

South Australia

## **Animal Welfare Regulations 2012**

under the *Animal Welfare Act 1985*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Animal Welfare Regulations 2012*.

### 2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulation 32(3)(d)(ii) will come into operation on 20 April 2017.

### 3—Interpretation

- (1) In these regulations—

*Act* means the *Animal Welfare Act 1985*;

*alpaca* means an animal of the genus *Vicugna*;

*bobby calf* means a calf of the genus *Bos* that—

- (a) is less than 30 days old; and
- (b) is not accompanied by its mother;

*buffalo* means an animal of the genus *Bubalus*, and includes an animal that is a hybrid of a buffalo;

*camel* means an animal of the species *Camelus dromedarius*;

*cattle* means an animal of the genus *Bos*;

*deer* means an animal of the family *Cervidae*, and includes an animal that is a hybrid of a deer;

*domestic fowl* means an animal of the species *Gallus gallus domesticus*;

*duck* or *goose* means an animal of the family *Anatidae*;

*emu* means an animal of the species *Dromaius novae-hollandiae*;

*goat* means an animal of the genus *Capra*;

*guinea fowl* means an animal of the species *Numida meleagris*;

*llama* means an animal of the genus *Lama*;

*NVR registered training organisation* means an NVR registered training organisation under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;

*ostrich* means an animal of the species *Struthio camelus*;

*partridge* or *pheasant* means an animal of the family *Phasianidae*;

*pig* means an animal of the genus *Sus*;

*pigeon* means an animal of the species *Columba livia*;

*poultry* means domestic fowl, ducks, geese, guinea fowl, partridges, pheasants, pigeons, quails or turkeys;

*quail* means an animal of the species *Coturnix japonica*;

**reasonable access to water**—an animal will be taken to have reasonable access to water if the animal is given a reasonable opportunity to drink water of a suitable quality and quantity sufficient to maintain the animal's hydration;

*sheep* means an animal of the genus *Ovis*;

*turkey* means an animal of the species *Meleagris gallopavo*.

- (2) For the purposes of these regulations, a reference to the **weight** of an animal is a reference to the live weight of that animal.

#### 4—Inspectors

- (1) For the purposes of the definition of **qualified person** in section 28 of the Act, the following training is prescribed:
- (a) a course of basic training for inspectors provided, from time to time, by the Minister;
  - (b) a course of training that would, in the opinion of the Minister, qualify a person to be appointed as a police officer of the Commonwealth or a State or Territory of the Commonwealth;
  - (c) a course of training approved by the Minister provided by—
    - (i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) (**RSPCA**) or an organisation corresponding to the RSPCA in another State or a Territory of the Commonwealth; or
    - (ii) a public sector agency of the Commonwealth or a State or Territory of the Commonwealth; or
    - (iii) an NVR registered training organisation.
- (2) An inspector is authorised to give expiation notices for an alleged offence against the Act or these regulations.

#### 5—Codes of practice

- (1) A person described in an entry in Schedule 2 must, in carrying out an activity described in that entry, ensure compliance with the code of practice and any modifications specified in the entry.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) For the purposes of section 43 of the Act, each of the codes of practice specified in Schedule 2 is a prescribed code of practice.

## Part 2—Animal welfare offences

### 6—Ill treatment of animals

- (1) For the purposes of section 13 of the Act, a person ill treats an animal if—
  - (a) except where a veterinary surgeon has certified in writing that any of the following procedures is necessary for the control of disease—the person—
    - (i) surgically reduces the ability of an animal to produce a vocal sound; or
    - (ii) docks the tail of a dog; or
    - (iii) crops an animal's ear; or
    - (iv) docks or nicks a horse's tail or docks the tail of cattle or buffalo; or
  - (b) the person—
    - (i) traps an animal in a trap that has been set in contravention of regulation 9; or
    - (ii) catches a bird by using a gel that has been applied in contravention of regulation 10.
- (2) However, a person who is a veterinary surgeon may—
  - (a) surgically reduce the ability of an animal to produce a vocal sound if satisfied that—
    - (i) the procedure is required for therapeutic purposes; or
    - (ii) there is no other reasonably practicable means of preventing the animal from causing a nuisance by creating noise; or
  - (b) if satisfied the procedure is required for therapeutic purposes—
    - (i) dock a dog's tail; or
    - (ii) dock, or authorise another person to dock, the tail of cattle; or
  - (c) if satisfied the procedure is required for therapeutic purposes, crop an animal's ear.

### 7—Use of electroimmobilisers

- (1) For the purposes of section 15 of the Act, a person must not apply an electroimmobiliser to an animal unless—
  - (a) the animal is a class 1, class 2, class 3 or class 4 animal; and
  - (b) the electroimmobiliser is a device of a kind approved by the Minister as an authorised electroimmobiliser under this regulation; and
  - (c) the electroimmobiliser is used only for the purpose of restraining the animal for as short a time as is practicable while a routine husbandry procedure is carried out on the animal; and
  - (d) —

- (i) the person using the electroimmobiliser is the holder of a certificate issued under this regulation for the relevant class of animal or is acting under the direct supervision of a person who holds such a certificate; or
  - (ii) the electroimmobiliser was acquired before 11 July 1996 by the person using it or by the person under whose direct supervision it is being used.
- (2) Subregulation (1) does not apply to a person who is using an electroimmobiliser for the purposes of carrying out research into the use of electroimmobilisers as part of a research program approved by an animal ethics committee, if that person is the holder of a certificate issued under this regulation (for any class of animal) or is acting under the direct supervision of a person who holds such a certificate.
- (3) If a person sells, leases, hires out, gives or lends an electroimmobiliser to another person without that other person first producing an apparently genuine certificate issued in his or her name under this regulation, each party to the transaction is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (4) For the purposes of this regulation, the Minister may—
  - (a) on the recommendation of the Animal Welfare Advisory Committee—approve a device of a specified kind as an authorised electroimmobiliser; and
  - (b) approve a person to conduct an approved course of training in the proper use of an electroimmobiliser who may issue a certificate (in a form approved by the Minister) to another person certifying that the other person has satisfactorily completed such a course in respect of a specified class of animals (being class 1, 2, 3 or 4 animals).
- (5) An approval under subregulation (4)—
  - (a) may be subject to conditions; and
  - (b) may be varied or revoked by the Minister at any time (but in the case of an approval of a device only on the recommendation of the Animal Welfare Advisory Committee).
- (6) In this regulation—
  - class 1 animal* means cattle or buffalo;
  - class 2 animal* means an alpaca, llama, deer or camel;
  - class 3 animal* means a goat or a sheep;
  - class 4 animal* means an ostrich or emu;
  - electroimmobiliser* means an electrical device designed to temporarily immobilise an animal.

