

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

A BILL

To make further provision for the prevention of cruelty to animals; to provide for the registration and inspection of certain animals; to amend the Prevention of Cruelty to Animals Act, 1901, and certain other Acts; and for purposes consequent thereon or incidental thereto.

BE 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:—

1. This Act may be cited as the "Prevention of Cruelty to Animals (Amendment) Act, 1920," and shall be read and construed with the Prevention of Cruelty to Animals Act, 1901, hereinafter called the Principal Act.

2. Section four of the Principal Act is amended— Amendment of s. 4.

- (a) in subsection one by inserting after the word "causes" in paragraphs (a) and (e) the words "or permits," and by omitting the words "five pounds" and inserting "ten pounds" in lieu thereof; and
- (b) in subsection two by omitting the words "five pounds" and inserting "ten pounds" in lieu thereof.

3. The following new sections are inserted next after section four of the Principal Act:— New sections.

4A. (1) From the day of , one thousand nine hundred and twenty, the manager of every mine in New South Wales shall keep or cause to be kept at the mine a register of all animals of draught or burden which are at such date or may at any time thereafter be kept or worked at or in such mine. Registration and inspection of animals employed at mines.

(2) Such register shall contain the following particulars in respect of each such animal—

- (a) kind of animal,
- (b) age at date of registration,
- (c) sex,
- (d) colour and distinctive markings,
- (e) brands,
- (f) date when brought on to mine premises,
- (g) date of removal from such premises.

(3) Such registration in respect of particulars under the above subparagraphs (a) to (f) inclusive shall be made within twenty-four hours of the said day of , or of the day on which the animal concerned comes on to the mine premises, whichever shall last happen, and in respect of particulars under paragraph (g) within twenty-four hours of the day on which the animal is so removed.

(4) Any person authorised in writing by the Society for the Prevention of Cruelty to Animals or any member of the police force may at all reasonable times inspect all such animals kept or worked at or in such mine, and at any such inspection.

inspection such manager shall produce such register or cause the same to be produced for inspection by such person or member of the police force.

(5) Any person who by any act or default contravenes the provisions of this section shall on conviction before any two justices be liable to a penalty not exceeding *ten* pounds, and in the case of a continuing offence to a penalty of *five* pounds for each day during which such offence continues.

4B. (1) A poundkeeper upon obtaining a certificate from any sergeant of police or member of the police force above that rank that an impounded animal is so injured or diseased, or in such physical condition that it is not, and is not likely to be fit for use, and that it is cruel to keep it alive, may slaughter such animal, or cause or procure it to be slaughtered, in as humane a manner as is practicable in the circumstances.

Slaughter of animals in certain cases.

(2) Upon proof to the satisfaction of any stipendiary magistrate, police magistrate, or any two justices that any animal, on account of injury, disease, age, or any infirmity, is not and is not likely to be fit for use, and that it is cruel to keep it alive, such magistrate or justices may order and cause it to be slaughtered in as humane a manner as is practicable in the circumstances.

(3) Where any animal is seriously injured, or is suffering pain, and in the opinion of a member of the police force is obviously beyond recovery, such member may slaughter such animal, or cause it to be slaughtered, in as humane a manner as is practicable in the circumstances.

(4) No person shall have any claim for civil damage in respect of the slaughter of any animal under the provisions of this section.

4c. Any person who, for the purpose of use, purchases or sells, or offers to purchase or sell, or causes, procures, or permits to be purchased or sold, any animal which is, on account of injury, disease, age, or any infirmity, not and is not likely to be fit for use, shall on conviction before a stipendiary

Purchase, &c., of animal unfit for use.

stipendiary or police magistrate or any two justices be liable to a penalty not exceeding *ten* pounds, and such magistrate or justices may declare any such purchase or sale to be void, and may order any money or other consideration paid or given in respect of such avoided purchase or sale to be refunded.

Power to provide food for animals in confinement. cf. 12 and 13 Vic., c. 92, s. 6; Vict. Police Offences Act, 1915, s. 66.

4D. In case any animal is at any time impounded or confined in any slaughter-yard, pen, cage, hutch, pound, or receptacle of the like nature, and continues confined without fit and sufficient food and water for more than twenty-four consecutive hours, or in the case of ruminants for more than thirty-six hours, it shall be lawful for any person whomsoever to enter, at all reasonable times, into and upon any slaughter-yard or premises, or any pound or other receptacle of the like nature in which any such animal is so confined, and to supply such animal with fit and sufficient food and water during so long a time as such animal remains and continues confined as aforesaid, and the reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and the said person may recover the same as a civil debt.

New s. 11A. Inspection of premises on reasonable belief of cruelty.

4. The following new section is added next after section eleven of the Principal Act:—

11A. Where any person authorised in writing by the Society for the Prevention of Cruelty to Animals or where any member of the police force has reason to believe that any animal is being kept on or in any premises under conditions of cruelty to such animal it shall be lawful for such person or member to enter at all reasonable times in and upon such premises and to make such inspection thereof and of all animals that may be therein as he may think necessary for the purpose of the disclosure, prevention, and punishment of any such cruelty.