

South Australia

Animal Welfare (Live Baiting) Amendment Act 2015

An Act to amend the *Animal Welfare 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 *Animal Welfare (Live Baiting) Amendment Act 2015*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

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 *Animal Welfare Act 1985*

4—Amendment of section 13—Ill treatment of animals

Section 13(3)(d) and (e)—delete paragraphs (d) and (e)

5—Substitution of section 14

Section 14—delete the section and substitute:

14—Prohibited activities

- (1) A person must not take part in a prohibited activity.
Maximum penalty: \$50 000 or imprisonment for 4 years.
- (2) A person must not be present in a place at which a prohibited activity is occurring.
Maximum penalty: \$20 000 or imprisonment for 2 years.
- (3) For the purposes of subsection (2), if a person is present in a place at which a prohibited activity has occurred within the preceding 2 hours, he or she will, in the absence of proof to the contrary, be taken to have been at the place at the time the prohibited activity occurred.
- (4) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that he or she did not know, and could not reasonably have been expected to have known, that a prohibited activity was occurring in the place.
- (5) For the purposes of this section, the following are *prohibited activities*:
 - (a) organised animal fights;
 - (b) live baiting;
 - (c) releasing an animal from captivity for the purpose of it then being hunted or killed (whether by a person or otherwise);
 - (d) selling or supplying an animal to a person for the purpose of the animal being used in an activity referred to in a preceding paragraph;
 - (e) keeping or preparing an animal for the purpose of using the animal in an activity referred to in a preceding paragraph.
- (6) For the purposes of this section, a person *takes part in a prohibited activity* if he or she does 1 or more of the following:
 - (a) organises the prohibited activity;
 - (b) promotes the prohibited activity;
 - (c) allows the prohibited activity to occur on premises, or in a place, owned or occupied by him or her;
 - (d) knowingly provides an animal or other thing used, or intended for use, in relation to the prohibited activity;
 - (e) undertakes, without lawful excuse, any other activity relating to the prohibited activity.

- (7) For the purposes of this section, a reference to a part of an animal does not include a reference to a part of an animal that has been processed such that it no longer resembles a part of the relevant kind.

Note—

For example, the skin of an animal which has been processed into a leather product.

- (8) In this section—

live baiting means an activity in which—

- (a) a live animal is introduced into an area for the purpose of being chased by 1 or more dogs or training a dog to chase real or simulated animals; or
- (b) the carcass or any part of an animal is introduced into an area or moved around an area (or both) for the purpose of being chased by 1 or more dogs or training a dog to chase real or simulated animals,

but does not include an activity declared by the regulations to be excluded from the ambit of this definition.

14A—Possession of certain items prohibited

- (1) A person must not, without the approval of the Minister, have in his or her possession or control—
- (a) a cock-fighting spur; or
 - (b) an implement, article or other thing made or adapted for attachment to an animal—
 - (i) for the purpose of training the animal to fight another animal; or
 - (ii) for the purpose of inciting or assisting the animal to fight another animal or to inflict injury on another animal during a fight; or
 - (iii) for the purpose of protecting the animal in a fight with another animal; or
 - (c) a drug (not being a drug supplied on the prescription of, and given to an animal in accordance with the directions of, a veterinary surgeon) to be administered to an animal for the purpose of inciting or assisting the animal to fight another animal, or to inflict injury on another animal during a fight; or
 - (d) a lure or bait (however described) consisting of or including the carcass or any part of an animal and used, or intended to be used, for the purpose of live baiting (within the meaning of section 14).

Maximum penalty: \$20 000 or imprisonment for 2 years.

- (2) For the purposes of subsection (1)(d), a reference to a part of an animal does not include a reference to a part of an animal that has been processed such that it no longer resembles a part of the relevant kind.

Note—

For example, the skin of an animal which has been processed into a leather product.