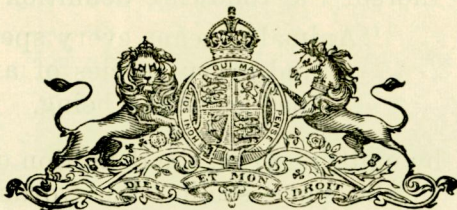


New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1952.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901-1951; and for purposes connected therewith. [Assented to, 27th March, 1952.]

BE it enacted by the Queen'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, 1952",

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, 1901-1952.

Amendment
of Act No.
64, 1901.

2. The Prevention of Cruelty to Animals Act, 1901-1951, is amended—

Sec. 3.
(Interpre-
tation.)

(a) (i) by omitting from section three the definition of “Animal” and by inserting in lieu thereof the following definition:—

“Animal” means every species of bird and every species of animal other than a human being.

(ii) by omitting from the definition of “Owner” in the same section the words “or other person for the time being entitled to the possession of the animal” and by inserting in lieu thereof the words “of the animal or any other person for the time being whether with or without the consent of the owner in possession of the animal”;

Sec. 4.
(Ill-treat-
ing
animals.)

(b) (i) by inserting at the end of paragraph (q) of subsection one of section four the following word and new paragraph:—

“or

(r) docks or causes or procures to be docked the tail of any horse”;

(ii) by inserting at the end of subsection (1A) of the same section the following new paragraph:—

(b) Where the owner or person in charge of an animal in respect of which an offence against subsection one of this section has been committed is not the person who has committed such offence such owner or person in charge

Prevention of Cruelty to Animals (Amendment).

charge shall, if he has failed to exercise reasonable care and supervision in respect to the protection of the animal from the act or omission which constituted such offence, or failed to take reasonable steps to prevent the unnecessary suffering of such animal, be liable, on summary conviction, to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

- (c) by inserting next after the same section the following new section:—

New
sec. 4A.

4A. (1) In this section "aggravated cruelty" means cruelty resulting in the death, deformity or serious disablement of any animal.

Aggravated
cruelty.

(2) Whosoever commits any act of aggravated cruelty shall be guilty of a misdemeanour and shall be liable, on indictment, to imprisonment for a term not exceeding two years.

(3) Where upon the hearing of any information for an offence against subsection one of section four of this Act the stipendiary magistrate or justices hearing the information is or are of the opinion that the information could be prosecuted by indictment under this section and should be so prosecuted he or they shall abstain from further adjudication thereupon and shall deal with the case by committal as in an ordinary case of an indictable offence charged before a stipendiary magistrate or justices sitting in petty sessions.

Any such committal shall have the like effect and be dealt with as a committal for trial pursuant to the Justices Act, 1902-1951.

(d)

Prevention of Cruelty to Animals (Amendment).

Sec. 7c.
(Regulations.)

- (d) by inserting at the end of subsection one of section 7c the following new paragraph:—

Without prejudice to the generality of the foregoing provisions of this subsection the Governor may make regulations, not inconsistent with this Act, for and with respect to—

- (a) the licensing, control and regulation of riding schools, livery stables, kennels and animal boarding establishments and the conditions under which the same may be conducted;
- (b) requiring horses to be killed in a knackery to be killed in accordance with the prescribed methods;
- (c) prescribing the conditions under which hares may be kept in captivity for or in connection with the conduct of coursing;
- (d) prescribing the conditions under which animals may be kept or used for or in connection with circuses;
- (e) prescribing the conditions under which animals may be employed or used in or about collieries.

Sec. 12B.
(Officer under certain conditions may destroy injured animals.)

- (e) (i) by omitting subsection one of section 12B and by inserting in lieu thereof the following subsection:—

(1) If an officer or a registered veterinary surgeon 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 and he is satisfied that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition

that

Prevention of Cruelty to Animals (Amendment).

that it is cruel to keep it alive, the officer or the registered veterinary surgeon, if an officer is not present, may, without the consent of the owner of the animal if the owner is absent or refuses to consent to the destruction of the animal, 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 remove the carcase or cause it to be removed therefrom:

Provided that if the services of a registered veterinary surgeon are readily available an officer shall not exercise the powers conferred by the foregoing provisions of this subsection unless he has first summoned the registered veterinary surgeon and obtained from him a certificate from which it appears 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.

