New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. 54, 1928.

An Act to make further provision for the prevention of cruelty to animals; to provide for the registration and inspection of certain animals; to amend the Prevention of Cruelty to Animals Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 4th January, 1929.]

BE it enacted by the King'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 :—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1928," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, in this Act referred to as the Principal Act. Short title.

Amendment of Act No. 64, 1901, s. 3.

2. The Principal Act is amended as follows:—

(1) In section three—

(a) immediately after the word "overcrowd" the words "also to cause pain or suffering by any omission or by any wanton act";

(b) by inserting the following definition next after the definition of "justice":—

"Officer" means a member of the police force of any rank or any officer of the Royal Society for the Prevention of Cruelty to Animals appointed a special constable by the Commissioner of Police.

Sec. 4.

(2) In section four—

(a) by inserting in paragraph (a) of subsection one after the word "procures" the words "or being the owner or person in charge permits or suffers";

(b) (i) by inserting in paragraph (e) of the same subsection after the word "causes" the words "or being the owner or person in charge permits or suffers";

(ii) by inserting at the end of the same paragraph the word "or";

(c) by inserting in the same subsection immediately after paragraph (e), the following paragraphs:—

W.A No. 21 of 1920, s. 4.

(f) fails to supply any domestic animal or captive animal other than those running at large with proper and sufficient food or water or to provide sufficient protection in hot or inclement weather; or

Ibid.

(g) needlessly kills or causes to be killed, or needlessly mutilates any animal or subjects any animal to unnecessary pain or suffering; or

(h)

(h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

(d) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by omitting from the same subsection the words "three months" and by inserting in lieu thereof the words "six months";

(f) by inserting the following new subsection next after subsection one:—

(1A) For the purposes of subsection one of this section an owner or person in charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal. 1 & 2 Geo. V, s. 1 (2).

(g) by omitting from subsection two the words "of five pounds" and by inserting in lieu thereof the words "not exceeding twenty pounds."

(3) By inserting the following new sections next after section seven:— New sections 7A, 7B, 7C.

7A. Nothing in this Act shall render unlawful— Exemptions.

(a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or W.A. No. 21 of 1920, s. 6.

(b) the dehorning of cattle, or the castration, spaying, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is attended with as little suffering as is practicable to the animal operated upon; or

(c)

(c) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or

(d) the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

(e) the hunting, snaring, trapping, shooting, or capturing of any animal; or

1 & 2 Geo. V, s. 1 (3).

(f) the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or

(g) any surgical operation or any operation for physiological or pathological investigation or any operation of the nature of an inoculation or of a feeding experiment: Provided that such operation, inoculation, or experiment is carried out in accordance with regulations made under this Act.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.
(b) Age at date of registration.
(c) Sex.

(d)

(d) Colour and distinctive markings.

(e) Brands.

(f) Date when brought on to the mine premises.

(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer or mines check inspector may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding twenty pounds.

7c. (1) The Governor may make regulations for carrying this Act into effect.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

(3) Any penalty imposed by the regulations shall be recoverable summarily before a police or stipendiary magistrate or any two justices in petty sessions.

(4) The regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session,

(5) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House. disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

New sections.

(4) By inserting the following new sections next after section twelve :—

Officer may inspect sale-yards, &c.

W.A. No. 21 of 1920, s. 8.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals.

Officer under certain conditions may destroy injured animals.

cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer. without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with

with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

(5) This section shall only apply to the county of Cumberland and within the boundaries of any municipality outside the said county.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12c. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply

comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding ten pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal.

1 & 2 Geo. V c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

Employee charged with offence may be acquitted and employer charged.

W.A. 21 of 1920, s. 18.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called the attention of his employer or of his employer's representative to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer or representative for a like offence. In the event of the employer or representative being found guilty the court may order him to pay costs incurred in prosecuting both himself the employee or servant.

Power to provide food for animals in confinement. cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Provided that the provisions of this section shall not apply to stock carried by rail, nor to stock mustered or penned at sale-yards, or for the purpose of dipping, branding, or other necessary operations, or to sheep mustered or penned for shearing, crutching, or other similar operations.

