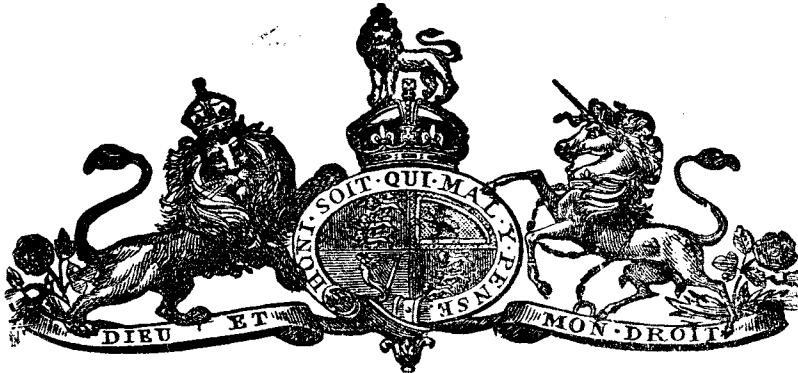


TASMANIA.



1925.

ANNO SEXTO DECIMO

GEORGI V. REGIS.

No. 30.

ANALYSIS.

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AN ACT to consolidate and amend the Law relating to the Prevention of Cruelty to Animals. [9 December, 1925.]

A.D.
1925.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Cruelty to Animals Prevention Act, 1925.” Short title.

2 The Prevention of Cruelty to Animals Act, 1904, is hereby repealed.

4d.]

Cruelty to Animals Prevention

A.D. 1925.

Interpretation.

3 In this Act, unless the contrary intention appears—

“Animal” means any animal other than a human being :

“Society” means any branch established in this State of the Royal Society for the Prevention of Cruelty to Animals or any other society having the like objects which the Governor may, by proclamation, declare to be a society within the meaning of this Act.

Duties of persons having charge of animals.

4 It is the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and prevent the infliction upon such animal of unnecessary suffering.

Persons causing unnecessary suffering to animals deemed guilty of cruelty. Specific cases of cruelty

5—(1) Any person who, by any act or by the omission of any duty, causes unnecessary suffering to any animal, shall be deemed guilty of cruelty to such animal.

(2) Subject to the provisions of Subsection (3) hereof, the following acts and omissions, namely—

- i. Flogging an animal with unnecessary severity :
- ii. Overworking an animal :
- iii. Using or working an animal when it cannot be used or worked without unreasonable suffering :
- iv. Carrying or transporting an animal from any place to any other place in such manner, or under such conditions, as to cause such animal suffering which might, with reasonable care, be avoided :
- v. Failing to supply an animal with a sufficient quantity of food or water fit for its consumption : and
- vi. Any other act or omission causing to an animal suffering which might, with reasonable care, be avoided—

shall constitute cruelty to such animal.

Acts not amounting to cruelty.

(3) Nothing in this section shall render unlawful—

- i. The hunting of wild animals not in captivity :
- ii. The branding, earmarking, castrating, spaying, shearing, clipping, dehorning of, or other similar operations upon, domestic animals :
- iii. The trapping or poisoning or killing of pests or wild animals—

in any case in which any such act is done in a usual and reasonable manner and without causing excessive suffering.

Keeping animals or places for purposes of baiting unlawful.

6—(1) Any person who keeps or uses any animal, or permits any animal in his care or charge to be used, for the purpose of fighting, baiting, or worrying any other animal, or for the purpose of procuring or allowing the same to be baited or worried, or for the purpose of any shooting match or competition, shall be deemed guilty of cruelty thereto.

(2) Any person who keeps or uses, or knowingly permits to be used, any place for any of the purposes mentioned in Subsection (1) hereof shall be deemed guilty of cruelty to animals.

Cruelty to Animals Prevention.

(3) Any person who promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting shall be deemed guilty of cruelty to animals. A.D. 1925.

