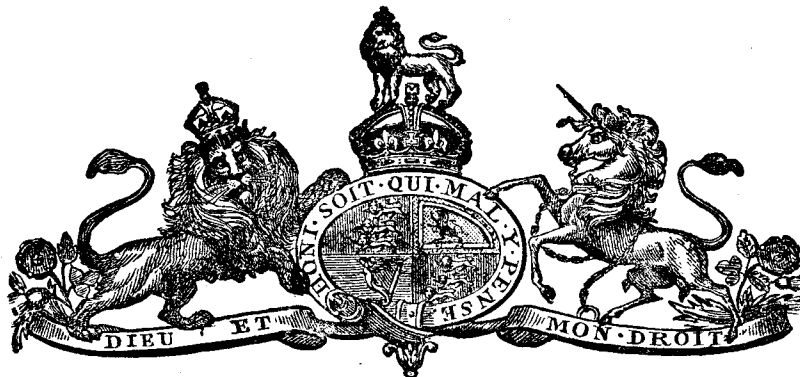


T A S M A N I A.

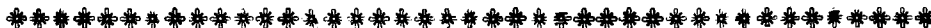


1904.

ANNO QUARTO

EDWARDI VII. REGIS,

No. 21.



AN ACT to consolidate and amend the Law A.D. 1904.
relating to the Prevention of Cruelty to
Animals. [11 November, 1904.]

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 "The Cruelty to Animals Act, 1877," the Acts amending the Repeal.
same, namely, 42 *Victoria*, No. 35, 51 *Victoria*, No. 30, and 57
Victoria, No. 21, and Section Eighty-three of "The Police Act, 1865,"
are hereby repealed.

2 This Act may be cited as "The Prevention of Cruelty to Short title.
Animals Act, 1904."

3 For the purposes of this Act—

"Animal" shall mean mammal or bird, whether domestic or
wild, and any other animal whatsoever if kept in confine-
ment :

Interpretation of
"animal," of
"cruelty," and
of "guilty of
cruelty."

4d.]

Cruelty to Animals Prevention.

A.D. 1904.

“Cruelty” shall mean any act causing unnecessary suffering to any animal, and includes, among other things, flogging with unnecessary severity or overworking any animal, using any animal when it cannot be used without causing it suffering, carrying any animal by land or water in such a manner as to cause it suffering which might be avoided, failing to supply any animal under the care of the person charged with an offence against this Act with a sufficient quantity of food or water, or killing any animal in an unnecessarily painful manner, but does not include acts usually and reasonably done with respect to animals, such as (among other things) hunting wild animals, branding, earmarking, gelding, or spaying domestic animals, dehorning calves, or trapping or poisoning wild animals. Provided, that the person setting a trap which does not kill the animal, removes the animal from the trap within a reasonable time, or using poison, uses a poison which will speedily destroy life if it be reasonably practicable to use such a poison. Any person who shall do, or cause or procure any other person to do any act causing unnecessary suffering to any animal, shall be deemed “guilty of cruelty” towards it.

Keeping any place for baiting animals prohibited.

4 Any person who keeps, or uses, or acts in the management of any place for the purpose of fighting, baiting, or worrying any animal, shall be deemed guilty of an offence against this Act, and be liable to be punished in the same manner as if he had been convicted of cruelty towards an animal.

Constables may apprehend offenders.

5 It shall be lawful for any constable, upon his own view, or upon the information of any person who shall declare his name and place of abode to the said constable, to apprehend any person committing an offence against this Act, and convey such offender before a Justice of the Peace to be dealt with according to law.

Punishment for cruelty.

6 Any person guilty of cruelty towards any animal, shall forfeit a penalty not exceeding Ten Pounds, or be liable to imprisonment for a period not exceeding One month.

Offences to be determined summarily.

7 All offences against this Act shall be determined in a summary manner by any Two or more Justices of the Peace, and all penalties and sums of money payable under this Act, shall be recovered in the mode prescribed by *The Magistrates Summary Procedure Act*.

Justices may order compensation to be paid to the owner of the animal.

8 The Justices may order the person who has been convicted of cruelty towards an animal of which he is not the owner to pay in addition to the penalty a sum of money not exceeding Twenty Pounds as compensation to the owner, if the owner shall have requested the Justices to determine his claim for compensation.



Cruelty to Animals Prevention.

9 Whenever any person having charge of any vehicle or animal, if he is the owner thereof, shall be taken into custody by any constable for any cruelty towards such animal, such constable may take charge of such vehicle and animal, and put the same in some safe place as a security for the payment of any penalty to which such person may become liable, and of any expenses which may be necessarily incurred for taking charge of and keeping the same.

A.D. 1904.

Power to detain vehicle as security.

The Justices may if they think fit order the vehicle or the animal or both of them to be sold for the purpose of satisfying such penalty and expenses in like manner as if the same had been distrained for the payment of such penalty and expenses.

10 Any constable and any person authorised by a Justice of the Peace, in writing, may destroy any animal diseased or injured to such an extent that its existence involves continued suffering, and any two Justices may order that the owner of such animal shall pay the expenses of the destruction of the animal and the disposal of the carcase to the person by whom such expenses were incurred.

Destruction of diseased or injured animals.

11 The Governor may from time to time make, alter, and revoke regulations for the purpose of preventing cruelty to animals while being landed from or taken on board any vessel or carried from one place to another, and may prescribe a penalty not exceeding Five Pounds for every breach of such regulations. Every such regulation shall be published in the *Gazette*, and shall from the day named in the regulation as that on which it is to come into operation have the same effect as if it had been an enactment contained in this Act, and the penalty shall be deemed a penalty incurred for an offence against this Act.

The Governor may make regulations.

12 The Treasurer for the time being shall cause any penalty recovered under this Act to be paid to any society established in *Tasmania* for the prevention of cruelty to animals, or if there shall be more than one such society, to the society whose ordinary meetings are held at the place nearest to that at which the conviction took place.

Appropriation of penalties.

