

16 GEO. V. No. 25, 1925. *Animals Protection Act.*

ANIMALS.

**An Act for the More Effectual Prevention of
Cruelty to Animals.**

16 Geo. V.
No. 25.
THE
ANIMALS
PROTECTION
ACT OF 1925.

[ASSENTED TO 12TH NOVEMBER, 1925.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Animals Protection Act of 1925.*" Short title.

2. *"*The Animals Protection Act of 1901*" is repealed. Repeal of
1 Edw. VII.
No. 26.

3. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Interpreta-
tion.

"Animal"—Any domestic or captive or impounded animal; Animal.

"Domestic animal"—Any horse, ass, mule, bull, sheep, pig, goat, dog, cat, or poultry, or any other animal of whatsoever kind or species, and whether a quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man; Domestic
animal.

"Captive animal"—Any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement; Captive
animal.

"Officer"—The following paid servants of the Queensland Society for the Prevention of Cruelty, namely—the Secretary, Chief Officer.

* 1 Edw. VII. No. 26, *supra*, page 59.

Inspector, and Inspectors, also every member of the police force and any other person approved to be an officer under this Act by the Governor in Council;

- Court. "Court"—Any court of petty sessions under **The Justices Acts, 1886 to 1924*”;
- Ill-treat. "Ill-treat" includes ill-treat, wound, mutilate, overdrive, override, overwork, abuse, worry, torment, torture and cause any animal unnecessary pain or suffering; also overload or drive when overloaded, and overcrowd, and unreasonably beat or kick;
- Pound. "Pound," used in relation to the impounding or confining of animals, includes a place of any kind in which animals are confined under the impounding laws of Queensland; and "impounded" has the same correlative meaning.
- Offences of cruelty. 4. (1.) It shall be an offence against this Act for any person to—
- (a) Ill-treat or cause or procure to be ill-treated or be a party to ill-treating any animal; or
 - (b) Neglect to supply any domestic animal or impounded or captive animal with sufficient suitable food or water or protection against hot or inclement weather; or
 - (c) Keep or use or act in the management of any place where fighting or baiting of any animal is allowed, or receive money for the admission of any person to any such place; or
 - (d) Convey, carry, or pack, or cause to be conveyed, carried, or packed, any animal in such manner or position as to subject such animal to unnecessary pain or suffering; or in a case or crate that is not higher and longer than such animal; or
 - (e) Ride, drive, use, convey, or carry any animal which is unfit for such use or treatment; or

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- (f) Neglect, as the owner or person in charge, to reasonably exercise or release or cause to be exercised or released at least once a day any dog habitually tied up; or
- (g) Convey, carry, or pack, or cause to be conveyed, carried, or packed, any live poultry in a case or crate together with other poultry which is of different species; or
- (h) Except for medicinal or curative purposes administer any poison, drug, medicine, local anaesthetic, or noxious substance to any animal entered or about to be entered in any race or upon any racecourse, or upon any ground used for the coursing of dogs, or expose any poison, drug, medicine, or noxious substance with the intention that the same shall be taken, swallowed, injected, or inhaled in order to impede or affect the safety, endurance, speed, sense, health, or physical condition of any animal, or use or apply 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.

Any person guilty of an offence against this section shall be guilty of cruelty and shall be liable to a penalty not exceeding twenty-five pounds and not less than ten shillings or to be imprisoned for any period not exceeding six months and for every day on which an offence under paragraph (c) is continued, to an additional penalty not exceeding five pounds.

(2.) The acts specified in this section shall be deemed to be mentioned by way of example only, and shall not be construed to restrict in any way the generality of any prohibition herein contained or to limit the same to cases resembling all or any of the cases specially mentioned.

(3.) Notwithstanding anything hereinbefore contained, every dog which on any public road, street, or place in any manner causing danger or injury to any person, rushes at or barks at any person or at any animal, vehicle, bicycle, or tricycle, upon or in which any person is riding, may be then and there killed or attempted to be killed by such person, or by any other person then present, without liability to any action or

other proceeding whatsoever by any person whomsoever for or by reason of such killing or attempted killing.

Homing
pigeons.

5. (1.) No person shall intentionally or negligently shoot, kill, disable, ensnare, trap, or otherwise injure or (not being the owner) confine or cause to be confined any homing pigeon, knowing or having reasonable cause to believe that the pigeon is a homing pigeon.

(2.) No person shall enter upon any enclosed land or premises for the purpose of unlawfully killing, wounding, disabling, ensnaring, catching, taking, or in anywise injuring or destroying any homing pigeon of which he is not the owner.