## 8—Use of certain other electrical devices

- (1) For the purposes of section 15 of the Act, a person must not—
  - (a) place on an animal a collar designed to impart an electric shock; or
  - (b) subject to these regulations, apply an electrical prod or goad to an animal.
- (2) A person may only apply an electrical prod or goad to an animal in the following circumstances:
  - (a) if the animal is to be used or is being used in a rodeo event and the prod or goad complies with, and is applied to the animal in accordance with, Part 4;
  - (b) if the animal is a pig that is being kept in the course of the business of a piggery and—
    - (i) the pig weighs 60 kilograms or more; and
    - (ii) the pig is being loaded onto or unloaded from a vehicle for the purposes of being transported to or from the piggery; and
    - (iii) the prod or goad is not applied to the face, udders, anus or genitals of the animal; and
    - (iv) the pig is able to move away from the prod or goad; and
    - (v) the prod or goad is applied as sparingly as possible and (in any event) with restraint; and
    - (vi) the use of the prod or goad is reasonably required to ensure the safety of the person transporting the pig;
  - (c) in any other case—
    - (i) the animal is a prescribed animal; and
    - (ii) the animal is over 3 months of age; and
    - (iii) the prod or goad is not applied to the face, udders, anus or genitals of the animal; and
    - (iv) the animal is able to move away from the prod or goad; and
    - (v) the prod or goad is applied as sparingly as possible and (in any event) with restraint.
- (3) In this regulation—

***prescribed animal*** means—

  - (a) cattle or buffalo; or
  - (b) a camel; or
  - (c) a goat, other than a goat known or visually assessed to be pregnant; or
  - (d) a deer; or
  - (e) a sheep; or
  - (f) a pig (other than a pig referred to in subregulation (2)(b)).

## 9—Use of traps prohibited in certain circumstances

- (1) Subject to this regulation, a person must not set a jawed leg hold trap for an animal other than for a wild or feral dog, a feral cat, a fox or a rabbit.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person must not set a jawed leg hold trap for a wild or feral dog unless—
- (a) the trap is set on land outside the area of a municipal council; and
  - (b) the trap is set on land that is inside, or not more than 100 metres outside, that part of the State bounded by the dog fence established under the *Dog Fence Act 1946*, the eastern border of the State and the coast of the State; and
  - (c) the jaws of the trap—
    - (i) are not serrated; and
    - (ii) are offset so that there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed; and
    - (iii) are padded with rubber pads; and
    - (iv) are treated with an agricultural chemical product approved by the Minister sufficient to ensure a rapid death for any animal caught in the trap.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2a) A person must not set a jawed leg hold trap for a feral cat unless—
- (a) use of the trap is reasonably required for the purposes of—
    - (i) a threatened species recovery program, or a research program related to feral cat management, approved by an animal ethics committee; or
    - (ii) a native fauna conservation program approved by the Minister; and
  - (b) the trap is set on land that is not less than 1 kilometre from the nearest residential premises; and
  - (c) the trap is monitored every day; and
  - (d) any animal caught in the trap is treated and released, or killed, as soon as is reasonably practicable after being caught; and
  - (e) the jaws of the trap—
    - (i) are not serrated; and
    - (ii) are offset so that there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed; and
    - (iii) are padded with rubber pads.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person must not set a jawed leg hold trap for a fox or a rabbit unless—
- (a) the trap is set on land outside the area of a municipal council; and
  - (b) the jaws of the trap—
    - (i) are not serrated; and
    - (ii) are offset so that there is a distance of at least 6 millimetres between the metal parts of the jaws when the jaws are closed; and
    - (iii) are padded with rubber pads; and
  - (c) the trap is monitored every day.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person must not set a body grip trap unless—
- (a) the trap is set on land that is not within the area of a municipal council; and
  - (b) the trap is set for a rabbit or rat; and
  - (c) the trap is set in a natural or artificial tunnel or burrow for a rabbit or rat; and
  - (d) the external frame of the trap does not exceed 14 centimetres by 14 centimetres.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) This regulation does not apply to—
- (a) the setting of a body grip trap to control vermin or exotic animals in a reserve within the meaning of the *National Parks and Wildlife Act 1972*; or
  - (b) the setting of a body grip trap with a single jaw for a mouse or rat; or
  - (c) the setting of a trap for the purposes of carrying out research as part of a research program approved by an animal ethics committee if the jaws of the trap are sufficiently padded, or the trap has been otherwise modified, so that any animal caught in the trap is unlikely to suffer significant injury.

### **10—Use of gel to catch or deter birds prohibited**

A person must not apply a silicon gel to any tree, plant, building or other structure or thing for the purpose of catching birds or deterring birds from perching on it.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **Part 3—Teaching and research involving animals**

### **11—Certain research prohibited except for limited purposes**

- (1) A person must not—
- (a) apply any substance to the conjunctival sac of a rabbit for the purpose of assessing the relative irritancy of the substance; or

- (b) expose an animal to any substance for the purpose of assessing the toxicity of the substance against a predetermined level of mortality,

unless—

- (c) the assessment relates to research that has the potential to benefit human or animal health; and
- (d) the objectives of the assessment cannot practicably be achieved by means that will cause less pain to animals.

Maximum penalty: \$2 500.

- (2) In proceedings for an offence against subregulation (1), the onus of proving the matters specified in paragraphs (c) and (d) lies on the defendant.

### **11A—Exemption from section 16 of Act**

A person is exempt from the operation of section 16(1) of the Act in respect of an activity undertaken—

- (a) for, or on behalf of, a person who holds a licence under Part 4 of the Act; or
- (b) under the supervision of a person who holds a licence under Part 4 of the Act or an employee of such a person.