Destruction of animals in certain cases. 1 & 2 Geo. V, s. 2.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

By Authority:

ALFRED JAMES KENT, Government Printer, Sydney, 1929.

[6*d*.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE COUNCIL, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 28th December, 1928.

New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

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Act No. 54, 1928.

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BE it enacted by the King'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 :—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1928," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, in this Act referred to as the Principal Act. Short title.

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2. The Principal Act is amended as follows:—

(1) In section three—

(a) immediately after the word "overcrowd" the words "also to cause pain or suffering by any omission or by any wanton act";

(b) by inserting the following definition next after the definition of "justice":—

"Officer" means a member of the police force of any rank or any officer of the Royal Society for the Prevention of Cruelty to Animals appointed a special constable by the Commissioner of Police.

Sec. 4.

(2) In section four—

(a) by inserting in paragraph (a) of subsection one after the word "procures" the words "or being the owner or person in charge permits or suffers";

(b) (i) by inserting in paragraph (e) of the same subsection after the word "causes" the words "or being the owner or person in charge permits or suffers";

(ii) by inserting at the end of the same paragraph the word "or";

(c) by inserting in the same subsection immediately after paragraph (e), the following paragraphs:—

W.A. No. 21 of 1920, s. 4.

(f) fails to supply any domestic animal or captive animal other than those running at large with proper and sufficient food or water or to provide sufficient protection in hot or inclement weather; or

Ibid.

(g) needlessly kills or causes to be killed, or needlessly mutilates any animal or subjects any animal to unnecessary pain or suffering; or

(h)

(h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

(d) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by omitting from the same subsection the words "three months" and by inserting in lieu thereof the words "six months";

(f) by inserting the following new subsection next after subsection one:—

(1A) For the purposes of subsection one of this section an owner or person in charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal. 1 & 2 Geo. V, s. 1 (2).

(g) by omitting from subsection two the words "of five pounds" and by inserting in lieu thereof the words "not exceeding twenty pounds."

(3) By inserting the following new sections next after section seven:— New sections 7A, 7B, 7C.

7A. Nothing in this Act shall render unlawful— Exemptions.

(a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or W.A. No. 21 of 1920, s. 6.

(b) the dehorning of cattle, or the castration, spaying, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is attended with as little suffering as is practicable to the animal operated upon; or

(c)

(c) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or

(d) the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

(e) the hunting, snaring, trapping, shooting, or capturing of any animal; or

1 & 2 Geo. V, s. 1 (3).

(f) the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or

(g) any surgical operation or any operation for physiological or pathological investigation or any operation of the nature of an inoculation or of a feeding experiment: Provided that such operation, inoculation, or experiment is carried out in accordance with regulations made under this Act.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.
(b) Age at date of registration.
(c) Sex.

(d)

(d) Colour and distinctive markings.
(e) Brands.
(f) Date when brought on to the mine premises.
(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer or mines check inspector may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding twenty pounds.

7c. (1) The Governor may make regulations for carrying this Act into effect.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

(3) Any penalty imposed by the regulations shall be recoverable summarily before a police or stipendiary magistrate or any two justices in petty sessions.

(4) The regulations shall—
(a) be published in the Gazette;

(b)

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

New sections.

(4) By inserting the following new sections next after section twelve :—

Officer may inspect sale-yards, &c.
W.A. No. 21 of 1920, s. 8.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals.

Officer under certain conditions may destroy injured animals.
cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer, without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with

with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

(5) This section shall only apply to the county of Cumberland and within the boundaries of any municipality outside the said county.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12c. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply

comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding ten pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal.

1 & 2 Geo. V, c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

Employee charged with offence may be acquitted and employer charged.

W.A. 21 of 1920, s. 18.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called the attention of his employer or of his employer's representative to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer or representative for a like offence. In the event of the employer or representative being found guilty the court may order him to pay costs incurred in prosecuting both himself the employee or servant.