- (ii) by omitting from subsection two of the same section the words "veterinary surgeon summoned under this section" and by inserting in lieu thereof the words "registered veterinary surgeon or, if a registered veterinary surgeon is not readily available, any officer";
- (iii) by omitting from the same subsection the words "the officer" and by inserting in lieu thereof the words "the registered veterinary surgeon or the officer, as the case may be";
- (iv) by inserting in subsection three of the same section after the word "officer" the words "or a registered veterinary surgeon";

(v)

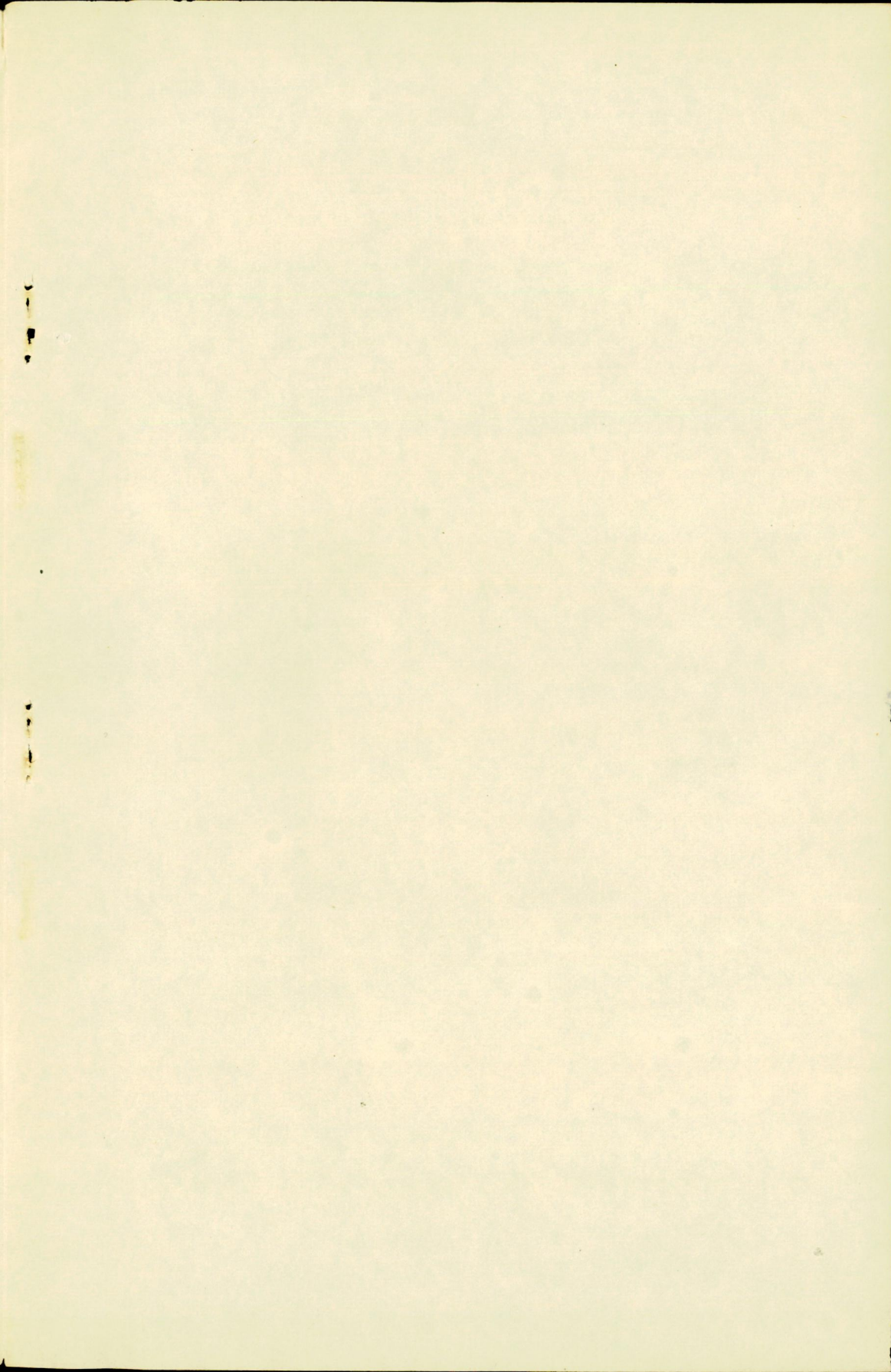
Prevention of Cruelty to Animals (Amendment).