### **12—Application for licence**

For the purposes of section 17(2)(b) of the Act, the following information is prescribed in relation to an application for a licence:

- (a) the name, address and contact details of the applicant;
- (b) a statement of the purpose or purposes for which the licence is sought;
- (c) the address of the premises proposed to be used for activities authorised by the licence;
- (d) details of the type of premises and facilities proposed for the care and handling of the animals used or available to be used under the licence;
- (e) the proposed arrangements for the provision of veterinary attention to the animals used or available to be used under the licence;
- (f) in relation to the animal ethics committee proposed to be used under the licence—
  - (i) a statement of whether the committee is—
    - (A) an animal ethics committee established in accordance with section 23 of the Act (whether already established or yet to be established); or
    - (B) a body approved by the Minister as an ethics committee under section 23A of the Act (whether already approved or yet to be approved); and
  - (ii) either—

- (A) if the animal ethics committee proposed to be used under the licence has, at the time of making the application, already been established in accordance with section 23 of the Act or approved under section 23A of the Act—
- the name of the committee; and
  - the address at which the committee is generally to conduct its meetings; and
  - the contact details for the Secretary of the committee; or
- (B) if the animal ethics committee proposed to be used under the licence is a body that is, at the time of making the application, yet to be approved by the Minister under section 23A of the Act as an animal ethics committee—
- the name of the body; and
  - the address at which the body is generally to conduct its meetings; and
  - the contact details for the Secretary of the body; and
  - the name of each member of the body; and
  - the relevant experience and qualifications of each member of the body; and
  - the terms of reference of the body; and
  - a copy of the most recent annual report of the body; and
  - a copy of the most recent external review of the body; and
  - such other information relating to the body as may be required by the Minister in connection with the application.

### **12A—Grant of licence**

For the purposes of section 18(1)(d) of the Act, in determining whether a licence should be granted to a person, the Minister must have regard to whether the animal ethics committee proposed to be used under the licence is prepared to undertake the functions of animal ethics committee under the conditions of the licence.

### **13—Annual reports by animal ethics committees**

- (1) For the purposes of section 25(1)(e) of the Act, an animal ethics committee must, within 3 months after the end of each calendar year, provide a report in relation to that year (the *relevant calendar year*) prepared in accordance with this section to—
- (a) the chief executive of the administrative unit that is, under the Minister, responsible for the administration of the Act; and
  - (b) the licensee who established the animal ethics committee.

- (2) The report must include the following details in relation to the relevant calendar year:
- (a) a statement of the number of meetings held by the committee;
  - (b) for each meeting—
    - (i) the name of each member who attended the meeting; and
    - (ii) a summary of the business discussed at the meeting;
  - (c) the number and nature of the projects or activities of licensees that were—
    - (i) assessed by the committee; and
    - (ii) approved by the committee;
  - (d) a summary of any relevant education and training undertaken by—
    - (i) persons involved in the care or use of the animals under the licences; and
    - (ii) members of the committee;
  - (e) details of—
    - (i) adverse incidents or problems (other than trivial incidents or problems) relating to the premises and facilities for the care and handling of animals by the licensees; and
    - (ii) improvements or changes made, or recommended by the committee to be made, to those premises and facilities as a result of those incidents or problems;
  - (f) details of—
    - (i) administrative difficulties experienced by the committee; and
    - (ii) any other problems or factors that have or may have adversely affected—
      - (A) the proper and efficient functioning of the committee; or
      - (B) the ability of the licensees to comply with the Code; and
    - (iii) improvements or changes made, or recommended by the committee to be made, to address the matters referred to in the preceding subparagraphs.
- (3) The report may include any other information in relation to the relevant calendar year that the committee considers appropriate.

## **Part 4—Rodeos**

### **14—Interpretation**

In this Part—

***animal handling equipment*** means bridles, whips, prods and goads (whether electrical or not), ropes and any other article used to handle or direct an animal or to get an animal to move;

***application*** means an application for a permit to conduct a rodeo;

***designated permit holder*** means the person designated in an application as the person who will be conducting the rodeo;

***designated person***, in relation to a rodeo, means—

- (a) the designated permit holder; or
- (b) the designated rodeo judge; or
- (c) the designated rodeo veterinary surgeon; or
- (d) the designated stock contractor,

(as the case requires);

***designated rodeo judge*** means the person designated in an application as the person who will officiate as the judge at the rodeo, or, if that person does not do so, the person who acts in the place of that person;

***designated rodeo veterinary surgeon*** means the veterinary surgeon designated in an application as the veterinary surgeon who will provide veterinary treatment at the rodeo, or, if that veterinary surgeon does not do so, the veterinary surgeon who acts in the place of that veterinary surgeon;

***designated stock contractor*** means the person designated in an application as the stock contractor who will provide horses and cattle for the rodeo events, or, if that stock contractor does not do so, the person who acts in the place of that stock contractor.

## **15—Only horses and cattle to be used in rodeo events**

It is an offence to use an animal other than a horse or cattle in a rodeo event.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **16—Permit to conduct rodeo**

- (1) An application for a permit to conduct a rodeo must be made at least 28 days before the day on which it is proposed to conduct the rodeo.
- (2) The application must contain the name and address of—
  - (a) the designated permit holder; and
  - (b) the designated rodeo judge; and
  - (c) the designated rodeo veterinary surgeon; and
  - (d) the designated stock contractor,

and be signed by the designated permit holder.

## **17—General requirements for conducting rodeos**

- (1) A person must not conduct a rodeo at a venue at which there is not sufficient fencing so as to ensure (so far as is reasonably practicable) the safety of competitors and other participants, spectators and animals at the rodeo.

Maximum penalty: \$2 500.

- (2) A person conducting a rodeo must ensure that the fencing (whether fixed or portable) at the venue where the rodeo is to be conducted is designed, constructed and maintained so that—
- (a) it minimises the risk of injury to animals at the rodeo; and
  - (b) it is clearly visible to animals at the rodeo; and
  - (c) each chute is at least 0.75 metres wide at the gate end of the chute; and
  - (d) it facilitates the quiet and efficient handling of animals at the rodeo.

Maximum penalty: \$2 500.

- (3) A person conducting a rodeo must ensure that no rodeo event is conducted unless the arena and arena surface at the venue where the rodeo is to be conducted are suitable for the purposes of the event.

Maximum penalty: \$2 500.