(3.) No person shall, without due authority in that behalf (the proof whereof shall lie upon him), remove or tamper with any metal or rubber ring affixed or attached to either or both legs of a homing pigeon.

(4.) If any person—

(a) Offending against this section does not, when thereunto required, give his name and address, or gives a false name and address, to any person; or

(b) Without reasonable excuse does not on request being made and production of reasonable evidence of ownership, deliver up to the owner any homing pigeon,

he shall be guilty of an offence against this Act.

(5.) For the purposes of this section, the term "Homing pigeon" includes all pigeons used as bearers of messages or as racing pigeons, and which have affixed or attached to either or both legs a rubber or metal ring.

Compensa-
tion for
injury
caused to
animal,
person, or
property.

6. If any person, by cruelty within the meaning of this Act to any animal, does or causes to be done any damage or injury to the animal or any person or property, he shall upon conviction under this Act be liable, upon the application of the person aggrieved, to be ordered to pay, as compensation to the person who sustains damage or injury as aforesaid, such sum not exceeding ten pounds as the court before which he is convicted may consider reasonable:

Provided that this section shall not—

(a) Prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor

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- (b) Affect the liability of any person to be proceeded against and punished under this Act for an offence under this Act.

7. (1.) Except as hereinafter provided, nothing in **Exemptions.** this Act shall render unlawful—

- (a) The slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion ;
or
- (b) The dehorning of cattle, or the castration, speying, ear-splitting, ear-marking, or branding of any animal, or the tailing of any lamb, where the operation is performed with a minimum of suffering to the animal operated upon ; or
- (c) The extermination of rabbits, marsupials (not being protected under any law), dingoes, wild or stray dogs or cats, foxes, or vermin ; or
- (d) The extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being ; or
- (e) The hunting, snaring, trapping, shooting, or capturing of any animal not in a domestic state and not being protected under any law ; or
- (f) Any vivisection or other experiment performed on any animal in accordance with regulations made by the Governor in Council for the humane conduct of such experiments, by any person who is (pursuant to such regulations) duly authorised by the Home Secretary to perform such experiments ; or
- (g) Any operation of the nature of an inoculation or of a feeding experiment.

(2.) The exemption in this section contained shall not take effect—

- (a) In any case of ill-treatment ; or
- (b) In any case of vivisection or other experiment as described in paragraph (f) of subsection one hereof wherein the following conditions are neglected, that is to say :—
- (i.) The operation shall be performed in accordance with the said regulations ;

- (ii.) The animal subject to the operation shall, during the whole time thereof, be so under the influence of some anæsthetic as to be insensible to pain ;
- (iii.) When the animal has in the course of the operation been so injured that its recovery would involve serious suffering, it shall be destroyed while still insensible in accordance with the said regulations ;
- (iv.) An animal which has suffered one operation shall not be subjected to another.

Power to prohibit use of animal unfit for work.

8. (1.) If any officer is of the opinion that any animal is unfit to be used in work or labour, or in work or labour of any particular kind, he may, by notice signed by him and delivered to any person apparently in charge of such animal, direct that such animal is not to be used in work or labour or in work or labour of the kind specified in such notice, for any time therein not exceeding twenty-one days.

(2.) If any court is of a like opinion, the court may cause to be served on the owner or the person in charge of the animal a like notice.

Extension of prohibition.

(3.) At the expiration of the period mentioned in any notice so delivered or served, the officer or the court, as the case may be, may in like manner serve or deliver a further notice directing that such animal is not to be used for a further period not exceeding twenty-one days.

Application for removal of prohibition.

(4.) Any person who considers that he is injured or aggrieved by such notice may make application to a court to have the notice annulled or varied, and thereupon the court may summon the officer to show cause to the contrary.

No costs shall be given against an officer in any such proceeding unless the court is of opinion that the officer acted without reasonable cause.

(5.) Any person who contravenes the provisions of any notice issued in accordance with this section and delivered to him or brought to his knowledge shall be guilty of cruelty, and shall be liable to be punished accordingly.

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(6.) The provisions of this section are in addition to and shall not be construed as being in derogation of any other provision of this Act.

9. Any officer may enter into any place whatsoever for the purpose of inspecting any animal therein and the accommodation for such animals or for the purpose of ascertaining whether any of the provisions of this Act have been or are being contravened. Any person hindering such officer from so doing shall be guilty of an offence against this Act, and be liable to a penalty not exceeding ten pounds.

Officer
may enter
and inspect.