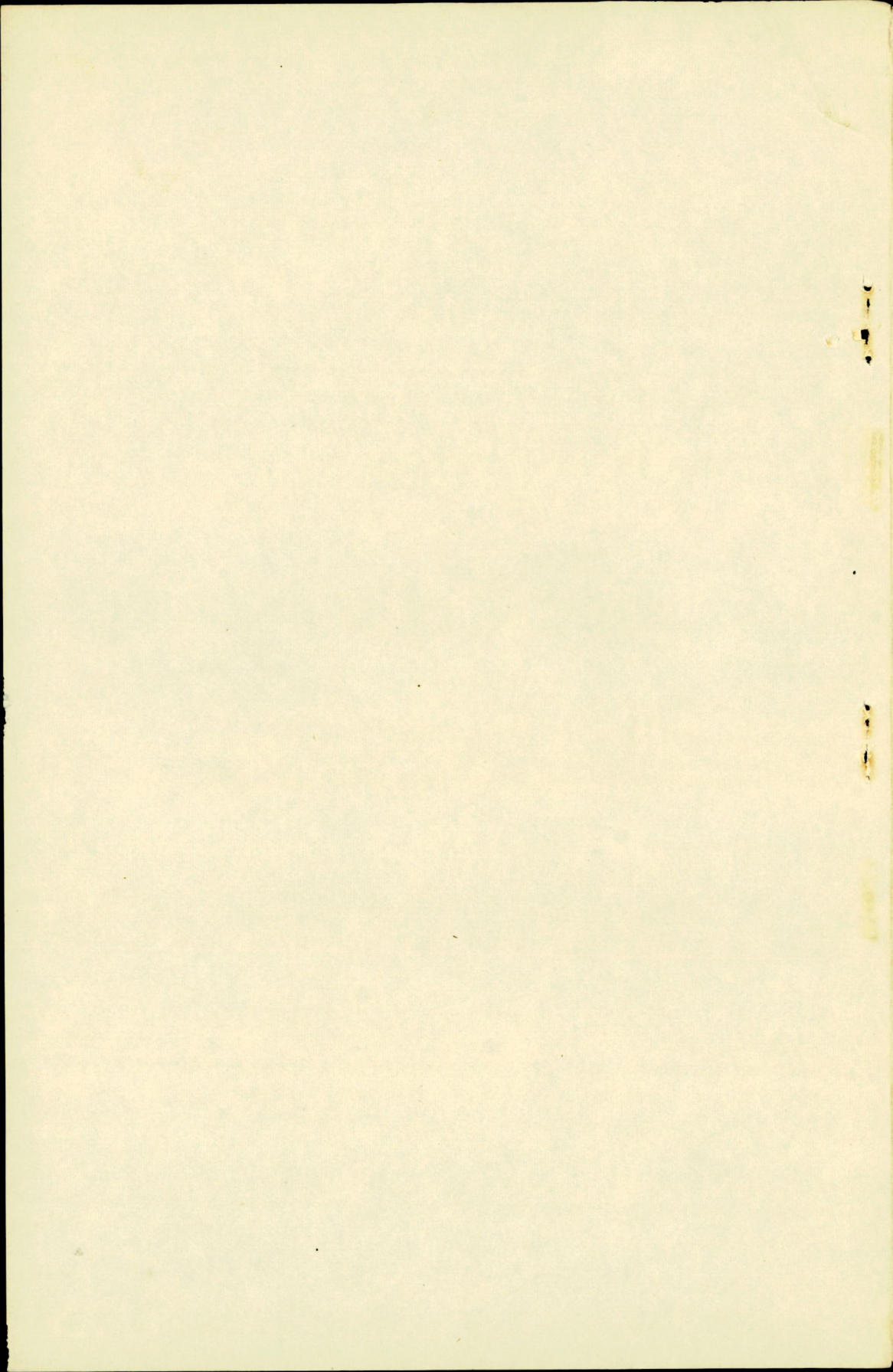
- (v) by inserting in subsection four of the same section after the word "officer" the words "or any registered veterinary surgeon";
- (vi) by omitting subsection five of the same section.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

[4d.]





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.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 March, 1952.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1952.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901-1951; and for purposes connected therewith. [Assented to, 27th March, 1952.]

BE it enacted by the Queen'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, 1952".

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.

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, 1901-1952.

Amendment
of Act No.
64, 1901.

2. The Prevention of Cruelty to Animals Act, 1901-1951, is amended—

Sec. 3.
(Interpre-
tation.)

(a) (i) by omitting from section three the definition of "Animal" and by inserting in lieu thereof the following definition:—

"Animal" means every species of bird and every species of animal other than a human being.

(ii) by omitting from the definition of "Owner" in the same section the words "or other person for the time being entitled to the possession of the animal" and by inserting in lieu thereof the words "of the animal or any other person for the time being whether with or without the consent of the owner in possession of the animal";

Sec. 4.
(Ill-treat-
ing
animals.)

(b) (i) by inserting at the end of paragraph (q) of subsection one of section four the following word and new paragraph:—

"or

(r) docks or causes or procures to be docked the tail of any horse";

(ii) by inserting at the end of subsection (1A) of the same section the following new paragraph:—

(b) Where the owner or person in charge of an animal in respect of which an offence against subsection one of this section has been committed is not the person who has committed such offence such owner or person in charge

Prevention of Cruelty to Animals (Amendment).

charge shall, if he has failed to exercise reasonable care and supervision in respect to the protection of the animal from the act or omission which constituted such offence, or failed to take reasonable steps to prevent the unnecessary suffering of such animal, be liable, on summary conviction, to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

- (c) by inserting next after the same section the following new section:— New
sec. 4A.

4A. (1) In this section "aggravated cruelty" Aggravated
cruelty. means cruelty resulting in the death, deformity or serious disablement of any animal.