- (4) A person conducting a rodeo must ensure that no rodeo event is conducted at the rodeo unless—

- (a) the designated rodeo veterinary surgeon is in attendance during the event; and
- (b) appropriate transport is available to transport sick, lame or injured animals from the rodeo.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A person conducting a rodeo must ensure that a copy of these regulations is made available free of charge at the rodeo for inspection by the competitors, the designated rodeo judge, the designated rodeo veterinary surgeon and the designated stock contractor.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **18—Inspections by designated rodeo judge**

The designated rodeo judge for a rodeo must, before the rodeo is conducted, carry out the following inspections at the venue where the rodeo is to be conducted to ensure compliance with this Part:

- (a) an inspection of the animals to be used in the rodeo events;
- (b) an inspection of the arena and arena surface;
- (c) an inspection of the fencing (both fixed and portable).

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **19—Regulation of use and care of rodeo animals**

- (1) The designated stock contractor for a rodeo must ensure that each animal supplied by the stock contractor that is to be used in a rodeo event complies with the following requirements:

- (a) the animal must have a body weight of at least 200 kilograms;

- (b) the animal must not be sick, lame, injured or suffering from defective eyesight;
- (c) any horse to be used in a rodeo event that involves bucking must be at least 3 years of age;
- (d) any animal to be used in a rodeo event that involves wrestling, roping or tying the animal must have a body weight of at least 200 kilograms but less than 300 kilograms;
- (e) the animal must be otherwise fit to be used in the rodeo event.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The designated stock contractor for a rodeo must also ensure that—
  - (a) horses supplied by the stock contractor are penned and managed in separate enclosures from cattle supplied by the stock contractor during transport to and from the rodeo; and
  - (b) an animal is removed from the arena immediately following the rodeo event in which the animal is used; and
  - (c) an animal is immediately removed from a chute if—
    - (i) the animal fails to enter the arena from the chute within 60 seconds after the chute gate to the arena is opened; or
    - (ii) more than once, the animal goes down on a knee in the chute or part of the animal's hindquarters from or above the animal's hock touches the ground in the chute; or
    - (iii) more than once, the animal attempts to jump from, climb out of, or otherwise escape from, the chute; or
    - (iv) the animal is obviously distressed; or
    - (v) the designated rodeo judge or designated veterinary surgeon so orders; and
  - (d) no animal supplied by the stock contractor is used in more than 3 rodeo events in a day; and
  - (e) an animal supplied by the stock contractor that is used in a day in 1 of the following rodeo events is not used on the same day in either of the other 2 rodeo events:
    - (i) roping or tying;
    - (ii) team roping;
    - (iii) steer wrestling; and
  - (f) an aggressive animal or an animal that is injured is managed in such a manner as to minimise harm (or further harm) occurring to the animal, a person or any other animal; and

- (g) the attention of the designated rodeo veterinary surgeon is immediately drawn to any sick or injured animal.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) Without limiting the generality of subregulation (1)(e), an animal will be taken not to be fit to be used in a rodeo event if, in the opinion of the designated rodeo judge or designated rodeo veterinary surgeon, the animal is not fit to be so used.

## **20—Requirements and prohibitions relating to equipment**

- (1) A person must not attach a flank strap to a horse that is to be used or is being used in a rodeo event unless the flank strap—

- (a) is lined, soft and flexible, with a quick release mechanism; and
- (b) is set such that the lined portion of the strap covers the flanks and the belly of the horse.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person must not use a horned animal in a team roping event unless the animal's horns are properly wrapped to protect the animal's ears, eyes and horn base from injury.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person must not use on an animal, or include in the equipment worn by or attached to an animal, that is to be used or is being used in a rodeo event, any sharp or cutting object.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person must not—

- (a) use animal handling equipment with the intent to excite an animal before the animal enters the arena for a rodeo event; or
- (b) otherwise misuse animal handling equipment on an animal at a rodeo (whether or not during a rodeo event).

Maximum penalty: \$2 500.

## **21—Special restrictions relating to use of electrical prods and goads**

- (1) A person must not apply an electrical prod or goad (whether or not switched on) to the face, udders, anus or genitals of an animal that is to be used or is being used in a rodeo event.

- (2) A person must not apply an electrical prod or goad (whether or not switched on) to an animal that is to be used or is being used in a rodeo event unless—

- (a) the prod or goad is more than 30 centimetres in length; and
- (b) the prod or goad is not connected to an external power source; and

- (c) the prod or goad is applied as sparingly as possible and (in any event) with restraint; and
- (d) in the case where the animal is in a chute prior to entering the arena—the prod or goad is only applied if—
  - (i) the animal fails to leave the chute immediately the chute gate to the arena is opened; or
  - (ii) the animal goes down on a knee in the chute; or
  - (iii) part of the animal's hindquarters from or above the animal's hock touches the ground in the chute; or
  - (iv) the animal is leaning on the side of the chute or the chute gate; or
  - (v) the use of the prod or goad is otherwise necessary to protect the animal or a person from injury.

## **Part 5—Domestic fowls**

### **22—General requirements**

- (1) A person who keeps a domestic fowl must ensure that, within 60 hours after hatching and at least once a day thereafter, the fowl is given reasonable access to water.  
Maximum penalty: \$2 500.
- (2) A person who keeps a domestic fowl must ensure that the fowl is provided with adequate food containing sufficient nutrients to ensure the fowl's good health and vitality within 60 hours after hatching, and then, as follows:
  - (a) in the case of a fowl that is kept primarily for the purpose of breeding fowls for meat production—at least once every 2 days thereafter;
  - (b) in the case of any other fowl—at least once every day thereafter.
- (3) Subregulation (2) does not apply to a domestic fowl kept for egg production that is at the end of its productive life and is reasonably expected to be destroyed within 30 hours from when it was last provided with food.
- (4) A person who keeps a domestic fowl must ensure that the fowl is inspected at least once a day to assess the fowl's health and well-being.  
Maximum penalty: \$2 500.