Power to provide food for animals in confinement. cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Provided that the provisions of this section shall not apply to stock carried by rail, nor to stock mustered or penned at sale-yards, or for the purpose of dipping, branding, or other necessary operations, or to sheep mustered or penned for shearing, crutching, or other similar operations.

Destruction of animals in certain cases. 1 & 2 Geo. V, s. 2.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

In the name and on behalf of His Majesty I assent to this Act.

W. P. CULLEN,
Lieutenant-Governor.

Government House,
Sydney, 4th January, 1929.

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE COUNCIL, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 28th December, 1928.

New South Wales.

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(h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

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(g) any surgical operation or any operation for physiological or pathological investigation or any operation of the nature of an inoculation or of a feeding experiment: Provided that such operation, inoculation, or experiment is carried out in accordance with regulations made under this Act.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.

(b) Age at date of registration.

(c) Sex.

(d)

(d) Colour and distinctive markings.
(e) Brands.
(f) Date when brought on to the mine premises.
(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer or mines check inspector may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding twenty pounds.

7c. (1) The Governor may make regulations for carrying this Act into effect.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

(3) Any penalty imposed by the regulations shall be recoverable summarily before a police or stipendiary magistrate or any two justices in petty sessions.

(4) The regulations shall—
(a) be published in the Gazette;

(b)

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

New sections.

(4) By inserting the following new sections next after section twelve :—

Officer may inspect sale-yards, &c.
W.A. No. 21 of 1920, s. 8.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals.

Officer under certain conditions may destroy injured animals.
cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer, without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with

with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

(5) This section shall only apply to the county of Cumberland and within the boundaries of any municipality outside the said county.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12c. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply

comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding ten pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal.

1 & 2 Geo. V, c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

Employee charged with offence may be acquitted and employer charged.

W.A. 21 of 1920, s. 18.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called the attention of his employer or of his employer's representative to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer or representative for a like offence. In the event of the employer or representative being found guilty the court may order him to pay costs incurred in prosecuting both himself the employee or servant.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Power to provide food for animals in confinement. cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

Provided that the provisions of this section shall not apply to stock carried by rail, nor to stock mustered or penned at sale-yards, or for the purpose of dipping, branding, or other necessary operations, or to sheep mustered or penned for shearing, crutching, or other similar operations.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Destruction of animals in certain cases. 1 & 2 Geo. V, s. 2.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

In the name and on behalf of His Majesty I assent to this Act.

W. P. CULLEN,
Lieutenant-Governor.

Government House,
Sydney, 4th January, 1929.

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 7th November, 1928.

New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. , 1928.

An Act to make further provision for the prevention of cruelty to animals; to provide for the registration and inspection of certain animals; to amend the Prevention of Cruelty to Animals Act, 1901, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King'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 :—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1928," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, in this Act referred to as the Principal Act. Short title.

2. The Principal Act is amended as follows:— Amendment of Act No. 64, 1901, s. 3.

(1) In section three—

(a) immediately after the word "overcrowd" the words "also to cause pain or suffering by any omission or by any wanton act";

(b) by inserting the following definition next after the definition of "justice":—

"Officer" means a member of the police force of any rank or any officer of the Royal Society for the Prevention of Cruelty to Animals appointed a special constable by the Commissioner of Police.

(2) In section four— Sec. 4.

(a) by inserting in paragraph (a) of subsection one after the word "procures" the words "or being the owner or person in charge permits or suffers";

(b) (i) by inserting in paragraph (e) of the same subsection after the word "causes" the words "or being the owner or person in charge permits or suffers";

(ii) by inserting at the end of the same paragraph the word "or";

(c) by inserting in the same subsection immediately after paragraph (e), the following paragraphs:—

(f) fails to supply any domestic animal or captive animal other than those running at large with proper and sufficient food or water or to provide sufficient protection in hot or inclement weather; or W.A. No. 21 of 1920, s. 4.

(g) needlessly kills or causes to be killed, or needlessly mutilates any animal or subjects any animal to unnecessary pain or suffering; or *Ibid.*

(h)

(h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

5 (d) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by omitting from the same subsection the words "three months" and by inserting 10 in lieu thereof the words "six months";

(f) by inserting the following new subsection next after subsection one:—

(1A) For the purposes of subsection one of this section an owner or person in 15 charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal 20 therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal. 1 & 2 Geo. V, s. 1 (2).