7—(1) Any police officer not below the rank of sergeant may enter any premises, other than a dwelling-house, in which he has reason to believe there is any animal in respect of which any breach of this Act has been, or is being, committed; and may search the same, and may examine any animals found therein, for the purpose of ascertaining whether the provisions of this Act have been or are being contravened. Power to enter and search premises.

(2) The powers conferred by this section upon such officers as aforesaid may be exercised by—

i. Any police officer authorised in writing in any case by a justice or by the Commissioner or a superintendent of police: or

ii. A duly appointed inspector of a society authorised in writing in any case by a justice—

in any case in which such officer or inspector has reasonable ground for believing that a breach of this Act has taken or is taking place.

(3) Every such inspector shall be duly appointed in accordance with the rules of his society, and notice of his appointment shall be gazetted.

(4) Every such inspector exercising the powers conferred by this section shall, if required by the occupier or person in charge of any such premises, produce to him a copy of the "Gazette" containing the notice of his appointment, or a certificate of such appointment signed by the principal officer of his society.

8—(1) Any police officer may arrest any person whom he finds committing a breach of this Act. Power to arrest offenders.

(2) Every person so arrested shall be taken before a justice forthwith to be dealt with according to law.

9—(1) In any case in which the owner of any animal has been arrested for any breach of this Act with respect to such animal, the officer arresting him may take possession of such animal and of any vehicle to which it is attached, or, if the same is the property of the person arrested, in which it is being carried or transported, and may detain the same in some place of security to be dealt with as hereinafter provided. Power to detain animals and vehicles in certain cases.

(2) The court before which any proceedings in respect of the matter in respect of which such person was so arrested are heard may order that any animal or vehicle so seized and detained shall be sold in default of payment of any penalty which may be imposed by it in such proceedings, or of any expenses properly incurred in respect of such seizure or detainer, and the proceeds applied in payment thereof; and the balance, if any, then remaining shall be paid to such owner.

(3) The owner of any animal or vehicle so seized or detained as aforesaid may apply at any time to a justice for the return thereof to him, and such justice may order any such animal or vehicle to be returned to its owner upon such terms or conditions, if any, as he may deem just, or may refuse to make any order.

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Power to destroy animals in certain cases.

10—(1) Any officer of the police force who finds any animal suffering from injury or disease to such an extent that there is reasonable ground for believing that its living will entail continued and excessive suffering may destroy such animal and dispose of its carcase.

(2) In any case in which a justice shall give to any person authority, in writing, in that behalf, the powers conferred by Subsection (1) hereof upon such officer as aforesaid may be exercised by the person so authorised.

(3) All expenses properly incurred in the exercise of any of the powers conferred by this section may be recovered in a summary way from the owner of such animal by the person incurring them.

Offences.

11 Any person who—

i. Is guilty of cruelty to any animal :

ii. Resists, obstructs, or hinders any person in the exercise or performance of any power or duty conferred or imposed upon him by this Act : or

iii. Contravenes any of the provisions of this Act—

shall be guilty of an offence against this Act.

Penalty : Ten Pounds or imprisonment for Two months.

Procedure.

12 All proceedings in respect of offences against this Act shall be taken, heard, and determined, and all penalties enforced and recovered, in accordance with the provisions of the Justices' Procedure Act, 1919.

Appropriation of penalties.

13 All pecuniary penalties recovered in respect of offences against this Act shall be paid to the society having its headquarters in the division, as defined by the Northern and Southern Divisions Act, 1903, in which the offence was committed ; or, if there are more than one society having their headquarters in such division, shall be divided equally between all such societies.

Regulations.

14—(1) The Governor may, from time to time, make all such regulations as may be necessary or desirable for giving effect to the provisions of this Act.

(2) Any such regulations may prescribe the methods that shall be adopted and the precautions that shall be taken in the carriage and transport of any animals or classes of animals from place to place, and the loading or unloading of any animals or classes of animals on any conveyance or vessel, for the purpose of minimising or preventing the infliction of suffering upon such animals.

(3) Any such regulations may impose a penalty not exceeding Five Pounds for any breach thereof.