

## PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT.

Act No. 44, 1943.

George VI.  
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:—

Short title  
and citation.

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

(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

“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” 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

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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.

Sec. 4.  
(Ill-treating  
animals.)

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

(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) 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

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- (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) 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)

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- (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, 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

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

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

(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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PUBLIC