

LEGISLATIVE ASSEMBLY

Read 1^o 16 April 1980

(Brought from the Legislative Council.)

A BILL

for

An Act to amend the *Protection of Animals Act 1966*
and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Protection of Animals (Amendment) Act 1980*. Short title.

(2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

(3) In this Act the *Protection of Animals Act 1966* is referred to as the Principal Act. Principal Act No. 7432. Reprinted to No. 9019.

2. In section 3 of the Principal Act, for the interpretation of "Animal" there shall be substituted the following interpretation: Amendment of No. 7432. Substitution of interpretation of "Animal".

' "Animal" means a member of any species of the sub-phylum *vertebrata* except a fish, human being or venomous reptile.'

Amendment of
No. 7432.
Substitution of
ss. 4 and 5.

3. The Principal Act shall be amended as follows:

(a) In section 3, the interpretation of "Cruelty" shall be repealed; and

(b) For sections 4 and 5 there shall be substituted the following sections: 5

Cruelty.

"4. (1) For the purposes of this Act a person commits an act of cruelty if—

(a) he wounds, mutilates, tortures, overrides, overdrives, overworks, abuses, beats, worries, torments or terrifies an animal; 10

(b) he knowingly overloads or overcrowds an animal;

(c) he knowingly or negligently does or omits to do an act with the result that unnecessary, unreasonable or unjustifiable pain or suffering 15 is caused to an animal;

(d) he conveys, carries or packs an animal in such a manner or position as to subject the animal to unnecessary pain or suffering;

(e) he knowingly or negligently works, rides, 20 drives or uses an animal when it is unfit for the purpose;

(f) he drives, conveys or kills an animal in any manner or position or circumstances involving unnecessary pain or suffering to the animal; 25

(g) having the possession or custody of an animal which is confined or otherwise unable to provide for itself he omits to provide the animal with proper and sufficient food, drink and shelter; 30

(h) being the owner of a dog which is habitually or usually tethered or kept in close confinement he fails to exercise the dog for a reasonable time each day;

(i) he sells, offers for sale, purchases, drives or 35 conveys a calf which appears to be unfit by reason of weakness to be sold or purchased or to be driven or conveyed to its intended destination; or

(j) he abandons an animal of a species ordinarily 40 kept in a state of confinement or for a domestic purpose.

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

Penalty:

Penalty:

For a first offence—\$1000 or imprisonment for three months;

For a second offence—\$2500 or imprisonment for six months;

For a third or subsequent offence—\$5000 or imprisonment for twelve months.

(3) Without in any way derogating from any other provision of sub-section (1)—

(a) the sale, offering for sale, driving or conveyance of a cow with a calf at foot shall not of itself be deemed to be an act of cruelty within the meaning of paragraph (i) of that sub-section; and

(b) the slaughter of an animal for human consumption in accordance with the requirements of an established religion shall be deemed not to be a killing involving unnecessary pain and suffering to the animal within the meaning of paragraph (f) of that sub-section.

5. (1) For the purposes of this Act, a person commits an act of aggravated cruelty upon an animal if he commits an act of cruelty upon the animal that results in the death, deformity or serious disablement of the animal.

Aggravated cruelty.

(2) A person shall not commit an act of aggravated cruelty upon an animal.

Penalty: \$5000 or imprisonment for twelve months.”.

4. (1) In section 6 of the Principal Act—

(a) at the end of paragraph (b) the word “or” shall be repealed;

(b) at the end of paragraph (c), for the expression “—” there shall be substituted the expression “or”; and

(c) after paragraph (c) there shall be inserted the following paragraph:

“(d) uses any live animal as a lure or kill for the purpose of bleeding greyhounds or in connexion with the training or racing of any dog—”.

Amendment of No. 7432, s. 6. Bleeding of greyhounds.

(2) Sub-section (2) of section 48 of the *Wildlife Act* 1975 shall be repealed.

Repeal of No. 8699, s. 48 (2).

