



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1213.

An Act to further amend the Prevention of Cruelty to Animals Act, 1908, and to repeal the Prevention of Cruelty to Animals Act Amendment Act, 1909.

[Assented to, December 16th, 1915.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Prevention of Cruelty to Animals Act Amendment Act, 1915." Short titles.

(2) The Prevention of Cruelty to Animals Act, 1908 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Prevention of Cruelty to Animals Acts, 1908 and 1915." No. 956 of 1908.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. The Prevention of Cruelty to Animals Act Amendment Act, 1909, is hereby repealed. Repeal of Act 997 of 1909.

4. In this Act— Interpretation.

"Court" means the Special Magistrate or Justices hearing the information:

"Information" includes complaint:

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“Owner,” used with reference to an animal, includes not only the owner, but also the hirer or borrower or other person for the time entitled to the possession of the animal, and also any manager, overseer, foreman, agent, or other representative of the owner, with whose orders the driver, conductor, or other person in charge of the animal is bound to comply.

Amendment of section 3 of principal Act—
Definition of “ill-treat.”

5. The definition of “ill-treat” contained in section 3 of the principal Act is amended so as to read as follows:—

“Ill-treat” means—

- (a) to wound, mutilate, overdrive, override, overwork, abuse, worry, torment, or torture; or
- (b) knowingly to overload or overcrowd; or
- (c) unreasonably, wantonly, or maliciously to beat or cause unnecessary pain.”

Amendment of sec. 10 of the principal Act.

6. Section 10 of the principal Act is amended by striking out the words “fourteen days” in the second line and inserting in lieu thereof the words “one month”.

Owner of ill-treated animal liable in the first instance in certain cases.

Cf. Steam Boilers, etc., Act, 1911, s. 42.

7. (1) The owner of any animal in respect of which an offence has been committed against subdivision (h) of section 4 of the principal Act, or against section 7 of the said Act, shall in every case be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but an owner who has been proceeded against for such offence shall be entitled, upon information duly laid by him, to have any driver, conductor, or other employee who was, at the time when such offence is alleged to have been committed, in charge of such animal, brought before the Court at the time appointed for hearing the charge made against such owner.

(2) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the Court—

- (a) that he used due diligence to prevent offences against the provisions of the principal Act in breach whereof the offence was committed, and
- (b) that the said driver, conductor, or employee committed the act complained of without the knowledge, consent, or connivance of such owner,

the said driver, conductor, or employee shall be convicted of the offence and pay the penalty, instead of the owner.

Actual offender may be proceeded against in certain cases.

Cf. *ibid.*, s. 43.

8. When it appears to any person at any time before laying an information or complaint in respect of an offence against the provisions of subdivision (h) of section 4, or of section 7, of the principal Act—

- (a) that the owner of the animal concerned had used due diligence to prevent offences against the provisions in breach whereof such offence is committed, and

(b) by

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- (b) by what person the offence was committed, and
- (c) that the offence was committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders,

then such first mentioned person may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

9. (1) No person shall be liable for an offence against the provisions of subdivision (h) of section 4, or of section 7, of the principal Act as the owner of an animal unless such animal is worked or used—

When owners not liable.

Cf. *ibid.*, s. 44.

- (a) by him personally, or
- (b) by a driver, conductor, or other person in his employ, or
- (c) by some other person under his orders or directions, or
- (d) in some manner for his benefit or profit.

(2) Nothing contained in this section shall exempt any corporate body from any liability under this Act by reason only of the fact that any animal of which such corporate body is the owner, and with respect to which any such offence as mentioned in this section is charged, is worked or used under the orders or directions of a director, secretary, manager, or other person elected or employed by such corporate body.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.