### **23—Requirements relating to confining domestic fowls in cages**

- (1) A person who keeps domestic fowls confined in a cage must comply with the following requirements:
  - (a) if the person positions the cage so that it is below the level of another cage—
    - (i) each fowl confined in the cage must, as far as practicable, be protected from the excreta of fowls confined in a cage on a higher level; and
    - (ii) each fowl confined in the cage must be capable of being seen on inspection;

- (b) the floor of the cage must be constructed so as to support the forward pointing toes of each fowl confined in the cage;
- (c) the height of the cage must be higher than the maximum height of a fowl confined in the cage while the fowl is standing normally;
- (d) the cage must be constructed with a door as follows:
  - (i) the height of the door must be the full height (not including the feed trough) of the cage; and
  - (ii) the width of the door must be—
    - (A) if the cage is less than 0.5 metres wide—the full width of the cage;
    - (B) in any other case—at least 0.5 metres wide.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Subject to this regulation, a person who keeps domestic fowls must not confine the fowls in a cage unless—
  - (a) in the case of fowls primarily kept for breeding purposes—the total weight of the fowls confined in the cage does not exceed 40 kilograms per square metre of cage floor area; or
  - (b) in any other case—
    - (i) for fowls weighing less than 4.5 kilograms—
      - (A) if only 1 fowl is confined in the cage—the floor area of the cage is at least 0.1 square metres; or
      - (B) if 2 fowls are confined in the cage—the floor area of the cage is at least 0.135 square metres; or
      - (C) if more than 2 fowls are confined in the cage—
        - if, on average, the weight of a fowl confined in the cage is less than 2.4 kilograms—the floor area of the cage is at least 0.055 square metres per fowl;
        - if, on average, the weight of a fowl confined in the cage is 2.4 kilograms or more but less than 4.5 kilograms—the floor area of the cage is at least 0.06 square metres per fowl; or
    - (ii) for fowls weighing 4.5 kilograms or more—
      - (A) if only 1 fowl is confined in the cage—the total weight of the fowl does not exceed 26 kilograms per square metre of cage floor area; or
      - (B) if 2 fowls are confined in the cage—the total weight of the fowls does not exceed 40 kilograms per square metre of cage floor area; or

- (C) if more than 2 fowls are confined in the cage—the total weight of the fowls does not exceed 46 kilograms per square metre of cage floor area.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) For the purposes of subregulation (2), the floor area of the cage is that area of the cage floor which is accessible to the fowl.
- (4) Subregulation (2)(b) does not apply to chicks that are less than 21 weeks old.

## **24—Requirements relating to keeping domestic fowls in housing other than cages**

A person who keeps domestic fowls in a housing system other than a cage must ensure that the housing system in which the fowls are confined complies with the following requirements:

- (a) for fowls kept for egg production—
- (i) if the housing system contains more than 1 level or multi-level perches—
    - (A) each fowl must, as far as practicable, be protected from the excreta of other fowls kept on a higher level; and
    - (B) each fowl must be capable of being seen on inspection; and
  - (ii) the total weight of the fowls confined in the housing system must not exceed 30 kilograms per square metre of the useable floor area;
- (b) for fowls reared for meat production—
- (i) if the housing system contains more than 1 level or multi-level perches—
    - (A) each fowl must, as far as practicable, be protected from the excreta of other fowls kept on a higher level; and
    - (B) each fowl must be capable of being seen on inspection; and
  - (ii) the total weight of the fowls confined in the housing system must not exceed—
    - (A) if the housing system is cooled by means of a mechanical cooling device—40 kilograms per square metre of useable floor area;
    - (B) in any other case—28 kilograms per square metre of useable floor area.

## Part 6—Pigs

### Division 1—Preliminary

#### 25—Interpretation

(1) In this Part—

*boar* means an uncastrated male pig over 9 months of age;

*creep area* means an area for housing piglets adjacent to a farrowing crate in which the piglets of the sow are protected from crushing and overlying by the sow;

*farrowing* means giving birth to piglets;

*farrowing crate* means an enclosure for housing a sow for the purposes of farrowing—

- (a) that closely corresponds to the sow's body size; and
- (b) in which the sow is unable to turn around; and
- (c) that has an adjacent creep area for any piglets of the sow;

*farrowing pen* means a pen for housing—

- (a) a sow for the purposes of farrowing; and
- (b) any piglets of the sow;

*feeder* means a trough, hopper or other equipment from which feed may be accessed by a pig;

*gilt* means a female pig (other than a sow) that has been selected for breeding;

*herd health program*, in relation to a pig, means a program, approved by the Minister, that identifies potential health and biosecurity risks to the pig and specifies action to prevent or minimise those risks;

*pen* means an enclosure for housing a pig or group of pigs in which the pig or pigs are able to turn around;

*piglet*, of a sow, includes any piglet that is dependent on the sow for milk;

*sow* means an adult female pig that has had 1 or more litters;

*stall* means an enclosure (other than a farrowing crate) for housing a single pig—

- (a) that closely corresponds to the pig's body size; and
- (b) in which the pig is unable to turn around;

*suitably qualified*—see subregulation (2);

*waterer* means a trough or other equipment from which drinking water may be accessed by a pig.

(2) For the purposes of this Part, a person is suitably qualified if the person—

- (a) is a veterinary surgeon; or
- (b) holds a tertiary qualification approved by the Minister in the field of veterinary science or agriculture; or

- (c) holds a Certificate III in Agriculture (Pig Production) from an NVR registered training organisation; or
- (d) holds a qualification that is, in the opinion of the Minister, equivalent to the qualification referred to in paragraph (c); or
- (e) satisfies the Minister that he or she has, during a period of at least 12 months, been responsible for the comprehensive care of pigs in a business that has, during that period of responsibility, complied with a herd health program or some other quality assurance program approved by the Minister relating to pig husbandry.

## **26—Application of Part**

This Part applies in relation to a pig kept in the course of the business of a piggery.

## **27—Exemptions from Part**

- (1) Subject to this regulation, the Minister may, by notice in writing—
  - (a) exempt a person, subject to such conditions as the Minister thinks fit and specifies in the notice, from specified provisions of this Part; or
  - (b) vary or revoke an exemption, or a condition of an exemption, under this regulation or impose a further condition.
- (2) An exemption under this regulation operates for a period (not exceeding 12 months) specified in the notice.
- (3) A person who contravenes a condition of an exemption is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.

## **28—Keeping records**

- (1) A person who keeps a pig must ensure that—
  - (a) a written record is kept of—
    - (i) any inspection of the pig required under this Part (including any concerns regarding the pig's health or welfare detected by the inspection); and
    - (ii) any inspection of equipment required under this Part (including any equipment failure or malfunction detected by the inspection); and
  - (b) the record—
    - (i) is kept for 3 years from the day on which the record was made; and
    - (ii) is readily available for inspection at all reasonable times by an inspector.

Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (2) For the purposes of subregulation (1), a record may be kept in electronic form.