(2) Whosoever commits any act of aggravated cruelty shall be guilty of a misdemeanour and shall be liable, on indictment, to imprisonment for a term not exceeding two years.

(3) Where upon the hearing of any information for an offence against subsection one of section four of this Act the stipendiary magistrate or justices hearing the information is or are of the opinion that the information could be prosecuted by indictment under this section and should be so prosecuted he or they shall abstain from further adjudication thereupon and shall deal with the case by committal as in an ordinary case of an indictable offence charged before a stipendiary magistrate or justices sitting in petty sessions.

Any such committal shall have the like effect and be dealt with as a committal for trial pursuant to the Justices Act, 1902-1951.

(d)

Prevention of Cruelty to Animals (Amendment).

Sec. 7c.
(Regulations.)

- (d) by inserting at the end of subsection one of section 7c the following new paragraph:—

Without prejudice to the generality of the foregoing provisions of this subsection the Governor may make regulations, not inconsistent with this Act, for and with respect to—

- (a) the licensing, control and regulation of riding schools, livery stables, kennels and animal boarding establishments and the conditions under which the same may be conducted;
- (b) requiring horses to be killed in a knackery to be killed in accordance with the prescribed methods;
- (c) prescribing the conditions under which hares may be kept in captivity for or in connection with the conduct of coursing;
- (d) prescribing the conditions under which animals may be kept or used for or in connection with circuses;
- (e) prescribing the conditions under which animals may be employed or used in or about collieries.

Sec. 12B.
(Officer under certain conditions may destroy injured animals.)

- (e) (i) by omitting subsection one of section 12B and by inserting in lieu thereof the following subsection:—

(1) If an officer or a registered veterinary surgeon 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 and he is satisfied that the animal is mortally injured or so severely injured, or so diseased, or in such a physical condition

that

Prevention of Cruelty to Animals (Amendment).

that it is cruel to keep it alive, the officer or the registered veterinary surgeon, if an officer is not present, may, without the consent of the owner of the animal if the owner is absent or refuses to consent to the destruction of the animal, 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 remove the carcase or cause it to be removed therefrom:

Provided that if the services of a registered veterinary surgeon are readily available an officer shall not exercise the powers conferred by the foregoing provisions of this subsection unless he has first summoned the registered veterinary surgeon and obtained from him a certificate from which it appears 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.

- (ii) by omitting from subsection two of the same section the words "veterinary surgeon summoned under this section" and by inserting in lieu thereof the words "registered veterinary surgeon or, if a registered veterinary surgeon is not readily available, any officer";
- (iii) by omitting from the same subsection the words "the officer" and by inserting in lieu thereof the words "the registered veterinary surgeon or the officer, as the case may be";
- (iv) by inserting in subsection three of the same section after the word "officer" the words "or a registered veterinary surgeon";

(v)

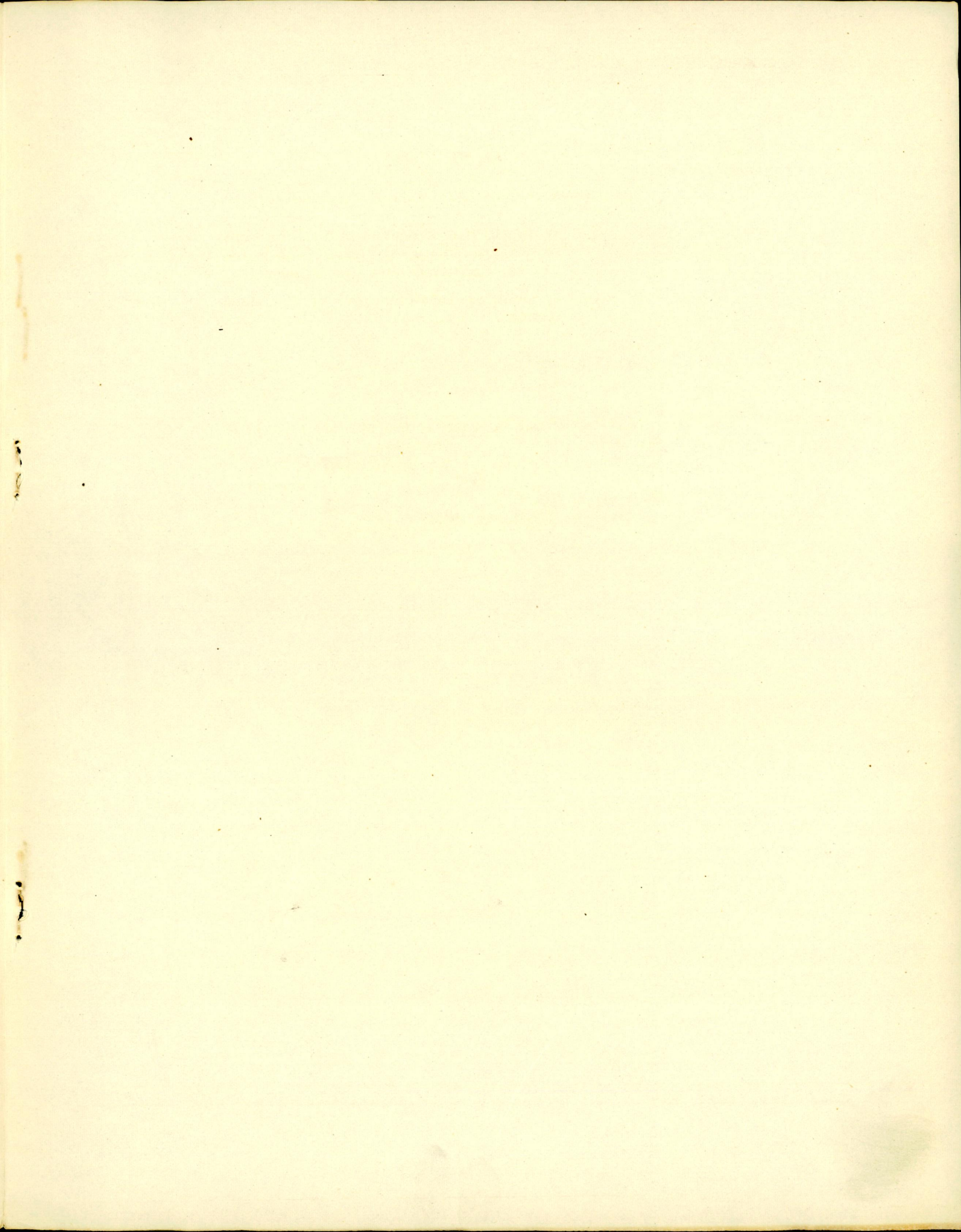
Prevention of Cruelty to Animals (Amendment).

