

PREVENTION OF CRUELTY TO ANIMALS

12° GEO. VI., No. XVIII.

No. 18 of 1948.

AN ACT to amend the Prevention of Cruelty to Animals Act, 1920.

[Assented to 18th November, 1948.]

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 Western Australia in this present Parliament assembled and by the authority of the same as follows:—

- Short title. 1. This Act may be cited as the *Prevention of Cruelty to Animals Act Amendment Act, 1948*, and shall be read as one with the Prevention of Cruelty to Animals Act, 1920 (No. 21 of 1920), hereinafter referred to as the principal Act.
- Citation of the principal Act as amended by this Act 2. The principal Act as amended by this Act may be cited as the Prevention of Cruelty to Animals Act, 1920-1948.
- Amendment of s. 3. 3. Section three of the principal Act is amended by—
(a) inserting after paragraph (a) thereof a paragraph as follows—
 (a) (i) the expression "cruelty" includes, without limiting the scope of the primary meaning thereof, any act or omission referred to in section four of this Act;
(b) inserting after paragraph (g) a paragraph as follows—

(h) the expression "owner," when used in reference to an animal, includes, as well as the owner and any person deemed, under section twenty-three, subsection (7) of this Act, to be the owner of the animal, any person who is—

S. 23 (7)
post.

- (i) joint owner, hirer, borrower, or entitled for the time being to the possession or custody of the animal;
- (ii) in any express or implied contractual relationship, whether as employee, agent, bailee or otherwise, with the owner in respect of the animal, and with whose orders the driver, conductor or other person, having the immediate care or custody of the animal is required, pursuant to any express or implied contract of or for service, to comply.

4. Section four, subsection (1) of the principal Act is amended by—

Amendment
of s. 4.

- (a) inserting after the word "subject" in line three of paragraph (e) thereof the words "or be likely to subject";
- (b) adding after paragraph (m) thereof the following—
or (n) knowingly permit cruelty;
- (c) inserting after the words "Minimum penalty" in the penalty provisions at the foot of subsection (1) the words "irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1942, and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913."

5. Section seven of the principal Act is amended by deleting from subsection (1) the words "and indorsed by a justice" in lines four and five.

Amendment
of s. 7.

Amendment
of s. 11.

6. Section eleven of the principal Act is amended by deleting the words "within thirty days after the cause of offence or complaint arose" in lines two and three and substituting the words "pursuant to the provisions of the Justices Act, 1902-1942."

Amendment
of s. 12.

7. Section twelve of the principal Act is amended by—

- (a) substituting for the words "implement, stick, whip or other weapon" in subsection (1) lines twelve and thirteen, the word "thing";
- (b) adding after the word "offender" in subsection (1), line fourteen, the words "with which the offence is reasonably believed by the constable to have been committed.";
- (c) adding after the word "expenses" in subsection (2), line six, the words "and may order that any thing with which the offence was committed and of which possession shall have been taken by the constable under the next preceding subsection, shall be destroyed or forfeited to the Crown."

Amendment
of s. 13.

8. Section thirteen of the principal Act is amended by—

- (a) inserting the words "not being absent" after the word "or" in subsection (1), line six;
- (b) deleting from subsection (1) all words between the words "animal" in line seven and "with-out" in line fourteen;
- (c) deleting from subsection (2) the words "any veterinary surgeon summoned under this section certifies" in lines one and two and substituting the words "the constable or the officer is of opinion and so directs";
- (d) deleting from subsection (3) the brackets and words "(including the expenses of any veterinary surgeon summoned) and" in lines three and four;
- (e) deleting from subsection (4)—
 - (i) all words in lines one to six, and
 - (ii) the word "justice" in lines seven and eight.

9. Section fourteen of the principal Act is amended by adding after the word "killing" in line eleven the words "but the provisions of this section shall not affect the authority of any constable or officer of the Society for the Prevention of Cruelty to Animals to kill or remove any animal pursuant to section thirteen of this Act."

Amendment
of s. 14.

10. Section nineteen of the principal Act is amended by adding thereto after the word "jurisdiction" in line twelve the words "or in the event of the conviction of any person of an offence for failing to supply food, water or treatment the justice convicting may order the person convicted to pay the amount of the reasonable cost thereof, not exceeding twenty pounds, to the person who supplied the same, and payment of the amount may be ordered in addition to any penalty imposed and enforceable as a penalty."

Amendment
of s. 19.

11. Section twenty-one of the principal Act is amended by inserting after the word—

Amendment
of s. 21.

- (a) "animal" in line five thereof the words "and any similar animals in his possession";
- (b) "animal" in line six thereof the words "or animals";
- (c) "animal" in line three of the proviso the words "or animals";
- (d) "is" in line four of the proviso the words "or are";
- (e) "further" in line four of the proviso the words "or any".

12. Section twenty-two of the principal Act is amended by inserting after the word "minimum" in line seven the words "penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1942, and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913."

Amendment of
s. 22.

13. Section twenty-three of the principal Act is amended by inserting after the word "of" in line one the words "any animal for the purpose of disposal as food for animals or the killing of".

Amendment
of s. 23.