(g) by omitting from subsection two the words "of five pounds" and by inserting 25 in lieu thereof the words "not exceeding twenty pounds."

(3) By inserting the following new sections next after section seven:— New sections 7A, 7B, 7C.

7A. Nothing in this Act shall render un- 30 lawful— Exemptions.

(a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or W.A. No. 21 of 1920, s. 6.

35 (b) the dehorning of cattle, or the castration, spaying, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is attended with as little suffering as is practicable 40 to the animal operated upon; or

(c)

(c) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or

(d) the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

(e) the hunting, snaring, trapping, shooting, or capturing of any animal; or

(f) the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or 1 & 2 Geo. V, s. 1 (3).

(g) any surgical operation or any operation for physiological or pathological investigation or any operation of the nature of an inoculation or of a feeding experiment: Provided that such operation, inoculation, or experiment is carried out in accordance with regulations made under this Act.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.

(b) Age at date of registration.

(c) Sex.

(d)

(d) Colour and distinctive markings.

(e) Brands.

(f) Date when brought on to the mine premises.

(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding twenty pounds.

Inspection of traps.

cf. 1 & 2 Geo. V, s. 10; W.A. 21 of 1920, s. 24.

7c. Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any marsupial, dingo, wild dog, fox, or noxious animal, or which is so placed as to be likely to catch any such animal, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time.

Any person who fails to comply with the provisions of this section shall, on conviction before any one justice, be liable to a penalty not exceeding five pounds, or shall on conviction before two justices be liable either to the said

said penalty, or if such justices think fit, to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.

5 7D. (1) The Governor may make regulations for carrying this Act into effect.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

10 (3) Any penalty imposed by the regulations shall be recoverable summarily before a police or stipendiary magistrate or any two justices in petty sessions.

(4) The regulations shall—

15 (a) be published in the Gazette;

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

25 (5) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(4) By inserting the following new sections next after section twelve :— New sections.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals. Officer may inspect sale-yards, &c. W.A. No. 21 of 1920, s. 8.

Officer under certain conditions may destroy injured animals. cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer, without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

(5) This section shall only apply to the county of Cumberland and within the boundaries of any municipality outside the said county.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12C. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding ten pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal. 1 & 2 Geo. c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called the attention of his employer or of his employer's representative to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer or representative for a like offence. In the event of the employer or representative being found guilty the court may order him to pay costs incurred in prosecuting both himself the employee or servant.

Employee charged with offence may be acquitted and employer charged.

W.A. 21 of 1920, s. 18.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Provided that the provisions of this section shall not apply to stock carried by rail.

Power to provide food for animals in confinement.

cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if

Destruction of animals in certain cases.

1 & 2 Geo. V, s. 2.

if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

Sydney: Alfred James Kent, Government Printer—1928.

[10*d*.]

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 7th November, 1928.

New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. , 1928.

An Act to make further provision for the prevention of cruelty to animals; to provide for the registration and inspection of certain animals; to amend the Prevention of Cruelty to Animals Act, 1901, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King'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 :—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1928," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, in this Act referred to as the Principal Act. Short title.

2. The Principal Act is amended as follows:— Amendment of Act No. 64, 1901, s. 3.

(1) In section three—

(a) immediately after the word "overcrowd" the words "also to cause pain or suffering by any omission or by any wanton act";

(b) by inserting the following definition next after the definition of "justice":—

"Officer" means a member of the police force of any rank or any officer of the Royal Society for the Prevention of Cruelty to Animals appointed a special constable by the Commissioner of Police.

(2) In section four— Sec. 4.