5. In section 11A (5) of the Principal Act, for paragraph (b) there shall be substituted the following paragraph:

“(b) animal dogging, roping or tying.”.

Amendment of No. 7432, s. 11A (5). Interpretation of “rodeo”.

6. After

Amendment of
No. 7432.
Insertion of
s. 11B.
Delegation of
Minister's
authority.

6. After section 11A of the Principal Act there shall be inserted the following section:

"11B. The Minister may delegate to any person his power to grant an application and issue a permit under section 9 and section 11A."

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7. In section 12 (1) of the Principal Act, after paragraph (a) there shall be inserted the following paragraph:

"(aa) in accordance with accepted farming practice;"

8. After section 12 of the Principal Act there shall be inserted the following section:

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"12A. (1) A person shall not in any city, town or populous place set or use any spring-operated leghold trap having steel jaws which close against one another when the mechanism of the trap is activated by the weight of an animal upon the pressure plate of the trap.

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Penalty : \$500.

(2) The provisions of sub-section (1) shall not apply to the owner or occupier of any land who sets traps on that land for the protection of his commercial livestock or cropping operations."

Amendment of
No. 7432, s. 13.

9. In section 13 of the Principal Act the words "in any slaughter-yard, pen, cage, hatch, pound or receptacle of the like nature" shall be repealed.

Amendment of
No. 7432.
Increase of
monetary
penalties.

10. The Principal Act shall be amended as follows:

(a) In section 6 for the expression "\$50" there shall be substituted the expression "\$500" and for the expression "\$500" there shall be substituted the expression "\$2500";

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(b) In section 7 (1) for the expression "\$50" there shall be substituted the expression "\$500", for the expression "\$250" there shall be substituted the expression "\$1000" and for the expression "\$1000" there shall be substituted the expression "\$5000";

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(c) In section 9 (1) for the expression "\$500" there shall be substituted the expression "\$2500";

(d) In section 9 (4) (h) for the expression "\$200" there shall be substituted the expression "\$1000";

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(e) In section 10 (2) (i) for the expression "\$500" there shall be substituted the expression "\$2500";

(f) In section 11 (5) for the expression "\$500" there shall be substituted the expression "\$1000"; and

(g) In section 20A—

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(i) in paragraph (a), for the expression "\$50" there shall be substituted the expression "\$500";

(ii) in

- (ii) in paragraph (b), for the expression "\$50" there shall be substituted the expression "\$500" and for the expression "\$100" there shall be substituted the expression "\$750";
- 5 (iii) in paragraph (c), for the expression "\$100" there shall be substituted the expression "\$750" and for the expression "\$250" there shall be substituted the expression "\$1000";
- 10 (iv) in paragraph (d), for the expression "\$250" there shall be substituted the expression "\$1000" and for the expression "\$500" there shall be substituted the expression "\$2500"; and
- (v) in paragraph (e), for the expression "\$500" there shall be substituted the expression "\$5000".

15 11. (1) The Principal Act shall be amended as follows:

Amendment of
No. 7432, s. 14.
Destruction of
animals by
proper officer
of municipality.

- (a) In section 14 (1) (a) after the word "Minister" there shall be inserted the words "or the proper officer of the municipality wherein the animal is so behaving or wherein the animal is found"; and
- 20 (b) After section 14 (2) there shall be inserted the following sub-section:

25 '(3) In paragraph (a) of sub-section (1) the expression "proper officer" means the proper officer appointed by the council of a municipality pursuant to section 27 (1) of the *Dog Act* 1970.'

(2) In section 27 (2) of the *Dog Act* 1970, after paragraph (a) there shall be inserted the word "and" and paragraph (b) shall be repealed.

- 30 12. In section 21 (1) of the Principal Act, after the words "police force" there shall be inserted the expression ", officer of the public service in the Ministry for Conservation".

Amendment of
No. 7432, s. 21.

13. In the Schedule to the *Ministry for Conservation Act* 1972, at the end of Part I. there shall be inserted the expression "*Protection of Animals Act* 1966 No. 7432".

Amendment of
Schedule to
No. 8364.