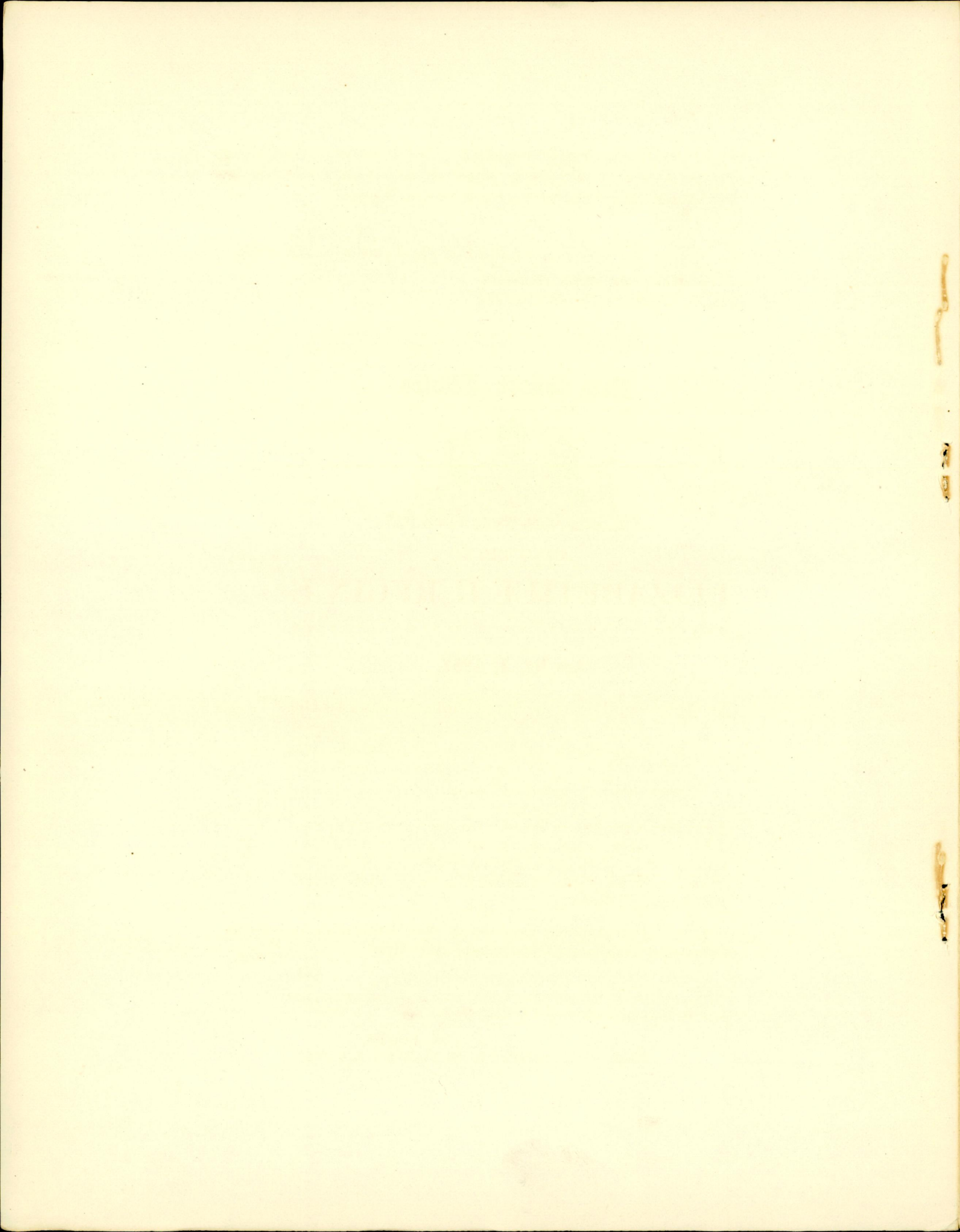
- (v) by inserting in subsection four of the same section after the word "officer" the words "or any registered veterinary surgeon";
- (vi) by omitting subsection five of the same section.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 27th March, 1952.*





