

# New South Wales.



ANNO OCTAVO

# GEORGII VI REGIS.

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## Act No. 44, 1943.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901, and the Police Offences Act, 1901; to repeal the Prevention of Cruelty to Animals (Amendment) Act, 1941; and for purposes connected therewith. [Assented to, 21st December, 1943.]

**B**E 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.** (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1943."

Short title  
and citation.

(2)



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*Prevention of Cruelty to Animals (Amendment).*

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(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1943.

(3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1943.

Amendment  
of Act No.  
64, 1901.

Substituted  
sec. 3.

Interpre-  
tation.

**2.** (1) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts, is amended—

(a) by omitting section three and by inserting in lieu thereof the following section:—

3. In this Act unless the context or subject-matter otherwise indicates or requires—

“Animal” means every species of animal and every species of bird whether in a natural or domestic state.

“Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or temporary, or which is pinioned or which is or appears to be maimed.

“Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment, and “cruel” and “cruelly” have corresponding meanings.

“Dog” includes any bitch, sapling, or puppy.

“Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame.

“Horse”



*Prevention of Cruelty to Animals (Amendment).*

“Horse” includes any mare, gelding, pony, foal, colt, or filly.

“Ill-treat” includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and “ill-treating” and “ill-treatment” have corresponding meanings.

“Justice” means justice of the peace.

“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, New South Wales, appointed a special constable with the approval of the Commissioner of Police.

“Owner” used with reference to an animal includes not only the owner but also the lessee or borrower or other person for the time being entitled to the possession of the animal and also any manager, overseer, foreman, agent or other representative of the owner, lessee, borrower, or other such person with whose orders the driver, conductor or other person in charge of the animal is bound to comply.

(b) (i) by omitting subsection one of section four and by inserting in lieu thereof the following subsection:—

Sec. 4.  
(Ill-treating animals.)

(1) Whosoever—

(a) cruelly ill-treats or causes or procures, or, being the owner or person in charge, permits or suffers to be cruelly ill-treated any animal;  
or

(b)



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*Prevention of Cruelty to Animals (Amendment).*

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- (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- (d) encourages, aids, or assists at the fighting or baiting of any animal; or
- (e) conveys or carries or causes, or being the owner or person in charge, permits or suffers to be conveyed or carried, whether in or upon any vehicle or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- (f) being the owner or person in charge of any domestic animal other than one running at large or, being the owner or person in charge of any captive animal, fails to provide such domestic or captive animal with proper and sufficient food, drink or shelter; or
- (g) needlessly kills or causes to be killed, or needlessly mutilates any animal; or
- (h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in close confinement; or
- (i) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or

(j)



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*Prevention of Cruelty to Animals (Amendment).*

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- (j) rides, drives, uses, conveys or carries or causes to be ridden, driven, used, conveyed or carried any animal which is unfit for any such purpose; or
- (k) except for medicinal or curative purposes administers or causes to be administered any drug or toxic or noxious substance to any animal entered or about to partake in any race or upon any racecourse or upon any ground used for coursing or the running or racing of dogs; or
- (l) uses or applies or causes to be used or applied any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after being entered for any race or upon any racecourse; or
- (m) wilfully and unreasonably administers any poisonous or injurious drug or poisonous or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or
- (n) keeps, sells or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- (o) keeps or confines any animal in any cage or other receptacle which does not measure sufficient in height,



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*Prevention of Cruelty to Animals (Amendment).*

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height, length and breadth to permit the animal a reasonable opportunity for exercise; or

(p) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(q) uses upon any animal, or keeps, sells or attempts to sell any spur or other similar contrivance or appliance with sharpened rowels,

shall, on summary conviction, be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(ii) by inserting next after subsection (1A) of the same section the following new subsection:—

(1B) It shall be a sufficient defence to any proceedings for a contravention of paragraph (o) of subsection one of this section if the person charged proves that the animal was so kept or confined only whilst being shown for the purpose of public exhibition or competition for a time which does not in the whole exceed seventy-two hours.