## Division 2—General requirements

### 29—Day-to-day care of pigs

- (1) A person who keeps a pig must ensure that the pig is—
  - (a) provided with adequate food containing sufficient nutrients to ensure the pig's good health and vitality; and
  - (b) given reasonable access to water.

Maximum penalty: \$2 500.

- (2) A person who keeps a pig must ensure that, within 24 hours after birth, the pig has received colostrum or an appropriate substitute.

Maximum penalty: \$2 500.

- (3) A person who keeps a pig must ensure that the pig is inspected at least once a day to assess the pig's health and well-being.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person who keeps a pig must ensure that—
  - (a) reasonable steps are taken to avoid a build up of faeces and urine in the pig's housing; and
  - (b) the pig is not tethered; and
  - (c) the pig is not exposed to any dog unless—
    - (i) the dog is under the effective control of a person; and
    - (ii) in the case of a dog that has a history of biting humans or animals—the dog is wearing a muzzle.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A person who keeps a pig must ensure that—
  - (a) each person responsible for the care of the pig is a suitably qualified person or a person acting under the supervision of a suitably qualified person; and
  - (b) a herd health program is in place in relation to the pig.

Maximum penalty: \$2 500.

### 30—Medical and surgical procedures

- (1) A person who keeps a pig must ensure that—
  - (a) any significant medical or surgical procedure is carried out in relation to the pig only by a suitably qualified person or by a person acting under the direct supervision of a suitably qualified person; and

- (b) any simple medical or surgical procedure is carried out in relation to the pig only by a suitably qualified person or by a person acting under the supervision (whether or not direct supervision) of a suitably qualified person.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) However, subregulation (1) does not apply in relation to the destruction of a pig if, due to urgent circumstances—
- (a) the services of a suitably qualified person are not reasonably available; and
  - (b) destruction of the pig is necessary in order to prevent undue suffering by the pig.

- (3) A person who keeps a pig must ensure that a vasectomy or surgical castration is not performed on a pig over 21 days of age unless the pig is anaesthetised.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) In this regulation—

***significant medical or surgical procedure***, in relation to a pig, means—

- (a) vasectomy or castration of the pig; or
- (b) tusk trimming of the pig; or
- (c) nose ringing of the pig; or
- (d) destruction of the pig;

***simple medical or surgical procedure***, in relation to a pig, means—

- (a) administration to the pig of a veterinary product (including a drug, vaccine or other substance) whether intravenously, orally, topically or by any other means; or
- (b) diagnosis of pregnancy of the pig; or
- (c) docking of the pig's tail; or
- (d) clipping of the pig's needle teeth; or
- (e) measurement of the pig's backfat; or
- (f) application to the pig of identification marks, tags or chips.

- (5) This regulation is in addition to and does not derogate from the operation of—

- (a) the *Agricultural and Veterinary Products (Control of Use) Act 2002* (for example, in relation to the treatment of an animal with a veterinary product within the meaning of that Act); or
- (b) the *Livestock Act 1997* (for example, in relation to the supply or use of a vaccine); or
- (c) the *Veterinary Practice Act 2003* (for example, in relation to the provision of veterinary treatment within the meaning of that Act).

## Division 3—Keeping pigs in indoor housing

### 31—Application of Division

- (1) This Division does not apply in relation to a pig that is generally allowed to range freely in a paddock or outdoor yard and uses an enclosure (such as an ark or hut) for shelter, feeding or drinking.
- (2) A reference in this Division to a minimum area of floor space required for housing for a pig is a reference to the total floor space that is to be available to the pig in the housing and does not, unless otherwise specified, include any area occupied by fixtures or fittings.

### 32—Pigs in individual housing—minimum space and welfare requirements

- (1) The minimum floor space requirements for pigs in individual housing set out in subregulation (2) apply to new housing, or a substantial alteration to existing housing.
- (2) A person who keeps a pig in individual housing must ensure that—
  - (a) in the case of a sow kept in a stall—the floor space of the stall is not less than 0.6 metres wide and not less than 2.2 metres long; and
  - (b) in the case of a sow kept in a farrowing pen—the floor space of the pen (which may include space occupied by a farrowing crate and creep area) is not less than 5.6 square metres; and
  - (c) in the case of a sow kept in a farrowing crate with an adjacent creep area (whether or not within a farrowing pen)—
    - (i) the floor space of the farrowing crate and creep area, when aggregated, is not less than 3.2 square metres; and
    - (ii) the floor space of the farrowing crate (which may include space occupied by a rear anti-crush rail, appropriately placed) is not less than 0.5 metres wide (when measured to within 0.45 metres of the floor of the crate) and not less than 2 metres long; and
  - (d) in the case of a boar kept in a stall—the floor space of the stall is not less than 0.7 metres wide and not less than 2.4 metres long.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person who keeps a pig in individual housing must ensure that—
  - (a) the pig is managed in such a way as to avoid harm to the pig (including aggressive or threatening behaviour) from a pig in a neighbouring area; and
  - (b) the pig is able to stand and lie down without being obstructed by fixtures or fittings; and
  - (c) if the pig is kept in a stall—
    - (i) the pig is able to stand without simultaneously touching—
      - (A) opposite ends of the stall; or
      - (B) opposite sides of the stall; and

- (ii) the pig is able to lie down without its snout and hindquarters simultaneously touching opposite ends of the stall; and
  - (iii) the pig's back does not touch any bars along the top face of the stall when standing or when it has its head down while feeding or drinking; and
- (d) in addition—
- (i) in the case of a sow kept in a farrowing crate—
    - (A) during and after farrowing, the sow and her piglets are provided with sufficient space to minimise the risk of the piglets being crushed, trapped or otherwise injured; and
    - (B) when lactating, the sow is able to lie and extend her limbs freely and position herself so that both sides of her udder are accessible to her piglets; and
    - (C) the sow is not confined in the farrowing crate for more than 6 weeks during any 1 reproductive cycle unless she is required to foster piglets (in which case, she may be confined 1 additional time during which period she must receive such extra nutrition and supervision as may be necessary in order to maintain good health and vitality); and
  - (ii) *in the case of a pregnant sow kept in a stall—that the sow is not confined in the stall for more than 6 weeks during any 1 reproductive cycle unless she is convalescing or receiving other veterinary care; and*
- Note—**
- Subregulation (3)(d)(ii) had not come into operation at the date of the publication of this version.
- (iii) in the case of a boar kept in a stall—the boar is released from the stall for mating or exercise at least twice a week; and
  - (iv) in the case of a boar kept in a pen in which the floor space is less than 6 square metres—the boar is released from the pen for mating or exercise at least twice a week.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **33—Pigs in group housing—minimum space and welfare requirements**

