

Mr. Laurenson.

PREVENTION OF CRUELTY TO ANIMALS.

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A BILL INTITULED

AN ACT for the Better Prevention of Cruelty to Animals.

Title.

BE IT ENACTED by the General Assembly of New Zealand 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 Act, 1908.

Short Title.

2. Section seven of the Police Offences Act, 1884, and portion of the said Act relating to cruelty to animals are hereby repealed.

Repeal.

3. For the purpose of this Act, unless the context or subject-matter otherwise indicates or requires,—

Interpretation

“Animal” shall mean and include every species of mammal, bird, or reptile, domestic or wild, and any other animal whatsoever, if kept in confinement and dependent upon man for their care and sustenance:

“Ill-treat” includes “beat,” “overdrive,” “override,” “abuse,” and “torture,” also “knowingly overload” and “knowingly overcrowd,” “torment,” “starve,” “mutilate,” “wound,” “cruelly kill,” or “neglect”:

“Cruelty” and “cruelly” shall mean any act causing unnecessary suffering to any animals, and the intentional infliction upon any animals of any pain that in its kind or its degree or its objects or its circumstances is undesirable or wanton or malicious; and includes, among other things, flogging with unnecessary violence or severity or overworking any animal, using any animal

when it cannot be used without 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 such 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 ear-marking, gelding, or speying domestic animals; branding or dehorning calves: hunting, trapping, or poisoning wild animals, provided that the person setting the trap, which does not kill the animal outright, 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; also causing unnecessary suffering to animals, such as slaughtering domestic animals for food without previously stunning, pigeon-shooting from traps, coursing in enclosures of hares and rabbits, burning horses' mouths for lampas, docking horses' tails, overhead check-rein, and chained boundary dogs. 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:

"Justice" shall mean any Justice of the Peace:

"Constable" shall include any inspector or special constable appointed by any registered society for the prevention of cruelty to animals in New Zealand.

Offences, Punishments, and Compensation.

4. Whosoever—

(a.) Cruelly ill-treats or carries, or procures to be cruelly ill-treated or carried, 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 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, kills, or carries, or causes to be conveyed, killed, or carried, whether in or upon any vessel, steamer, railway-truck, or not, any animal in such a manner as to subject such animal to unnecessary pain or suffering,—

shall, on conviction before any Justice, be held liable to a penalty not exceeding five pounds, or shall, on conviction before two Justices, be liable either to the said penalty or, if the said Justices think fit, to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.

5. A further penalty of five pounds may be imposed for every day on which an offence is committed under paragraphs (b) or (c) of the last-mentioned section.

Offences.
Penalty.

Further penalty.

6. 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.
7. It shall be lawful for any constable, upon his own view or upon the information of any person who shall declare his name or abode to the said constable, to apprehend any person committing an offence against this Act, and convey such offender before a Justice to be dealt with according to law.
8. 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. 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.
9. Any constable, and any person authorised by a Justice in writing, may destroy any animal diseased or injured to such an extent that its existence involves continual 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.
10. Every information under this Act shall be laid within three months after cause of complaint arose.
11. Whenever it is by the oath of any credible person made to appear to the satisfaction of a constable, or Stipendiary Magistrate, or two Justices that an offence against this Act has been committed, is being or is about to be committed, on or in certain premises, such Magistrate or Justices may by writing under his or their hand authorise such person or constable named therein to enter upon such premises and inspect any animal confined or kept there, and deposit same in some safe place.
12. Whosoever abandons or turns out on any street, roadway, or public place for the purpose of getting rid of any animal suffering from incurable disease, or in such a state of infirmity from old age or from injury that it is not likely to recover, shall on conviction be deemed guilty of cruelty, and be liable to a penalty not exceeding *ten* pounds, and to pay all expenses incurred for the destruction and removal of such animal.
13. Whosoever at any time or in any manner unlawfully obstructs, hinders, molests, or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall on conviction before one Justice be liable to a penalty not exceeding *ten* pounds, or shall on conviction before two Justices be liable to the said penalty, or, if such Justices think fit, to imprisonment with or without hard labour for a term not exceeding three months without the option of a fine.

Compensation.

Arrest of person committing offence.

Security for payment of fine.

Injured animal may be destroyed.

Information.

Power to enter premises.

Penalty for allowing diseased animals to wander in public places.

Penalty for resisting officer acting under Act.

Regulations.

14. 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. 5

Appointment of officers.

15. It shall be lawful for any society for the prevention of cruelty to animals registered and recognised by the Governor for the purpose of this Act to appoint a suitable person as a special constable, such officer to act as inspector for such society, and to have and exercise all the powers and be subject to all the duties and liabilities of a police officer, but only with regard to the arrest, detention, and prosecution of offenders against this Act within the district to which such inspector shall be appointed. 10

Uniform.

16. Any special constable appointed under the provisions of this Act shall wear such distinctive uniform or badge as shall be approved of by the Government, and shall only exercise the powers conferred upon him when wearing such uniform or badge. 20

Penalty for second offence under Act.

17. For every second offence under this Act any person shall, on conviction before two or more Justices or a Stipendiary Magistrate, be liable to double the penalty named herein and to imprisonment for any term not exceeding three months, and for any third or subsequent offence to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months. 25

Person accused may elect to be tried by jury.

18. In all prosecutions under this Act, when asked to plead, the accused person or persons shall in every case have the option of having the case heard and decided summarily or relegated to a jury of the Supreme Court or District Court, as the case may be. 30

By Authority : JOHN MACKAY, Government Printer, Wellington.—1908.