is in or on the place;
    - (iii) any accommodation or shelter which is provided in or on the place for any animal; and
    - (iv) any register which is kept under this Act or the regulations and which is in or on the place;
  - (c) require any person found in or on the place to produce any register required to be kept under this Act or the regulations; and
  - (d) take copies of, or extracts or notes from, any such register.
- (b) Section 25 (3)—  
Omit “the premises”, insert instead “the place”.
- (c) Section 25 (4)—  
After section 25 (3), insert:  
(4) A person shall not fail to comply with a requirement made by an officer under subsection (1) (c).  
Penalty: \$1,000.
- (14) Section 26 (**Powers of officers, generally**)—
- (a) Section 26 (1) (c) (i)—  
Omit “7 days”, insert instead “30 days”.
  - (b) Section 26 (7)—  
Omit “in premises”, insert instead “in or on premises”.

*Prevention of Cruelty to Animals (Amendment) 1987*SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (c) Section 26 (8)—

Omit the subsection, insert instead:

## (8) The reasonable expenses incurred by—

- (a) an officer who is a member of the police force or another person on behalf of the police force;
- (b) an officer of a charitable organisation or another person on behalf of the organisation; or
- (c) an officer who is a public servant or another person on behalf of the Crown,

in the exercise of the powers conferred by this section in respect of an animal, or in complying with the related duties imposed by this Act or the regulations, may be recovered from the owner of the animal as a debt in a court of competent jurisdiction by the officer or any other person acting on behalf of the police force, charitable organisation or Crown.

(15) Section 27 (**Search warrant**)—

## (a) Section 27 (2)—

Omit “in any premises”, insert instead “in or on any premises”.

## (b) Section 27 (3) (b)—

Omit “animal which is in the premises”, insert instead “animal or register which is in or on the premises”.

## (16) Section 27A—

After section 27, insert:

**Officers may demand name and address**

## 27A. (1) An officer who finds a person—

- (a) who is committing an offence against this Act or the regulations; or

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SCHEDULE 1—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (b) whom the officer suspects, on reasonable grounds, of having committed or attempted to commit such an offence,

may require that person to inform the officer forthwith of that person's full name and residential address.

- (2) A person shall not fail to comply with a requirement made by an officer under subsection (1).

Penalty: \$1,000.

- (3) A person is not guilty of an offence under this section unless the officer—

- (a) warned the person that failure to comply with the requirement is an offence; and

- (b) identified himself or herself to the person as an officer.

(17) Section 29A—

After section 29, insert—

**False or misleading entries in registers**

29A. A person shall not knowingly make, or authorise the making of, a false or misleading entry in a register that the person is required to keep or cause to be kept under this Act or the regulations.

Penalty: \$2,000.

*Prevention of Cruelty to Animals (Amendment) 1987*SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

## (18) Section 30A—

After section 30, insert:

**Court may order payment of certain costs**

30A. (1) Where a court has convicted a person of an offence against this Act or the regulations in respect of an animal, the court may order that the person convicted pay to a person, a charitable organisation, the police force or a government department specified in the order such amount as is specified in the order for expenses incurred with respect to any one or more of the following:

- (a) taking possession of the animal;
- (b) transporting the animal;
- (c) providing the animal with food and drink;
- (d) providing the animal with shelter; or
- (e) providing the animal with veterinary treatment.

(2) Where a court has made an order under subsection (1), the person or organisation to whom or which the specified amount is required by the order to be paid, or a person acting on behalf of any such organisation, may recover the amount as a debt in a court of competent jurisdiction from the person who is required by the order to pay that amount.

(3) Nothing in this section limits the operation of section 26 (8), 26A or 30.

(19) Section 31 (**Court may make order regarding disposal of animal**)—

Section 31 (2)—

Omit “section 6 (1)”, insert instead “section 5 or 6 (1)”.



SCHEDULE 1—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(20) Section 31A—

After section 31, insert:

**Sale of certain animals**

31A. (1) Where—

- (a) an animal is retained by an officer of a charitable organisation in accordance with this Act;
- (b) the animal has been so retained by or on behalf of the officer or organisation—
  - (i) for a period of not less than 7 days after possession of the animal was taken in accordance with this Act; and
  - (ii) for a further 7 days after a proposed sale of the animal is advertised in the manner set out in the regulations; and
- (c) the owner or the person in charge of the animal immediately before the animal was taken into the officer's possession has failed to claim the animal,

the officer or organisation, or a person acting on behalf of the organisation, may sell or arrange for the sale of the animal or, if the animal is not sold within 14 days after its proposed sale is advertised, may otherwise dispose of or arrange for the disposal of the animal.

(2) When an animal is sold in accordance with this section—

- (a) the purchaser acquires a good title to the animal; and
- (b) the interest of the former owner or any other person who had an interest in the animal is extinguished.

(3) Compensation is not recoverable against any person or organisation in respect of the sale or other disposal of an animal in accordance with this section.

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*continued*

(4) An animal may not be sold or otherwise disposed of under this section if—

- (a) any proceedings in respect of the animal for an offence against this Act or the regulations have been commenced but have not been finally determined; or
- (b) an order has been made by a court under section 30 or 31 in respect of the destruction or other disposal of the animal.

(21) Section 35 (**Regulations**)—

(a) Section 35 (1) (d)—

Omit “and” where lastly occurring.

(b) Section 35 (1) (f), (g)—

After section 35 (1) (e), insert:

- (f) the keeping of records or log books by persons who carry or convey animals; and
- (g) the keeping of registers by veterinary surgeons and persons carrying on animal trades.

## SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
PENALTIES

(1) Section 6 (**Aggravated cruelty to animals**)—

Section 6 (1)—

Omit “\$2,000”, insert instead “\$4,000”.

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SCHEDULE 2—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
PENALTIES—*continued*

- (2) Section 10 (**Tethering of animals**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (3) Section 11 (**Animals not to be abandoned**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (4) Section 12 (**Certain operations not to be performed on animals**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (5) Section 13 (**Certain animals not to be ridden etc.**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (6) Section 14 (**Injuries to animals to be reported**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (7) Section 15 (**Poisons etc. not to be administered to animals**)—  
Section 15 (2)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (8) Section 17 (**Certain spurs etc. not to be kept**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (9) Section 18A (**Bull-fighting prohibited**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (10) Section 19 (**Trap-shooting prohibited**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (11) Section 20 (**Certain animal-catching activities prohibited**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (12) Section 21 (**Coursing etc. prohibited**)—  
Section 21 (1)—  
Omit “\$1,000”, insert instead “\$2,000”.

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
PENALTIES—*continued*

- (13) Section 22 (**Severely injured animals not to be sold**)—  
Section 22 (1), (3)—  
Omit “\$1,000” wherever occurring, insert instead “\$2,000”.
- (14) Section 23 (**Certain traps not to be set**)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (15) Section 28 (**Obstruction of persons exercising powers etc.**)—  
Omit “\$500”, insert instead “\$2,000”.
- (16) Section 29 (**Court may order production of animal**)—  
Section 29 (2)—  
Omit “\$100”, insert instead “\$200”.
- (17) Section 31 (**Court may make order regarding disposal of animal**)—  
Section 31 (3)—  
Omit “\$1,000”, insert instead “\$2,000”.
- (18) Section 35 (**Regulations**)—  
Section 35 (3)—  
Omit “\$200”, insert instead “\$1,000”.