(iii) by inserting at the end of the same section the following new subsection:—

(3) Where an offence against subsection one (other than paragraphs (b), (c) and (d)) of this section is committed, any officer may, on his own view thereof, or on complaint made to him by any other person who declares his name and place of abode to the said officer, take possession of any animal the subject of such offence and convey such animal to some place of safety, and there detain the same until the complaint



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*Prevention of Cruelty to Animals (Amendment).*

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complaint in respect of such offence has been heard and determined, or for any shorter period.

In any such case where the defendant is convicted the justices before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal whilst so detained as aforesaid or otherwise incurred by the officer in connection with such detention.

(2) The Police Offences Act, 1901, as amended by subsequent Acts, is amended by inserting in subsection (1A) of section one hundred and one, after the words "similar capacity" the words "or an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales."

Amendment  
of Act No.  
5, 1901.  
Sec. 101.  
(Special  
constables.)

(3) The Prevention of Cruelty to Animals (Amendment) Act, 1941, is hereby repealed.

Repeal of  
Act No. 6,  
1941.  
(Consequen-  
tial.)

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By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1943.

[3d.]







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

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 16 December, 1943.*

## New South Wales.



ANNO OCTAVO

GEORGII VI REGIS.

\*\*\*\*\*

Act No. 44, 1943.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901, and the Police Offences Act, 1901; to repeal the Prevention of Cruelty to Animals (Amendment) Act, 1941; and for purposes connected therewith. [Assented to, 21st December, 1943.]

**B**E 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.** (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1943." Short title  
and citation.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



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*Prevention of Cruelty to Animals (Amendment).*

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(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1943.

(3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1943.

Amendment  
of Act No.  
64, 1901.  
Substituted  
sec. 3.

**2.** (1) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts, is amended—

(a) by omitting section three and by inserting in lieu thereof the following section:—

Interpre-  
tation.

**3.** In this Act unless the context or subject-matter otherwise indicates or requires—

“Animal” means every species of animal and every species of bird whether in a natural or domestic state.

“Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or temporary, or which is pinioned or which is or appears to be maimed.

“Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment, and “cruel” and “cruelly” have corresponding meanings.

“Dog” includes any bitch, sapling, or puppy.

“Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame.

“Horse”



*Prevention of Cruelty to Animals (Amendment).*

“Horse” includes any mare, gelding, pony, foal, colt, or filly.

“Ill-treat” includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and “ill-treating” and “ill-treatment” have corresponding meanings.

“Justice” means justice of the peace.

“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, New South Wales, appointed a special constable with the approval of the Commissioner of Police.

“Owner” used with reference to an animal includes not only the owner but also the lessee or borrower or other person for the time being entitled to the possession of the animal and also any manager, overseer, foreman, agent or other representative of the owner, lessee, borrower, or other such person with whose orders the driver, conductor or other person in charge of the animal is bound to comply.

(b) (i) by omitting subsection one of section four and by inserting in lieu thereof the following subsection:—

Sec. 4.  
(Ill-treating animals.)

(1) Whosoever—

(a) cruelly ill-treats or causes or procures, or, being the owner or person in charge, permits or suffers to be cruelly ill-treated any animal;

or

(b)



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*Prevention of Cruelty to Animals (Amendment).*

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- (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- (d) encourages, aids, or assists at the fighting or baiting of any animal; or
- (e) conveys or carries or causes, or being the owner or person in charge, permits or suffers to be conveyed or carried, whether in or upon any vehicle or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- (f) being the owner or person in charge of any domestic animal other than one running at large or, being the owner or person in charge of any captive animal, fails to provide such domestic or captive animal with proper and sufficient food, drink or shelter; or
- (g) needlessly kills or causes to be killed, or needlessly mutilates any animal; or
- (h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in close confinement; or
- (i) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or
- (j)



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*Prevention of Cruelty to Animals (Amendment).*

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- (j) rides, drives, uses, conveys or carries or causes to be ridden, driven, used, conveyed or carried any animal which is unfit for any such purpose; or
- (k) except for medicinal or curative purposes administers or causes to be administered any drug or toxic or noxious substance to any animal entered or about to partake in any race or upon any racecourse or upon any ground used for coursing or the running or racing of dogs; or
- (l) uses or applies or causes to be used or applied any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after being entered for any race or upon any racecourse; or
- (m) wilfully and unreasonably administers any poisonous or injurious drug or poisonous or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or
- (n) keeps, sells or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- (o) keeps or confines any animal in any cage or other receptacle which does not measure sufficient in  
height,