(a) by inserting in paragraph (a) of subsection one after the word "procures" the words "or being the owner or person in charge permits or suffers";

(b) (i) by inserting in paragraph (e) of the same subsection after the word "causes" the words "or being the owner or person in charge permits or suffers";

(ii) by inserting at the end of the same paragraph the word "or";

(c) by inserting in the same subsection immediately after paragraph (e), the following paragraphs:—

(f) fails to supply any domestic animal or captive animal other than those running at large with proper and sufficient food or water or to provide sufficient protection in hot or inclement weather; or W.A. No. 21 of 1920, s. 4.

(g) needlessly kills or causes to be killed, or needlessly mutilates any animal or subjects any animal to unnecessary pain or suffering; or *Ibid.*

(h)

(h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

(d) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by omitting from the same subsection the words "three months" and by inserting in lieu thereof the words "six months";

(f) by inserting the following new subsection next after subsection one:—

(1A) For the purposes of subsection one of this section an owner or person in charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal. 1 & 2 Geo. V, s. 1 (2).

(g) by omitting from subsection two the words "of five pounds" and by inserting in lieu thereof the words "not exceeding twenty pounds."

(3) By inserting the following new sections next after section seven:— New sections 7A, 7B, 7C.

7A. Nothing in this Act shall render unlawful— Exemptions.

(a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or W.A. No. 21 of 1920, s. 6.

(b) the dehorning of cattle, or the castration, spaying, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is attended with as little suffering as is practicable to the animal operated upon; or

(c)

(c) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or

(d) the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

(e) the hunting, snaring, trapping, shooting, or capturing of any animal; or

(f) the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or 1 & 2 Geo. V, s. 1 (3).

(g) any surgical operation or any operation for physiological or pathological investigation or any operation of the nature of an inoculation or of a feeding experiment: Provided that such operation, inoculation, or experiment is carried out in accordance with regulations made under this Act.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.

(b) Age at date of registration.

(c) Sex.

(d)

(d) Colour and distinctive markings.

(e) Brands.

(f) Date when brought on to the mine premises.

(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding twenty pounds.

Inspection of traps.

cf. 1 & 2 Geo. V, s. 10; W.A. 21 of 1920, s. 24.

7c. Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any marsupial, dingo, wild dog, fox, or noxious animal, or which is so placed as to be likely to catch any such animal, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time.

Any person who fails to comply with the provisions of this section shall, on conviction before any one justice, be liable to a penalty not exceeding five pounds, or shall on conviction before two justices be liable either to the said

said penalty, or if such justices think fit, to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.

5 7D. (1) The Governor may make regulations for carrying this Act into effect.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

10 (3) Any penalty imposed by the regulations shall be recoverable summarily before a police or stipendiary magistrate or any two justices in petty sessions.

(4) The regulations shall—

15 (a) be published in the Gazette;

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

25 (5) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(4) By inserting the following new sections next after section twelve :— New sections.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals. Officer may inspect sale-yards, &c. W.A. No. 21 of 1920, s. 8.

Officer under certain conditions may destroy injured animals. cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer, without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom.

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

(5) This section shall only apply to the county of Cumberland and within the boundaries of any municipality outside the said county.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12c. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding ten pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal. 1 & 2 Geo. c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called the attention of his employer or of his employer's representative to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer or representative for a like offence. In the event of the employer or representative being found guilty the court may order him to pay costs incurred in prosecuting both himself the employee or servant.

Employee charged with offence may be acquitted and employer charged. W.A. 21 of 1920, s. 18.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Provided that the provisions of this section shall not apply to stock carried by rail.

Power to provide food for animals in confinement. cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if

Destruction of animals in certain cases. 1 & 2 Geo. V, s. 2.

if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

Sydney: Alfred James Kent, Government Printer—1928.

[10*d*.]

Legislative Council.

No. , 1928.

A BILL

To make further provision for the prevention of cruelty to animals; to provide for the registration and inspection of certain animals; to amend the Prevention of Cruelty to Animals Act, 1901, and certain other Acts; and for purposes connected therewith.

[Mr. Boyce;—3 *October*, 1928.]

BE it enacted by the King'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:—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1928," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, in this Act referred to as the Principal Act. Short title.

Amendment of Act No. 64, 1901, s. 3.