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.

H. ROBBINS,

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 March, 1952.*

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1952.

An Act to make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901-1951; and for purposes connected therewith.

BE it enacted by the Queen'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, 1952".

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, 1901-1952.

5 **2.** The Prevention of Cruelty to Animals Act, 1901-1951, is amended— Amendment
of Act No.
64, 1901.

(a) (i) by omitting from section three the defini- Sec. 3.
(Interpre-
tation.)
tion of "Animal" and by inserting in lieu
thereof the following definition:—

10 "Animal" means every species of bird
and every species of animal other
than a human being.

(ii) by omitting from the definition of "Owner"
15 in the same section the words "or other
person for the time being entitled to the
possession of the animal" and by inserting
in lieu thereof the words "of the animal
or any other person for the time being
20 whether with or without the consent of the
owner in possession of the animal";

(b) (i) by inserting at the end of paragraph Sec. 4.
(Ill-treat-
ing
animals.)
(q) of subsection one of section four the
following word and new paragraph:—

5 "or
(r) docks or causes or procures to be
docked the tail of any horse";

(ii) by inserting at the end of subsection (1A)
of the same section the following new
paragraph:—

30 (b) Where the owner or person in charge
of an animal in respect of which an
offence against subsection one of this
section has been committed is not the
person who has committed such
35 offence such owner or person in
charge

Prevention of Cruelty to Animals (Amendment).

5 charge shall, if he has failed to
exercise reasonable care and super-
vision in respect to the protection
of the animal from the act or omis-
sion which constituted such offence,
or failed to take reasonable steps to
prevent the unnecessary suffering
10 of such animal, be liable, on sum-
mary conviction, to a penalty not
exceeding fifty pounds or to im-
prisonment for a term not exceeding
six months or to both such penalty
and imprisonment.

15 (c) by inserting next after the same section the following new section:— New sec. 4A.

4A. (1) In this section "aggravated cruelty" Aggravated cruelty.
means cruelty resulting in the death, deformity
or serious disablement of any animal.

20 (2) Whosoever commits any act of
aggravated cruelty shall be guilty of a mis-
demeanour and shall be liable, on indictment,
to imprisonment for a term not exceeding two
years.

25 (3) Where upon the hearing of any infor-
mation for an offence against subsection one of
section four of this Act the stipendiary magis-
trate or justices hearing the information is or
are of the opinion that the information could be
30 prosecuted by indictment under this section and
should be so prosecuted he or they shall abstain
from further adjudication thereupon and shall
deal with the case by committal as in an ordinary
case of an indictable offence charged before
a stipendiary magistrate or justices sitting in
35 petty sessions.

Any such committal shall have the like effect
and be dealt with as a committal for trial
pursuant to the Justices Act, 1902-1951.

(d)

Prevention of Cruelty to Animals (Amendment).

(d) by inserting at the end of subsection one of section 7c the following new paragraph:—

Sec. 7c.
(Regulations.)

5 Without prejudice to the generality of the foregoing provisions of this subsection the Governor may make regulations, not inconsistent with this Act, for and with respect to—

10 (a) the licensing, control and regulation of riding schools, livery stables, kennels and animal boarding establishments and the conditions under which the same may be conducted;

(b) requiring horses to be killed in a knackery to be killed in accordance with the prescribed methods;

15 (c) prescribing the conditions under which hares may be kept in captivity for or in connection with the conduct of coursing;

20 (d) prescribing the conditions under which animals may be kept or used for or in connection with circuses;

(e) prescribing the conditions under which animals may be employed or used in or about collieries.

25 (e) (i) by omitting subsection one of section 12B and by inserting in lieu thereof the following subsection:—

Sec. 12B.
(Officer under certain conditions may destroy injured animals.)

30 (1) If an officer or a registered veterinary surgeon 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 and he is satisfied that the animal is mortally injured or so severely injured, or
35 so diseased, or in such a physical condition

(b) that

Prevention of Cruelty to Animals (Amendment).