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*Prevention of Cruelty to Animals (Amendment).*

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height, length and breadth to permit the animal a reasonable opportunity for exercise; or

(p) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(q) uses upon any animal, or keeps, sells or attempts to sell any spur or other similar contrivance or appliance with sharpened rowels,

shall, on summary conviction, be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(ii) by inserting next after subsection (1A) of the same section the following new subsection:—

(1B) It shall be a sufficient defence to any proceedings for a contravention of paragraph (o) of subsection one of this section if the person charged proves that the animal was so kept or confined only whilst being shown for the purpose of public exhibition or competition for a time which does not in the whole exceed seventy-two hours.

(iii) by inserting at the end of the same section the following new subsection:—

(3) Where an offence against subsection one (other than paragraphs (b), (c) and (d)) of this section is committed, any officer may, on his own view thereof, or on complaint made to him by any other person who declares his name and place of abode to the said officer, take possession of any animal the subject of such offence and convey such animal to some place of safety, and there detain the same until the complaint

cf. N.Z.  
1927, No. 35,  
s. 7 (4) (5).



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*Prevention of Cruelty to Animals (Amendment).*

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complaint in respect of such offence has been heard and determined, or for any shorter period.

In any such case where the defendant is convicted the justices before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal whilst so detained as aforesaid or otherwise incurred by the officer in connection with such detention.

(2) The Police Offences Act, 1901, as amended by subsequent Acts, is amended by inserting in subsection (1A) of section one hundred and one, after the words "similar capacity" the words "or an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales."

Amendment  
of Act No.  
5, 1901.  
Sec. 101.  
(Special  
constables.)

(3) The Prevention of Cruelty to Animals (Amendment) Act, 1941, is hereby repealed.

Repeal of  
Act No. 6,  
1941.  
(Consequen-  
tial.)

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

WAKEHURST,  
*Governor.*

*Government House,  
Sydney, 21st December, 1943.*



Prevention of Cruelty to Animals (Amendment)

any animal in a condition of neglect or suffering, or in any other manner, shall be liable to a fine of not more than \$100.

In any case where the defendant is convicted, the justice before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal while so detained at a pound or other place licensed by the officer in charge of the pound.

(2) The 18th October, 1901, as amended by Amendment No. 1, is amended by inserting in subsection (1a) of the said Act, after the words "any animal", the words "or an officer of the pound".

(3) The Prevention of Cruelty to Animals (Amendment) Act, 1901, is hereby repealed.

In the year of the reign of the Majesty Edward the Seventh, the 1st day of January, 1902.

W. A. G. HURST

(Governor)

G. A. H. H. H.

Edmund, John, & Co., Printers



## Prevention of Cruelty to Animals (Amendment) Bill.

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*Schedule of the Amendment referred to in Legislative Council's Message of  
8th December, 1943.*

Page 3, clause 2, line 26. *After "owner" insert "lessee, borrower, or other such person"*



THE UNIVERSITY OF CHICAGO PRESS

CHICAGO, ILLINOIS

1954



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

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 1 December, 1943.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*  
Legislative Council Chamber,  
Sydney, 8th December, 1943.

## New South Wales.



ANNO SEPTIMO

## GEORGII VI REGIS.

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Act No. , 1943.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901, and the Police Offences Act, 1901; to repeal the Prevention of Cruelty to Animals (Amendment) Act, 1941; and for purposes connected therewith.

**B**E 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.** (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1943." Short title and citation.

36281

28—

(2)

NOTE.—The words to be inserted are printed in black letter.



*Prevention of Cruelty to Animals (Amendment).*

(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1943.

5 (3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1943.

2. (1) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
64, 1901.

10 (a) by omitting section three and by inserting in lieu thereof the following section:—

Substituted  
sec. 3.

3. In this Act unless the context or subject-matter otherwise indicates or requires—

Interpre-  
tation.

15 “Animal” means every species of animal and every species of bird whether in a natural or domestic state.

20 “Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or temporary, or which is pinioned or which is or appears to be maimed.

25 “Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment, and “cruel” and “cruelly” have corresponding meanings.

30 “Dog” includes any bitch, sapling, or puppy.

35 “Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame.