- (1) A person who keeps a pig in group housing must ensure that—
- (a) for each sow kept in the housing—the floor space of the housing is not less than 1.4 square metres;
  - (b) for each gilt weighing more than 100 kilograms kept in the housing—the floor space is not less than 1 square metre;
  - (c) in any other case—the floor space of the housing is not less than the number of square metres calculated in accordance with the following formula:

$$0.030 \times P^{0.67}$$

where—

*P* is the average weight in kilograms of each pig kept in the housing.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person who keeps a pig in group housing must ensure that the pig is managed in such a way as to avoid harm to the pig (including aggressive or threatening behaviour) from other pigs in the housing.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### 34—Equipment in indoor housing

- (1) A person who keeps a pig in indoor housing that is ventilated by an electronically controlled ventilation system must ensure—

(a) that—

(i) inspections of the ventilation system are carried out at least twice a day; or

(ii) the housing is fitted with an alarm system,

for the purpose of alerting a person responsible for the care of the pig to any failure or malfunction of the ventilation system; and

(b) that the housing is provided with a backup system or equipment that may be relied on to ventilate the housing in the event of such failure or malfunction in order to maintain the health and vitality of the pig.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person who keeps a pig in indoor housing must ensure that the housing is equipped with—

(a) a feeder and waterer for the pig that—

(i) are kept in good working order; and

(ii) are designed and positioned so as not to pose a risk of injury to the pig; and

(b) backup equipment or a system that may be relied on to provide feed or water to the pig in the event of a failure or malfunction of a regular feeder or waterer.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person who keeps a pig in indoor housing must ensure that each feeder, waterer and ventilation system in the housing and any equipment that is essential to the proper functioning of such a feeder, waterer or ventilation system is, unless otherwise specified in this regulation, inspected at least once a day.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person who keeps a pig in indoor housing must ensure that electrical installations of mains voltage are properly earthed and inaccessible to the pig.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## Part 7—Transport of livestock

### Division 1—Preliminary

#### 35—Interpretation

- (1) In this Part—

*class* of livestock, means a group of livestock of the same species that share a common characteristic, such as age, size or sex, or some other physiological characteristic, such as pregnancy;

*container* includes a crate, box or cage;

*equine lameness score*—see subregulation (2);

*horse* means an animal of the species *Equus ferus caballus* or *Equus africanus asinus*, or a hybrid of either of these species;

*journey* includes the loading and unloading of livestock on or from a vehicle for the purposes of transportation;

*journey time*—see subregulation (3);

*livestock* means alpacas, buffalo, camels, cattle, deer, emus, goats, horses, ostriches, pigs, poultry and sheep;

*livestock handling facility* includes a yard, enclosure, paddock, ramp or other facility used to hold, load or unload livestock for transportation;

*loading density* in relation to the transportation of livestock, means the amount of space per animal in a container, pen or other enclosure, or vehicle in which the animal is being transported;

*maximum time off water* means the total number of continuous hours in respect of which livestock can go without reasonable access to water, as specified in Division 3;

*minimum spell duration* means the minimum period of time for which a spell is required to be given for each species of livestock and each class of animal within that species, as specified in Division 3;

*reasonable access to water*—see subregulation (4);

*State* includes a Territory;

*spell* means a period of time in which livestock are—

- (a) removed from the vehicle or container in which they are being transported; and
- (b) provided with reasonable access to feed and water; and
- (c) provided with space to lie down; and
- (d) subjected to minimal or no handling;

*transporting*, in relation to livestock—see subregulation (5).

- (2) For the purposes of this Part, an *equine lameness score* means a score arrived at by reference to the grading system of the *American Association of Equine Practitioners* to assess the degree of lameness of a horse as follows:
  - (a) lameness not perceptible under any circumstances—0;
  - (b) lameness difficult to observe, not consistently apparent regardless of circumstances—1;
  - (c) lameness difficult to observe at walk or trot in a straight line but consistently apparent under some circumstances (eg weight carrying, circling, inclines, hard surfaces)—2;
  - (d) lameness consistently observable at a trot under all circumstances—3;
  - (e) lameness obvious; marked nodding, hitching, or shortened stride—4;
  - (f) lameness obvious; minimal weight bearing in motion or rest, inability to move—5.
- (3) For the purposes of this Part, the *journey time* in respect of transporting livestock—
  - (a) in the case of poultry, emus or ostriches being transported in containers loaded onto vehicles—means the time commencing when the loading of the poultry, emus or ostriches into the containers for transport commences and ending when all of the poultry, emus or ostriches are unloaded from the containers—
    - (i) for a spell for a period that is not less than the minimum spell duration specified for livestock of that particular class in Division 3; or
    - (ii) at their final destination,(whichever occurs sooner);
  - (b) in the case of a bobby calf—means the time commencing when the bobby calf is loaded onto the vehicle for transport and ending when the bobby calf is unloaded from the vehicle at its final destination;
  - (c) in any other case—means the time commencing when the loading of the livestock onto the vehicle for transport commences and ending when all of the livestock are unloaded from the vehicle—
    - (i) for a spell for a period that is not less than the minimum spell duration specified for livestock of that particular class in Division 3; or
    - (ii) at their final destination,

(whichever occurs sooner).

- (4) For the purposes of this Part, livestock will be taken to have *reasonable access to water* if the livestock has a reasonable opportunity to drink water of a suitable quality and quantity sufficient to maintain its hydration.
- (5) For the purposes of this Part, *transporting* livestock includes—
  - (a) assembling or holding livestock prior to loading; and
  - (b) selecting livestock for transportation; and
  - (c) loading livestock into containers prior to being loaded onto a vehicle; and
  - (d) loading livestock onto a vehicle; and
  - (e) holding livestock on a vehicle while stationary; and
  - (f) transporting the livestock on a vehicle; and
  - (g) unloading livestock from a vehicle or container during, or on completion of, a journey; and
  - (h) assembling or holding livestock in a livestock handling facility in transit during a journey or on completion of a journey.