5 that it is cruel to keep it alive, the officer or
the registered veterinary surgeon, if an
officer is not present, may, without the
consent of the owner of the animal if the
owner is absent or refuses to consent to the
destruction of the animal, slaughter the
animal or cause or procure it to be
slaughtered with such instruments or
appliances, and with such precautions and in
10 such manner as to inflict as little suffering as
practicable, and if the slaughter takes place
on any public highway remove the carcase
or cause it to be removed therefrom:

15 Provided that if the services of a regis-
tered veterinary surgeon are readily avail-
able an officer shall not exercise the powers
conferred by the foregoing provisions of
this subsection unless he has first summoned
the registered veterinary surgeon and
20 obtained from him a certificate from which
it appears 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.

25 (ii) by omitting from subsection two of the same
section the words "veterinary surgeon sum-
moned under this section" and by inserting
in lieu thereof the words "registered
veterinary surgeon or, if a registered
30 veterinary surgeon is not readily available,
any officer";

(iii) by omitting from the same subsection the
words "the officer" and by inserting in lieu
thereof the words "the registered veteri-
35 nary surgeon or the officer, as the case may
be";

(iv) by inserting in subsection three of the same
section after the word "officer" the words
"or a registered veterinary surgeon";

(v)

Prevention of Cruelty to Animals (Amendment).

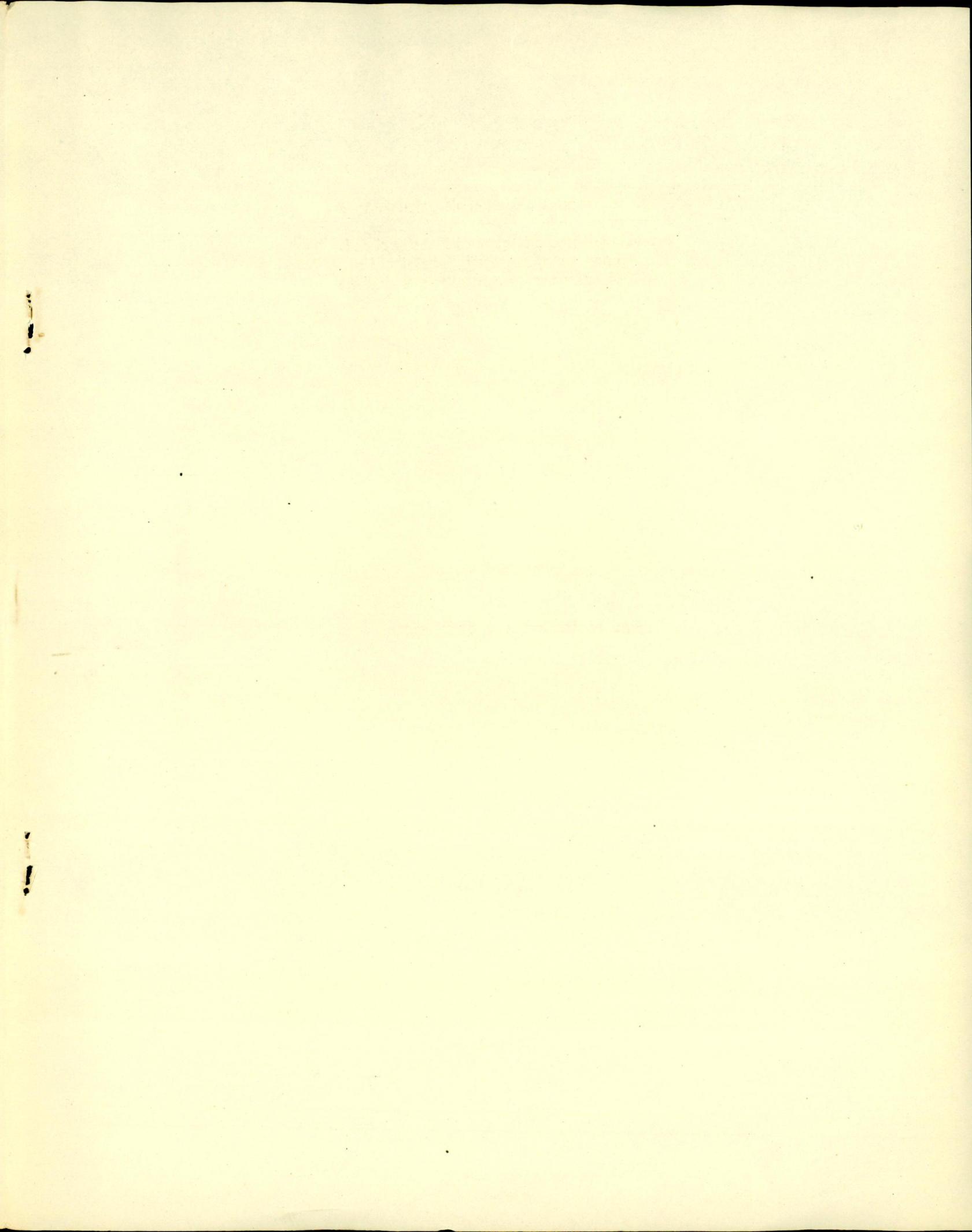
5

- (v) by inserting in subsection four of the same section after the word "officer" the words "or any registered veterinary surgeon";
- (vi) by omitting subsection five of the same section.