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“Horse”



*Prevention of Cruelty to Animals (Amendment).*

"Horse" includes any mare, gelding, pony, foal, colt, or filly.

5 "Ill-treat" includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and "ill-treating" and  
10 "ill-treatment" have corresponding meanings.

"Justice" means justice of the peace.

15 "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, New South Wales, appointed a special constable with the approval of the Commissioner of Police.

20 "Owner" used with reference to an animal includes not only the owner but also the lessee or borrower or other person for the time being entitled to the possession of the animal and also any  
25 manager, overseer, foreman, agent or other representative of the owner, lessee, borrower, or other such person with whose orders the driver, conductor or other person in charge of the animal  
30 is bound to comply.

(b) (i) by omitting subsection one of section four and by inserting in lieu thereof the following subsection:— Sec. 4.  
(Ill-treating animals.)

(1) Whosoever—

35 (a) cruelly ill-treats or causes or procures, or, being the owner or person in charge, permits or suffers to be cruelly ill-treated any animal;  
or

(b)



*Prevention of Cruelty to Animals (Amendment).*

- 5 (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- 10 (d) encourages, aids, or assists at the fighting or baiting of any animal; or
- 15 (e) conveys or carries or causes, or being the owner or person in charge, permits or suffers to be conveyed or carried, whether in or upon any vehicle or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- 20 (f) being the owner or person in charge of any domestic animal other than one running at large or, being the owner or person in charge of any captive animal, fails to provide such domestic or captive animal with proper and sufficient food, drink or shelter; or
- 25 (g) needlessly kills or causes to be killed, or needlessly mutilates any animal; or
- 30 (h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in close confinement; or
- 35 (i) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or
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(j)



*Prevention of Cruelty to Animals (Amendment).*

- 5 (j) rides, drives, uses, conveys or carries or causes to be ridden, driven, used, conveyed or carried any animal which is unfit for any such purpose; or
- 10 (k) except for medicinal or curative purposes administers or causes to be administered any drug or toxic or noxious substance to any animal entered or about to partake in any race or upon any racecourse or upon any ground used for coursing or the running or racing of dogs; or
- 15 (l) uses or applies or causes to be used or applied any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after being entered for any race or upon any racecourse; or
- 20 (m) wilfully and unreasonably administers any poisonous or injurious drug or poisonous or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or
- 25 (n) keeps, sells or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- 30 (o) keeps or confines any animal in any cage or other receptacle which does not measure sufficient in height,
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*Prevention of Cruelty to Animals (Amendment).*

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height, length and breadth to permit the animal a reasonable opportunity for exercise; or

(p) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(q) uses upon any animal, or keeps, sells or attempts to sell any spur or other similar contrivance or appliance with sharpened rowels,

shall, on summary conviction, be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(ii) by inserting next after subsection (1A) of the same section the following new subsection:—

(1B) It shall be a sufficient defence to any proceedings for a contravention of paragraph (o) of subsection one of this section if the person charged proves that the animal was so kept or confined only whilst being shown for the purpose of public exhibition or competition for a time which does not in the whole exceed seventy-two hours.

(iii) by inserting at the end of the same section the following new subsection:—

(3) Where an offence against subsection one (other than paragraphs (b), (c) and (d)) of this section is committed, any officer may, on his own view thereof, or on complaint made to him by any other person who declares his name and place of abode to the said officer, take possession of any animal the subject of such offence and convey such animal to some place of safety, and there detain the same until the complaint

cf. N.Z.  
1927, No. 35,  
s. 7 (4) (5).



*Prevention of Cruelty to Animals (Amendment).*

complaint in respect of such offence has been heard and determined, or for any shorter period.

5

In any such case where the defendant is convicted the justices before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal whilst so detained as aforesaid or otherwise incurred by the officer in connection with such detention.

10

(2) The Police Offences Act, 1901, as amended by subsequent Acts, is amended by inserting in subsection 15 (1A) of section one hundred and one, after the words "similar capacity" the words "or an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales."

Amendment  
of Act No.  
5, 1901.  
Sec. 101.  
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(3) The Prevention of Cruelty to Animals (Amendment) Act, 1941, is hereby repealed.

Repeal of  
Act No. 6,  
1941.  
(Consequen-  
tial.)