2. The Principal Act is amended as follows:—

(1) In section three—

(a) immediately after the word "overcrowd" the words "also to cause pain or suffering by any omission or by any wanton act"; 5

(b) by inserting the following definition next after the definition of "justice":—

"Officer" means a member of the police force of any rank or any officer of the Royal Society for the Prevention of Cruelty to Animals appointed a special constable by the Commissioner of Police. 10

Sec. 4.

(2) In section four—

(a) by inserting in paragraph (a) of subsection one after the word "procures" the words "or being the owner or person in charge permits or suffers"; 15

(b) (i) by inserting in paragraph (e) of the same subsection after the word "causes" the words "or being the owner or person in charge permits or suffers"; 20

(ii) by inserting at the end of the same paragraph the word "or"; 25

(c) by inserting in the same subsection immediately after paragraph (e), the following paragraphs:—

W.A. No. 21 of 1920, s. 4.

(f) fails to supply any domestic animal or captive animal other than those running at large with proper and sufficient food or water or sufficient protection in hot or inclement weather; or 30

Ibid.

(g) needlessly kills or causes to be killed, or needlessly mutilates any animal or subjects any animal to unnecessary pain or suffering; or 35

(h)

(h) neglects as the owner or person in charge, to exercise reasonably or cause to be exercised daily, any dog habitually chained up, W.A. No. 21 of 1920, s. 4.

(d) by omitting from the same subsection the words "five pounds" and by inserting in lieu thereof the words "twenty pounds";

(e) by omitting from the same subsection the words "three months" and by inserting in lieu thereof the words "six months";

(f) by inserting the following new subsection next after subsection one:—

(1A) For the purposes of subsection one of this section an owner or person in charge of an animal shall be deemed to have permitted any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect to the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal. 1 & 2 Geo. V s. 1 (2).

(g) by omitting from subsection two the words "of five pounds" and by inserting in lieu thereof the words "not exceeding twenty pounds."

(3) By inserting the following new sections next after section seven:— New sections 7A, 7B, 7C.

7A. Nothing in this Act shall render unlawful— Exemptions.

(a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or W.A. No. 21 of 1920, s. 6.

(b) the dehorning of cattle, or the castration, spaying, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is attended with as little suffering as is practicable to the animal operated upon; or

(c)

(c) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or

(d) the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

(e) the hunting, snaring, trapping, shooting, or capturing of any animal; or

1 & 2 Geo. V s. 1 (3)

(f) the commission or omission of any act in the course of the destruction, or the preparation for destruction of any animal as food for mankind, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or

(g) any surgical operation or any operation of the nature of an inoculation or of a feeding experiment: Provided that—

(i) such operation, inoculation, or experiment is carried out without the infliction of unnecessary suffering, and

(ii) all vivisection is done under a proper anesthetic administered by qualified surgeons.

Registration and inspection of animals employed at mines.

7B. (1) From and after the first day of January, one thousand nine hundred and twenty-nine, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in the mine.

(2) The register shall contain the following particulars in respect of each such animal:—

(a) Kind of animal.

(b) Age at date of registration.

(c) Sex.

(d)

(d) Colour and distinctive markings.
(e) Brands.
(f) Date when brought on to the mine premises.
(g) Date of removal from the mine premises.

(3) Registration in respect of particulars under subparagraphs (a) to (f) (both inclusive) of subsection two of this section, shall be made within twenty-four hours of the said first day of January, one thousand nine hundred and twenty-nine, or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) of the said subsection within twenty-four hours of the day on which the animal is so removed.

(4) Any officer may at all reasonable times inspect all such animals kept or worked at or in the mine, and at any such inspection the manager shall produce the register or cause the same to be produced for inspection by the officer, and shall give all reasonable assistance to the officer for that purpose.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction in a summary manner be liable to a penalty not exceeding *twenty* pounds.

Inspection of traps. cf. 1 & 2 Geo. V, s. 10; W.A. 21 of 1920, s. 24.

7c. Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any marsupial, dingo, wild dog, fox, or noxious animal, or which is so placed as to be likely to catch any such animal, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time.

