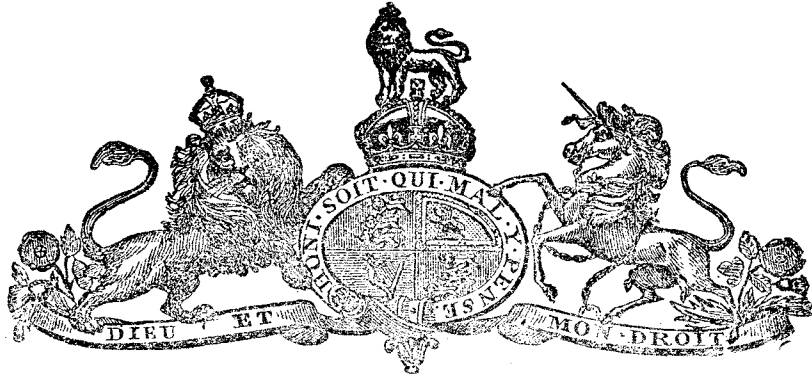


1337

T A S M A N I A.



1933.

ANNO VICESIMO QUARTO

GEORGII V. REGIS.

No. 38.

ANALYSIS.

1. Short title.
2. Amendment of 16 Geo. V. No. 30, s. 3.
3. Amendment of 16 Geo. V. No. 30, s. 5.
4. Amendment of 16 Geo. V. No. 30, s. 7.
5. Amendment of 16 Geo. V. No. 30, s. 10.
6. Amendment of 16 Geo. V. No. 30, s. 13.
Penalties.

AN ACT to amend the Cruelty to Animals
Prevention Act, 1925. [10 January, 1934.]

A.D.
1933.
—

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 Pre-
vention Act, 1933.”

Short
title.

4d.]

Cruelty to Animals Prevention.

A.D. 1933.

Amend-
ment of
16 Geo. V.
No. 30,
s. 3.

2 Section Three of the Principal Act is hereby amended—

I. By inserting after the definition of “Society” the words “, and such Society shall, for all purposes, be deemed to be a statutory public body:”:

II. By inserting at the end thereof the following further definition:

“ ‘Officer’ means a member of the police force or any inspector of a society or any other officer thereof appointed by such society for the purposes of this Act.”

Amend-
ment of
16 Geo.
V. No. 30,
s. 5.

3 Section Five of the Principal Act is hereby repealed and the following section substituted therefor:—

“**5**—(1) Any person who does any act or omits any duty whereby unnecessary suffering is caused, or likely to be caused, to any animal shall be deemed guilty of cruelty to such animal.

“(2) Without limiting the generality of Subsection (1), but subject to the provisions of Subsection (3) hereof, the following acts and omissions shall constitute cruelty to the animal concerned, namely:—

- I. Flogging it with unnecessary severity:
- II. Overworking, overloading, or overdriving it:
- III. Using or working it so as to cause, or be likely to cause, unreasonable suffering to it:
- IV. Conveying, carrying, or transporting, or detaining it in any place in such manner or position, or under such conditions as to cause, or be likely to cause, to it unnecessary pain or suffering:
- V. Failing to supply it with sufficient food and water fit for its consumption, or, while being conveyed, carried, or transported, failing to supply it with such food and water at least once in every twenty-four hours:
- VI. Failing to exercise, or cause to be exercised, reasonably, any animal usually kept chained:
- VII. Any other act or omission causing, or likely to cause, it suffering, which might, with reasonable care, be avoided.

“(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:

Cruelty to Animals Prevention.

III. The trapping or poisoning or killing of pests or wild animals—

A.D. 1933.

in any case in which any such act is done in a usual and reasonable manner and without causing excessive suffering: Provided always that any person who sets, or causes or procures to be set, any trap or snare or other device for the purpose of catching any wild animal, or which is so placed as to be likely to catch any wild animal, shall inspect, or cause some competent person to inspect, the trap, snare, or device at reasonable intervals of time and at least once every day between sunrise and sunset, except in the case of licensed hunters and trappers of kangaroo, wallaby, and opossum, who shall inspect their snares every forty-eight hours, weather permitting, and, if any person shall fail to comply with this provision, he shall be liable, upon summary conviction, to a fine not exceeding Three Pounds.

Cf. 1 and
2 Geo. V.,
c. 27,
s. 10.

“(4) No person, having set any snares or traps for the purpose of taking animals, shall leave the same for more than forty-eight hours after the close of the open season for taking of wild animals, or after the termination of such further period as may be granted by the Animals and Birds’ Protection Act.

Penalty: Five Pounds.

“(5) Any owner or any person in charge of an animal shall be deemed to have authorised any act or omission hereby made punishable if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom, or failed to take reasonable steps to prevent unnecessary suffering of the animal.”

Ib. s. 1
(2).

4 Section Seven of the Principal Act is hereby amended—

- I. By striking out the words “police” and “not below the rank of sergeant” in the first line thereof:
- II. By repealing Subsections (2), (3), and (4) thereof and inserting the following subsections in lieu thereof:—

“(2) When a complaint on oath is made before a justice that there is reason to believe that any animal is kept in any dwelling-house, and that there is reason to believe that a breach of the Act or any regulation made thereunder has been, or is being, committed, such justice may issue a warrant directing any officer to enter and search such dwelling-house and examine any animal therein and detain the same in a place of security to be dealt with in accordance with this Act.

“(3) If any officer shall find that any animal is not provided with a sufficient quantity of food fit for its consumption, he may supply food to such animal, and the cost of supplying the same may be

Amend-
ment of
16 Geo.
V. No. 30,
s. 7.

Cruelty to Animals Prevention.

A.D. 1933.

Amend-
ment of
16 Geo.
V. No. 30,
s. 10.

recovered from the owner or person in charge of such animal by complaint in the mode provided by the Justices Procedure Act, 1919.”

5 Section Ten of the Principal Act is hereby amended—

I. By striking out the words “of the police force” in the first line thereof: and

II. By inserting at the end thereof the following subsection:—

“(4) If the owner of any animal shall be guilty of an offence under this Act in respect of the said animal, the Court, upon his conviction thereof, may, if the Court, if including a police magistrate, thinks fit, in addition to any other punishment, deprive the said person of the ownership of the animal, and make such order as to the sale or other disposal of the animal as the Court thinks fit under the circumstances: Provided that no order shall be made under this section unless the Court is satisfied that the animal, if left with the owner, is likely to be exposed to cruelty: And the proceeds of any such sale, after deducting the costs and expenses thereof, shall be paid to the owner.”

Amend-
ment of
16 Geo.
V. No. 30,
Section 12. Penalties.

6 Section Thirteen of the Principal Act is hereby repealed and the following section substituted therefor:—

“**13** All necessary penalties recovered under this Act shall be paid to the Society having its headquarters in the Northern or Southern Division, respectively, in which the penalty was imposed; or, if there are more than one such society, shall be divided equally among all such societies.”