Prevention of Cruelty to Animals (Amendment).

any animal in respect of which offence has been committed shall be liable to be kept in a pound or other place for a period not exceeding three months.

In any case where the offence is committed by a person who is not the owner of the animal, the person who is the owner of the animal shall be liable to be kept in a pound or other place for a period not exceeding three months, unless he can prove that he is not the owner of the animal.

(2) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(3) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(4) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(5) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(6) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(7) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(8) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(9) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(10) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(11) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(12) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(13) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(14) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.

(15) The provisions of this section shall not apply to any animal which is kept in a pound or other place for a period not exceeding three months, unless it is proved that the animal is not the property of the person who is the owner of the animal.



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

W. R. McCOURT,  
Clerk of the Legislative Assembly.  
Legislative Assembly Chamber,  
Sydney, 1 December, 1943.

## New South Wales.



ANNO SEPTIMO

GEORGII VI REGIS.

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Act No. , 1943.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901, and the Police Offences Act, 1901; to repeal the Prevention of Cruelty to Animals (Amendment) Act, 1941; and for purposes connected therewith.

**B**E 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  
5 the same, as follows:—

1. (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1943."

Short title  
and citation.



*Prevention of Cruelty to Animals (Amendment).*

(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1943.

5 (3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1943.

2. (1) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
64, 1901.

10 (a) by omitting section three and by inserting in lieu thereof the following section:—

Substituted  
sec. 3.

3. In this Act unless the context or subject-matter otherwise indicates or requires—

Interpre-  
tation.

15 “Animal” means every species of animal and every species of bird whether in a natural or domestic state.

20 “Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or

25 temporary, or which is pinioned or which is or appears to be maimed.

30 “Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment, and “cruel” and “cruelly” have corresponding meanings.

“Dog” includes any bitch, sapling, or puppy.

35 “Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly

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tame.

“Horsē”



*Prevention of Cruelty to Animals (Amendment).*

“Horse” includes any mare, gelding, pony, foal, colt, or filly.

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“Ill-treat” includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and “ill-treating” and “ill-treatment” have corresponding meanings.

“Justice” means justice of the peace.

15

“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, New South Wales, appointed a special constable with the approval of the Commissioner of Police.

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“Owner” used with reference to an animal includes not only the owner but also the lessee or borrower or other person for the time being entitled to the possession of the animal and also any manager, overseer, foreman, agent or other representative of the owner with whose orders the driver, conductor or other person in charge of the animal is bound to comply.

30

(b) (i) by omitting subsection one of section four and by inserting in lieu thereof the following subsection:—

Sec. 4.  
(Ill-treating animals.)

(1) Whosoever—

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(a) cruelly ill-treats or causes or procures, or, being the owner or person in charge, permits or suffers to be cruelly ill-treated any animal;  
or

(b)



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*Prevention of Cruelty to Animals (Amendment).*

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- 5 (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- 10 (d) encourages, aids, or assists at the fighting or baiting of any animal; or
- (e) conveys or carries or causes, or being the owner or person in charge, permits or suffers to be conveyed or carried, whether in or upon any vehicle or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- 15 (f) being the owner or person in charge of any domestic animal other than one running at large or, being the owner or person in charge of any captive animal, fails to provide such domestic or captive animal with proper and sufficient food, drink or shelter; or
- 20 (g) needlessly kills or causes to be killed, or needlessly mutilates any animal; or
- 25 (h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept in close confinement; or
- 30 (i) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or
- 35 (j)
- 40



*Prevention of Cruelty to Animals (Amendment).*

- 5 (j) rides, drives, uses, conveys or carries or causes to be ridden, driven, used, conveyed or carried any animal which is unfit for any such purpose; or
- 10 (k) except for medicinal or curative purposes administers or causes to be administered any drug or toxic or noxious substance to any animal entered or about to partake in any race or upon any racecourse or upon any ground used for coursing or the running or racing of dogs; or
- 15 (l) uses or applies or causes to be used or applied any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after
- 20 being entered for any race or upon any racecourse; or
- 25 (m) wilfully and unreasonably administers any poisonous or injurious drug or poisonous or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive
- 30 animal; or
- 35 (n) keeps, sells or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- 40 (o) keeps or confines any animal in any cage or other receptacle which does not measure sufficient in height,