Any person who fails to comply with the provisions of this section shall, on conviction before any one justice, be liable to a penalty not exceeding *five* pounds, or shall on conviction before two justices be liable either to the said

said penalty, or if such justices think fit, to imprisonment with or without hard labour for a term not exceeding *three* months without the option of a fine.

New sections.

(4) By inserting the following new sections next after section twelve :— 5

Officer may inspect sale-yards, &c.
W.A. No. 21 of 1920, s. 8.

12A. Any officer may enter at any time into any place where animals are usually sold or kept for sale, hire, or business purposes, and may inspect any animal found therein, and the accommodation for such animals. 10

Officer under certain conditions may destroy injured animals.
cf. 1 & 2 Geo. V, c. 27, s. 11.

12B. (1) If an officer finds any animal so diseased or so injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the officer, without the consent of the owner, to slaughter the animal or cause or procure it to be slaughtered with such instruments or appliances, and with such precautions, and in such manner as to inflict as little suffering as practicable, and if the slaughter takes place on any public highway to remove the carcase or cause it to be removed therefrom. 15 20 25 30

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person 35 40

person fail to do so or if there is no person in charge, the officer may cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section (including the expense of any veterinary surgeon summoned, and whether the animal is slaughtered under this section or not) may be recovered from the owner as a debt.

(4) No compensation shall be recoverable against any officer in respect of the slaughtering of an animal under this section.

Owner to produce animal if so required. cf. W.A. 21 of 1920, s. 20.

12c. (1) Where a complaint is made against a person for a breach of any of the provisions of this Act, in respect of an animal, the justice to whom the complaint is made may forthwith issue a summons directed to the owner or person in charge of the animal requiring him to produce at the hearing of the case the animal for the inspection of the court.

(2) When a summons is issued under subsection one of this section, and the owner or person in charge, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding *ten* pounds, and he may be required to pay the costs of any adjournment rendered necessary by his failure.

Power for justice to deprive person convicted of cruelty of ownership of animal. 1 & 2 Geo. V, c. 27, s. 3.

12D. (1) If the owner or person in charge of any animal shall be convicted of a breach of this Act in relation to such animal, the convicting justice may, if he thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal or the charge thereof as the case may be, and make such order as to the disposal of the animal as he thinks fit under the circumstances.

(2) No order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the

the owner or person in charge or otherwise, that the animal, if left to the owner or person in charge, is likely to be exposed to further cruelty.

Employee charged with offence may be acquitted and employer charged.

W.A. 21 of 1920, s. 18.

12E. Whenever any person, who is an employee or servant, charged with a breach of any provision of this Act, proves to the satisfaction of the court before which the complaint is being heard that the acts constituting the offence were done or permitted by him in the course of his employment as such employee or servant, and that prior to the commission of the offence he called his employer's attention to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing and issue a summons against the employer for a like offence. In the event of the employer being found guilty, the court may order him to pay costs incurred in prosecuting both himself and his employee or servant.

Power to provide food for animals in confinement.

cf. 12 & 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66; and W.A. 21 of 1920, s. 19.

12F. In case any animal is at any time confined on any premises, or in any place of any kind, or in any pen, cage, hutch, or in any receptacle of the like nature, and continues to be so confined without proper and sufficient food or water for more than twenty-four consecutive hours, it shall be lawful for any officer to enter, at all reasonable times, into and upon any such premises or place as aforesaid, and to supply such animal with proper and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a debt:

Provided that the provisions of this section shall not apply to stock carried by rail.

12G.

Destruction of animals in certain cases. 1 & 2 Geo. V, s. 2.

12G. Where the owner of any animal is convicted of a breach of any provision of this Act in relation to such animal, it shall be lawful for the court by which he is convicted, if it is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to assign the animal to any suitable person for that purpose; and the person to whom the animal is so assigned shall, as soon as possible, destroy it, or cause or procure it to be destroyed in his presence without unnecessary suffering.

Any reasonable expenses incurred in destroying the animal may be ordered by the said court to be paid by the owner, and thereupon such expenses shall be recoverable as a debt.

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