10. Any member of the police force, upon his own view or upon the complaint and information of any other person, may, without any warrant other than this Act, take into custody any person committing or reasonably suspected of having committed an offence against any of the provisions of this Act, and bring such person before a justice for the purpose of being dealt with according to law.

Apprehension
of
offenders.

11. (1.) Whenever a member of the police force arrests any person having charge of any vehicle or animal for an offence against this Act, he may take possession of such vehicle or animal, and any saddle and harness on or attached to such animal or vehicle, and deposit the same in some place of safe custody for the purpose of producing the same as evidence in a prosecution under this Act, or as security for payment of any penalty or compensation to which such person or the owner of such vehicle or animal may become liable, and the expenses which have been or may be necessarily incurred for taking charge of and keeping the same; and he may in like manner take possession of any implement, stick, whip, or other weapon in possession or under the control of the alleged offender.

Vehicles,
&c., may be
detained.

(2.) The court which hears the case may in default of payment order such vehicle, animal, saddle, or harness, or any of them, to be sold for the purpose of satisfying such penalty, compensation (if any), and reasonable expenses in like manner as if they had been distrained upon for the payment of the same.

12. Every complaint in respect of an offence against this Act shall be laid or made within thirty days after the cause of offence or complaint came to the knowledge of the complainant.

Limitation.

Destruction
of certain
animals in
certain cases.

13. (1.) Any animal found abandoned, or diseased, or injured, or disabled to such an extent that its existence involves continued suffering, may be killed upon the authority of a justice or veterinary practitioner, or officer, or an officer of the Local Authority having jurisdiction within the area where the animal is found, whether such animal has been the subject-matter of a prosecution or not :

Provided that in any case where the authority of a veterinary practitioner has not been obtained under this provision, notice of the proposed killing shall wherever reasonably practicable be given to the owner of the animal, and he shall be at liberty within twenty-four hours after the receipt of such notice to obtain at his own cost the opinion of a veterinary practitioner as to the probability of the recovery of the animal, and, whenever such notice has been given, such killing shall not take place until after the lapse of such twenty-four hours.

Notice of the fact of such killing shall in every case be given to such Local Authority, and such Local Authority may recover any cost incurred by it, in the destruction and disposal of the carcass, from the owner of any such animal, by complaint before any two justices.

No compensation shall be recoverable against any person in respect of the killing of an animal under this section.

(2.) If an injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fails to do so an officer may, without the consent of that person, cause the animal forthwith to be so removed.

(3.) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section, and whether the animal is killed under this section or not, may be recovered from the owner summarily as a civil debt.

Killing of
animals.

14. If it is made to appear to any justice by personal inspection, or by the testimony of a reliable witness, that any animal impounded in any pound or found elsewhere is in such a weak, disabled, or diseased state that it ought to be killed, it shall be lawful for him, by writing under his hand, to order that the said

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animal shall be forthwith killed ; and such order shall be sufficient authority to the poundkeeper or owner of such animal or any other person authorised by the said justice to kill the same, and no compensation whatever shall be recoverable in respect of such killing.

15. If any animal is at any time impounded or confined in any yard, pen, cage, hutch, pound, or receptacle of the like nature, or deprived of its liberty, and continues impounded, confined, or restrained without fit and sufficient food and water for more than twenty-four consecutive hours, or in the case of ruminants for more than eighteen hours, it shall be lawful for any person whomsoever to enter into and upon any 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 it remains and continues so impounded, confined, or restrained, without being liable to any action of trespass or other proceeding by any person whomsoever for or by reason of such entry for the purposes aforesaid.

Power to private persons to provide food for animals in confinement.

The reasonable cost of such food and water shall be paid by the owner or person having the custody of such animal to the person who has supplied the same, and such cost may be recovered by complaint before the court.

16. Any person who—

- (a) Unlawfully obstructs, hinders, molests, or assaults any officer who is authorised to exercise any power or authority under or by virtue of this Act ; or
- (b) Is committing an offence under this Act, and when required by an officer to give his name and address refuses to do so or gives a false name and address—

Obstructing officers.

shall be guilty of an offence against this Act, and liable to a penalty not exceeding ten pounds.

17. (1.) Every person shall be deemed to be guilty of an offence under this Act who—

Parties to offences.