*Prevention of Cruelty to Animals (Amendment).*

- height, length and breadth to permit the animal a reasonable opportunity for exercise; or
- 5 (p) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or
- 10 (q) uses upon any animal, or keeps, sells or attempts to sell any spur or other similar contrivance or appliance with sharpened rowels, shall, on summary conviction, be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six
- 15 months or to both such penalty and imprisonment.
- (ii) by inserting next after subsection (1A) of the same section the following new subsection:—
- 20 (1B) It shall be a sufficient defence to any proceedings for a contravention of paragraph (o) of subsection one of this section if the person charged proves that the animal was so kept or confined only
- 25 whilst being shown for the purpose of public exhibition or competition for a time which does not in the whole exceed seventy-two hours.
- (iii) by inserting at the end of the same section the following new subsection:—
- 30 (3) Where an offence against subsection one (other than paragraphs (b), (c) and (d)) of this section is committed, any officer may, on his own view thereof, or on
- 35 complaint made to him by any other person who declares his name and place of abode to the said officer, take possession of any animal the subject of such offence and convey such animal to some place of
- 40 safety, and there detain the same until the complaint
- cf. N.Z. 1927, No. 35, s. 7 (4) (5).



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*Prevention of Cruelty to Animals (Amendment).*

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complaint in respect of such offence has been heard and determined, or for any shorter period.

5 In any such case where the defendant is convicted the justices before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal  
10 whilst so detained as aforesaid or otherwise incurred by the officer in connection with such detention.

(2) The Police Offences Act, 1901, as amended by subsequent Acts, is amended by inserting in subsection  
15 (1A) of section one hundred and one, after the words "similar capacity" the words "or an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales."

Amendment  
of Act No.  
5, 1901.  
Sec. 101.  
(Special  
constables.)

(3) The Prevention of Cruelty to Animals  
20 (Amendment) Act, 1941, is hereby repealed.

Repeal of  
Act No. 6,  
1941.  
(Consequen-  
tial.)







No. , 1943.

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## A BILL

To make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901, and the Police Offences Act, 1901; to repeal the Prevention of Cruelty to Animals (Amendment) Act, 1941; and for purposes connected therewith.

[MR. MCKELL;—18 November, 1943.]

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**B**E 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  
5 the same, as follows :—

1. (1) This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1943."

Short title  
and citation.



*Prevention of Cruelty to Animals (Amendment).*

(2) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Prevention of Cruelty to Animals Act, 1901-1943.

5 (3) The Police Offences Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Police Offences Act, 1901-1943.

2. (1) The Prevention of Cruelty to Animals Act, 1901, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
64, 1901.

10 (a) by omitting section three and by inserting in lieu thereof the following section:—

Substituted  
sec. 3.

3. In this Act unless the context or subject-matter otherwise indicates or requires—

Interpre-  
tation.

15 “Animal” means every species of animal and every species of bird whether in a natural or domestic state.

20 “Captive animal” means any animal which is in captivity or confinement whether permanent or temporary or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement whether permanent or

25 temporary, or which is pinioned or which is or appears to be maimed.

30 “Cruelty” means unreasonable, unnecessary, or unjustifiable ill-treatment, and “cruel” and “cruelly” have corresponding meanings.

“Dog” includes any bitch, sapling, or puppy.

35 “Domestic animal” means any animal which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man, or which although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly

40 tame.

“Horse”



*Prevention of Cruelty to Animals (Amendment).*

“Horse” includes any mare, gelding, pony, foal, colt, or filly.

5 “Ill-treat” includes beat, kick, wound, maim, abuse, worry, torment, torture, terrify, infuriate, over-ride, over-drive, over-load, drive when over-loaded, or  
10 cause in any manner whatsoever, whether by act or omission, pain, suffering or distress, and “ill-treating” and “ill-treatment” have corresponding meanings.

“Justice” means justice of the peace.

15 “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, New South Wales, appointed a special constable with the approval of the Commissioner of Police.

20 “Owner” used with reference to an animal includes not only the owner but also the lessee or borrower or other person for the time being entitled to the possession of the animal and also any  
25 manager, overseer, foreman, agent or other representative of the owner with whose orders the driver, conductor or other person in charge of the animal is bound to comply.

