

**House of Assembly—No 40**

As laid on the table and read a first time, 28 June 2006

South Australia

**Prevention of Cruelty to Animals (Miscellaneous)  
Amendment Bill 2006**

A BILL FOR

An Act to amend the *Prevention of Cruelty to Animals Act 1985*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Prevention of Cruelty to Animals (Miscellaneous) Amendment Act 2006*.

#### 5 2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the date of assent.
- (2) Subsections (2) and (3) of section 4 will come into operation 3 months after assent.

#### 3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Prevention of Cruelty to Animals Act 1985*

### 4—Amendment of section 13—Ill treatment of animals

(1) Section 13(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$20 000 or imprisonment for 4 years.

(2) Section 13(2)—after paragraph (a) insert:

(aa) being the rider of an animal (other than the rider of a horse engaged in dressage or show jumping)—

(i) strikes the animal using a whip, crop or similar device for the purpose of causing the animal to run faster; or

(ii) uses any other device intended to cause the animal to respond in a particular manner by the infliction of pain; or

(3) Section 13—after subsection (2) insert:

(3) In this section—

*rider* of an animal includes the driver of a vehicle being drawn by an animal and a passenger in such a vehicle.

### 5—Amendment of section 14—Electrical devices for controlling animals not to be used in contravention of regulations

Section 14, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$20 000 or imprisonment for 4 years.

### 6—Amendment of section 15—Prohibited medical or surgical procedures

Section 15, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$20 000 or imprisonment for 4 years.

### 7—Amendment of section 16—Prohibition of use of animals for teaching or research unless licensed

Section 16(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in relation to a body corporate—\$75 000;

(b) in relation to a natural person—\$20 000.

### 8—Amendment of section 19—Conditions of licences

Section 19(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in relation to a body corporate—\$75 000;

(b) in relation to a natural person—\$20 000.

**9—Amendment of section 25—Functions of animal ethics committees**

Section 25(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in relation to a body corporate—\$75 000;
- (b) in relation to a natural person—\$20 000.

**10—Amendment of section 29—Powers of inspectors**

(1) Section 29(7), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(2) Section 29(8), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

(3) Section 29(10), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

**11—Amendment of section 31—Falsely representing to be an inspector**

Section 31, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

**12—Amendment of section 33—Duty of person in charge of vehicle in case of accidents involving animals**

Section 33, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$2 500.

Expiation fee: \$210.

**13—Amendment of section 34—Permits to hold rodeos**

(1) Section 34(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$10 000.

(2) Section 34(4), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$10 000.

**14—Amendment of section 36—Power of court to deprive convicted person of animal**

Section 36(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$5 000 or imprisonment for 1 year.

**15—Amendment of section 40—Employers guilty of offence in some circumstances**

Section 40(1)—delete subsection (1) and substitute:

- (1) If a person commits an offence against this Act in the course of employment by another, the employer is guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

**16—Amendment of section 44—Regulations**

Section 44(2)(h)—delete "\$1 250" and substitute:

\$2 500