- (a) Actually commits such offence ; or
- (b) Aids or abets any person in the commission thereof ; or
- (c) Directly or indirectly causes or counsels or procures any person to commit such offence ; or

(d) Knowingly permits such offence to be committed in any place in his possession, or under his control; or

(e) Is the owner or a person having possession or custody or control of any animal in respect of which such offence has been committed, unless he proves that he had taken all reasonable precautions against the commission of an offence under this Act and that he had at the time no reason to suspect that any such offence was being or would be committed.

Permitting
cruelty.

(2.) For the purposes of this Act, an owner or person having possession or custody or control of any animal shall be deemed to have permitted cruelty if he has failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal.

Exoneration
of employee
in certain
cases.

(3.) Whenever any person, who is an employee charged with any offence under this Act, proves to the satisfaction of the court that the acts constituting the offence were done or permitted by him in the course of his employment as such employee and that prior to the commission of the offence he called his employer's attention to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing, and issue a summons against the employer for a like offence. In the event of the employer being found guilty, the court may order him to pay the costs incurred in prosecuting both himself and his employee.

Employers
and owners
to produce
animals and
drivers when
required.

18. (1.) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner of the animal requiring him to produce, either at or at any time before the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(2.) Where proceedings are instituted under this Act against the driver or conductor of any vehicle, it shall be lawful for the court to issue a summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is in his power so to do, to produce the driver or conductor at the hearing of the case.

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(3.) Where a summons is issued under either of the foregoing subsections of this section, and the owner or employer, as the case may be, fails to comply therewith without satisfactory excuse, he shall be liable upon summary conviction to a penalty not exceeding five pounds for the first occasion, and not exceeding ten pounds for the second or any subsequent occasion on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

19. If the owner of any animal is guilty of cruelty, within the meaning of this Act, to an animal, the court upon his conviction thereof may, if it thinks fit, if it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal if left with the owner is likely to be exposed to further cruelty, in addition to any other punishment, deprive such person of the ownership of the animal, and make such order as to the disposal of the animal as it thinks fit under the circumstances.

Person convicted may be deprived of ownership.

20. An auctioneer or other person who sells or offers for sale, and any person who buys or attempts to knowingly buy, except for the purpose of slaughter, any horse, ass, mule, or other domestic animal, which is so old, or permanently diseased, or permanently disabled that it is unfit for work, shall be guilty of an offence against this Act, and liable to a penalty not exceeding five pounds nor less than two pounds.

Sale and purchase of decrepit animals.

The production of a certificate from the buyer of any such animal, given at the time of sale to the auctioneer or vendor, that the animal is being purchased for immediate slaughter, shall be a defence to any prosecution of an auctioneer or vendor under this section.

21. Every person who is employed in the killing of decrepit animals shall conform to the following rules :—

Slaughtering of decrepit animals.

(1.) All animals shall be slaughtered, with as little pain as possible, within two days from the time they have been delivered to the slaughterer. Any animal which is in pain shall be slaughtered without delay.

(2.) All animals shall be properly fed and watered after they have been delivered to the slaughterer.

(3.) No animal shall be used or employed for any work after it has been delivered to the slaughterer.

(4.) The slaughterer shall enter, in a book kept for the purpose, such a full and correct description of the colour, brands, marks and gender of every animal delivered to him as may clearly distinguish and identify same, and the name and address of the person from whom the animal was received. The book shall be produced by him on the order of any court, and he shall allow such book to be inspected and extracts to be made therefrom at all reasonable times by any constable or officer.

(5.) The slaughterer shall not part with alive, or procure or permit any person to sell or part with alive, any animal that has been delivered to him for slaughter.

(6.) Any person who contravenes any of the provisions of this section shall be liable to a penalty not exceeding ten pounds.

(7.) For the purposes of any provision of this Act which relates to offences of cruelty, the slaughterer shall be deemed to be the owner of the animal delivered to him, and the animal shall be deemed to have been delivered to him if delivered either to himself or to any person on his behalf.

(8.) This section shall not apply to any zoological gardens that may hereafter be established in Queensland.

Procedure. 22. All proceedings in respect of offences against this Act shall be heard and determined in a summary way under the provisions of **The Justices Acts, 1886 to 1924.*"

Regulations. 23. The Governor in Council may from time to time make all such regulations as in his opinion are necessary or convenient for giving full effect to this Act.

All such regulations shall be published in the *Gazette*, and when so published shall have the same effect as if they were enacted in this Act, and shall be judicially noticed, and shall not be questioned on any ground whatsoever.

All such regulations shall be laid before the Legislative Assembly within forty days after the publication of the same if the Legislative Assembly is then sitting, and, if not, then within forty days after the commencement of the next ensuing session of the Legislative Assembly.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 and 11030.