30 (b) (i) by omitting subsection one of section four and by inserting in lieu thereof the following subsection:— Sec. 4.  
(Ill-treating animals.)

(1) Whosoever—

35 (a) cruelly ill-treats or causes or procures, or, being the owner or person in charge, permits or suffers to be cruelly ill-treated any animal;  
or

(b)



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*Prevention of Cruelty to Animals (Amendment).*

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- 5 (b) keeps or uses or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (c) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- 10 (d) encourages, aids, or assists at the fighting or baiting of any animal; or
- (e) conveys or carries or causes, or being the owner or person in charge, permits or suffers to be conveyed or carried, whether in or
- 15 upon any vehicle or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- 20 (f) being the owner or person in charge of any domestic animal other than one running at large or, being the owner or person in charge of any captive animal, fails to provide
- 25 such domestic or captive animal with proper and sufficient food, drink and shelter; or
- (g) needlessly kills or causes to be killed, or needlessly mutilates any
- 30 animal; or
- (h) neglects as the owner or person in charge, to exercise or cause to be exercised daily and reasonably, any dog habitually chained up or kept
- 35 in close confinement; or
- (i) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such
- 40 shooting; or

(j)



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*Prevention of Cruelty to Animals (Amendment).*

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- 5 (j) rides, drives, uses, conveys or carries or causes to be ridden, driven, used, conveyed or carried any animal which is unfit for any such purpose; or
- 10 (k) except for medicinal or curative purposes administers or causes to be administered any drug or toxic or noxious substance to any animal entered or about to partake in any race or upon any racecourse or upon any ground used for coursing or the running or racing of dogs; or
- 15 (l) uses or applies or causes to be used or applied any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after being entered for any race or upon any racecourse; or
- 20 (m) wilfully and unreasonably administers any poisonous or injurious drug or poisonous or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any domestic or captive animal; or
- 25 (n) keeps, sells or attempts to sell (otherwise than for the express purpose of being slaughtered), or exposes for sale any domestic or captive animal which is in such a condition that it is cruel to keep it alive; or
- 30 (o) keeps or confines any animal in any cage or other receptacle which does not measure sufficient in height,
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*Prevention of Cruelty to Animals (Amendment).*

height, length and breadth to permit the animal a reasonable opportunity for exercise; or

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(p) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

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(q) uses upon any animal, or keeps, sells or attempts to sell any spur or other similar contrivance or appliance with sharpened rowels,

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shall, on summary conviction, be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(ii) by inserting next after subsection (1A) of the same section the following new subsection:—

20

(1B) It shall be a sufficient defence to any proceedings for a contravention of paragraph (o) of subsection one of this section if the person charged proves that the animal was so kept or confined only whilst being shown for the purpose of public exhibition or competition for a time which does not in the whole exceed seventy-two hours.

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(iii) by inserting at the end of the same section the following new subsection:—

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(3) Where an offence against subsection one (other than paragraphs (b), (c) and (d)) of this section is committed, any officer may, on his own view thereof, or on complaint made to him by any other person who declares his name and place of abode to the said officer, take possession of any animal the subject of such offence and convey such animal to some place of safety, and there detain the same until the complaint

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cf. N.Z.  
1927, No. 35,  
s. 7 (4) (5).



*Prevention of Cruelty to Animals (Amendment).*

complaint in respect of such offence has been heard and determined, or for any shorter period.

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In any such case where the defendant is convicted the justices before whom the conviction takes place shall, in addition to any penalty imposed, have power to order the defendant to pay a reasonable sum for defraying the cost of keeping such animal whilst so detained as aforesaid or otherwise incurred by the officer in connection with such detention.

10

(2) The Police Offences Act, 1901, as amended by subsequent Acts, is amended by inserting in subsection 15 (1A) of section one hundred and one, after the words "similar capacity" the words "or an officer of the Royal Society for the Prevention of Cruelty to Animals, New South Wales."

Amendment  
of Act No.  
5, 1901.  
Sec. 101.  
(Special  
constables.)

(3) The Prevention of Cruelty to Animals (Amendment) Act, 1941, is hereby repealed.

Repeal of  
Act No. 6,  
1941.  
(Consequen-  
tial.)



