

ANIMAL PROTECTION ORDINANCE, 1912.⁽¹⁾

No. 23 of 1912.

An Ordinance for the more effectual Prevention of Cruelty to Animals.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Animal Protection Ordinance, 1912.*⁽¹⁾ Short title.

It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*⁽¹⁾

2. The Act (Queensland adopted) 14 Victoria No. 40 intituled "An Act for the more effectual Prevention of Cruelty to Animals" is repealed. Repeal.

3. In this Ordinance unless the context indicates⁽²⁾—

"animal" means every species of animal whether in a natural or domestic state;

Interpretation.
Q. 1 Edw. VII,
No. 26, s. 3.

"cruelty" means the intentional or deliberate infliction upon any animal of pain that in its kind or degree or its objects or its circumstances is unreasonable or wanton or malicious.

4. The following acts when done to any animal shall be deemed to involve cruelty that is to say: Cruel acts.
Q. *Ib.* s. 4.

(a) overriding or overdriving or overworking; or

(b) overloading or driving when overloaded; or

(c) riding or driving or employing or conveying any animal which is unfit for any such use or treatment; or

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.7.1912	(a)	7.5.1913 (Papua <i>Govt. Gaz.</i> 7.5.1913)

(a) No notice of non-disallowance has been published in Papua *Govt. Gaz.*

(2) The words "unless the context indicates" appeared in the original Ordinance. *Semble*, "unless the context otherwise indicates" was intended.

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- (d) illtreating or injuring or tormenting or torturing; or
- (e) doing in circumstances that amount to cruelty any of the following acts that is to say: beating wounding mutilating killing or causing unnecessary pain:

Provided that 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:

Provided further that 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.

Prohibition of cruelty.
Q. 1 Edw. VII,
No. 26, s. 5.

5.—(1.) No person shall do any act or observe any forbearance towards any animal which act or forbearance involves cruelty.

(2.) No person shall use or treat or handle any animal at any time or in any place or in any manner or to any extent or for any purpose or in any circumstances which involves or involve cruelty.

(3.) No person shall drive or convey or carry in or upon any vehicle or receptacle or by hand or in any way any animal in such a position as to subject it to unnecessary pain or kill any animal in any manner or in any position or in any circumstances which involves or involve cruelty.

Places for baiting animals forbidden.
Q. 1b. s. 6.

6. No person shall keep or use any place either for public or private fighting or baiting or otherwise maltreating any animal or shall act in the management of any such place.

Captive animal to be cared for.
Q. 1b. s. 7.

7. No person who has the possession or the custody of any animal which is confined or otherwise unable to provide for itself shall omit to provide such animal during so long as it remains so confined in his possession or custody with proper and sufficient food drink and shelter.

Power to private persons to provide food for animals in confinement.
Q. 1b. s. 8.

8. 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 whom-

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soever 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. 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 such cost may be recovered by complaint in a summary way before a magistrate.

9. Any animal found abandoned or diseased injured or disabled to such an extent that its existence involves continued suffering may be killed upon the authority of a magistrate or a European police officer or constable whether such animal has been the subject-matter of a prosecution or not. Notice of the fact shall in every case be given to the nearest magistrate and any cost incurred in the destruction and disposal of the carcass may be recovered by the person destroying or disposing thereof from the owner of such animal by complaint before a magistrate.

Destruction of suffering animals.
Q. 1 Edw. VII.
No. 26, s. 9.

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

Apprehension of offenders.
Q. *Ib.* s. 10.

11. Whenever any person having charge of any vehicle or animal and being also the owner thereof is taken into custody for any cruelty to such animal the European officer or constable of police making the arrest may take charge of such vehicle or animal and deposit the same in some place of safe custody as a security for the payment of any penalty to which such person may become liable and of any expenses which may have been or may be necessarily incurred for taking charge of and keeping the same. The magistrate before whom the case is heard may order such vehicle or such animal to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof in like manner as if the same had been subject to be and had been distrained for the payment of such penalty and expenses.

Power to detain animal or vehicle as security for penalty, &c.
Q. *Ib.* s. 11.

12.—(1.) Except as hereinafter provided nothing herein contained shall apply to any act done in any of the following cases:—

Exemptions.
Q. *Ib.* s. 12, altered.

(a) in the extermination of vermin; or

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- (b) in the extermination or destruction of any animal under the authority of any Ordinance or regulation in force for the time being; or
- (c) in the hunting snaring trapping shooting or capturing of any animal not in a domestic state.

Limitations of exemptions.
Q. 1 Edw. VII,
No. 26, s. 12,
altered.

(2.) The exemption herein contained shall not take effect in any case of cruelty.

Parties to offences.
Q. *Ib.* s. 13.

13. Every person shall be deemed to be guilty of an offence under this Ordinance who—

- (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 the case of any animal or any place in his possession or custody or under his control.

Penalty for offences.
Q. *Ib.* s. 14.

14. If any person offends against any of the provisions of this Ordinance he shall on conviction before any magistrate be liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months. When any such offender is not the owner of the animal if by such offence he causes any damage to any animal or to any person or property he shall in addition to such punishment make compensation to the owner of the animal or to the person damaged; and the justices by or before whom the offender is convicted shall by the same or a subsequent order determine and award the amount of compensation.