Sydney: A. H. Pettifer, Government Printer—1952.

[9d.]

(7)



**PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT)
BILL, 1952.**

EXPLANATORY NOTE.

THE objects of this Bill are:—

- (a) to create a new offence of aggravated cruelty, to be punishable on indictment;
- (b) to provide that an owner or person in charge of an animal who fails to exercise reasonable care to protect the animal from cruelty or to prevent unnecessary suffering of the animal shall be liable to the same punishment as the person committing the act made punishable under section four of the Prevention of Cruelty to Animals Act;
- (c) to extend the regulation making power to license riding schools, kennels, livery stables and animal boarding establishments, and to regulate conditions under which hares for coursing may be kept and animals may be used in circuses and horses may be killed in a knackery;
- (d) to extend the definition of "owner" to include a person who may illegally have the possession of an animal;
- (e) to make other amendments of a minor or ancillary nature.

(UNCLASSIFIED) EVIDENCE OF ...

...

...

...

No. , 1952.

A BILL

To make further provisions relating to the prevention of cruelty to animals; to amend the Prevention of Cruelty to Animals Act, 1901-1951; and for purposes connected therewith.

[MR. EVATT;—6 MARCH, 1952.]

BE it enacted by the Queen'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, 1952".

Short title
and
citation.

3709 —(245)

(2)

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, 1901-1952.

5 **2.** The Prevention of Cruelty to Animals Act, 1901-1951, is amended— Amendment
of Act No.
64, 1901.

(a) (i) by omitting from section three the definition of "Animal" and by inserting in lieu thereof the following definition:— Sec. 3.
(Interpre-
tation.)

10 "Animal" means any animal other than a human being.

(ii) by omitting from the definition of "Owner" in the same section the words "or other person for the time being entitled to the possession of the animal" and by inserting in lieu thereof the words "of the animal or any other person for the time being whether with or without the consent of the owner in possession of the animal";

15

20 (b) (i) by inserting at the end of paragraph (q) of subsection one of section four the following word and new paragraph:— Sec. 4.
(Ill-treat-
ing
animals.)

"or

25 (r) docks or causes or procures to be docked the tail of any horse";

(ii) by inserting at the end of subsection (1A) of the same section the following new paragraph:—

30 (b) Where the owner or person in charge of an animal in respect of which an offence against subsection one of this section has been committed is not the person who has committed such offence such owner or person in charge

Prevention of Cruelty to Animals (Amendment).

charge shall, if he has failed to exercise reasonable care and supervision in respect to the protection of the animal from the act or omission which constituted such offence, or failed to take reasonable steps to prevent the unnecessary suffering of such animal, be liable, on summary conviction, to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(c) by inserting next after the same section the following new section:—

New
sec. 4A.

4A. (1) In this section "aggravated cruelty" means cruelty resulting in the death, deformity or serious disablement of any animal.

Aggravated
cruelty.

(2) Whosoever commits any act of aggravated cruelty shall be guilty of a misdemeanour and shall be liable, on indictment, to imprisonment for a term not exceeding two years.

(3) Where upon the hearing of any information for an offence against subsection one of section four of this Act the stipendiary magistrate or justices hearing the information is or are of the opinion that the information could be prosecuted by indictment under this section and should be so prosecuted he or they shall abstain from further adjudication thereupon and shall deal with the case by committal as in an ordinary case of an indictable offence charged before a stipendiary magistrate or justices sitting in petty sessions.

Any such committal shall have the like effect and be dealt with as a committal for trial pursuant to the Justices Act, 1902-1951.

(d)

Prevention of Cruelty to Animals (Amendment).

(d) by inserting at the end of subsection one of section 7c the following new paragraph:—

Sec. 7c.
(Regulations.)

5 Without prejudice to the generality of the foregoing provisions of this subsection the Governor may make regulations, not inconsistent with this Act, for and with respect to—

10 (a) the licensing, control and regulation of riding schools, livery stables, kennels and animal boarding establishments and the conditions under which the same may be conducted;

(b) requiring horses killed in a knackery to be killed in accordance with the prescribed methods;

15 (c) prescribing the conditions under which hares may be kept in captivity for or in connection with the conduct of coursing;

20 (d) prescribing the conditions under which animals may be kept or used for or in connection with circuses;

(e) prescribing the conditions under which animals may be employed or used in or about collieries.

25 (e) by omitting subsection five of section 12B.

Sec. 12B.
(Officer under certain conditions may destroy injured animals.)