### **36—Application of Part**

This Part applies to livestock—

- (a) transported over land by road on a vehicle within this State or through the State from another State; or
- (b) transported within this State or from another State on a sea-going vessel if the livestock is—
  - (i) contained in a road-going vehicle loaded onto the vessel; or
  - (ii) contained in a container that is unloaded from a road-going vehicle onto the vessel and reloaded onto a road-going vehicle on completion of the voyage.

### **37—How to calculate length of spell and time off water**

- (1) For the purpose of calculating the length of a spell—
  - (a) the spell will be taken to commence once all livestock have been unloaded from the vehicle or container in which they are being transported; and
  - (b) the spell will be taken to end as soon as the livestock commence being reloaded onto the vehicle or into the container.
- (2) For the purpose of calculating the maximum period of time livestock of a particular species or class of a particular species may have off water, the period off water—
  - (a) will be taken to commence from the time the livestock last has reasonable access to water prior to commencing a journey; and
  - (b) will be taken to cease when the livestock—
    - (i) is given a spell for at least the minimum period specified in Division 3 in respect of livestock of that particular species or class of species; or

- (ii) is given reasonable access to water at their final destination; or
  - (iii) is slaughtered,
- (whichever occurs soonest).

## **Division 2—General requirements**

### **38—Livestock must be fit for transport**

- (1) A person must not supply for transport livestock that is unfit to undertake a proposed journey unless the livestock is to be transported in accordance with the advice of a veterinary surgeon.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (2) A person must not load in a container or on a vehicle for transport livestock that is unfit to undertake a proposed journey unless the livestock is to be transported in accordance with the advice of a veterinary surgeon.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (3) If livestock has been assessed as unfit to undertake a proposed journey, the person with the care, control and management of the livestock must, as soon as reasonably practicable, make arrangements for the care, treatment or humane destruction of the livestock.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (4) Without limiting the generality of subregulations (1) and (2), livestock will be taken to be unfit to undertake a journey if—
  - (a) in the case of a horse, the horse has an equine lameness score of 4 or 5; or
  - (b) in the case of livestock other than a horse, the livestock is unable to walk independently by bearing weight on all legs; or
  - (c) in the case of cattle, the cattle is known to be, or visually assessed to be, within 4 weeks of parturition and the estimated journey time or time off water is likely to exceed 4 hours; or
  - (d) in the case of livestock other than cattle, the livestock is known to be, or visually assessed to be, within 2 weeks of parturition and the estimated journey time or time off water is likely to exceed 4 hours; or
  - (e) the livestock is severely emaciated; or
  - (f) the livestock is visibly dehydrated; or
  - (g) the livestock shows visible signs of severe injury or distress; or
  - (h) the livestock is suffering from a condition that is likely to result in an increase in pain or distress by reason of undertaking the journey; or
  - (i) the livestock is blind in both eyes.

**39—Advice of estimated time of arrival**

Before transporting livestock, the person who has the care, control and management of the livestock must advise the person to whom the care, control and management of the livestock is to be transferred at a destination of the estimated time of arrival of the livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

**40—Impact of extreme weather conditions**

A person who has the care, control and management of livestock being transported must take reasonable steps to minimise the risk of harm to the livestock from extreme weather conditions while being transported.

Maximum penalty: \$2 500.

**41—Livestock handling facilities**

A person who owns or operates a livestock handling facility must ensure that the facility—

- (a) is suitable for the type of livestock using the facility; and
- (b) has effective airflow that is appropriate for the type of livestock using the facility; and
- (c) has a surface or flooring that minimises the risk of injury to the livestock from slipping or falling; and
- (d) is free from internal protrusions and objects that may cause injury to the livestock; and
- (e) has sufficient vertical clearance to minimise the risk of injury to the livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

**42—Transport vehicles**

- (1) The driver of a vehicle being used to transport livestock must ensure that the vehicle—
  - (a) is suitable for the type of livestock being transported; and
  - (b) has effective airflow that is appropriate for the type of livestock being transported; and
  - (c) has a surface or flooring that minimises the risk of injury to the livestock from slipping or falling; and
  - (d) is free from internal protrusions and objects that may cause injury to the livestock; and
  - (e) has sufficient vertical clearance immediately above the livestock to minimise the risk of injury to the livestock.

- (2) The driver of a vehicle transporting livestock must ensure that the vehicle and any ramp used to load or unload the livestock are properly aligned and sufficiently close together so as to minimise the risk of injury to the livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **43—Handling of livestock for transport**

- (1) A person handling livestock for transport must do so in a manner that is appropriate for the species and class of livestock so as to minimise the risk of harm to the livestock.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Without limiting the generality of subregulation (1), a person handling livestock, other than poultry, for transport—

(a) must not—

- (i) lift or carry the livestock by only the head, ears, horns, neck, tail, wool, hair or feathers; or
- (ii) unless the livestock is a sheep, goat or pig that weighs less than 15 kilograms—lift or carry the livestock by 1 leg; or
- (iii) unless it is necessary in the circumstances to allow safe handling, lifting, treatment or humane destruction of livestock—drag livestock that is unable to stand; and

(b) must ensure that livestock being lifted by mechanical means is well supported and secured.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) Subject to subregulation (4), a person handling poultry for transport may only lift or carry the poultry by the head, neck, wing feathers or tail feathers if the poultry is also supported under its breast.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person may when handling poultry for transport—

- (a) in the case of a turkey—lift and carry the bird by the tail feathers and neck together, or by 1 leg and 1 wing together; or
- (b) in the case of an adult goose, or a domestic fowl primarily kept for breeding purposes—lift and carry the bird by the base of both wings alone; or
- (c) in the case of a duck—lift and carry the bird by its neck alone or by the base of both wings alone; or
- (d) in any other case—lift and carry the bird by 1 leg.

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- (5) A person must not tie the legs of an emu, ostrich or any poultry together for the purposes of transporting the birds.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (6) A person must, when transporting emus, ostriches or any poultry in containers, ensure that the containers—
- (a) are loaded onto, or unloaded from, the vehicle carefully without being dropped or thrown; and
  - (b) are placed on the vehicle in an upright position without excessive tilting; and
  - (c) are attached securely to the vehicle; and
  - (d) are suitable for the species or class of bird being transported.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.

#### 44—Use of dogs

- (1) A person may only use a dog to assist in the control or movement of livestock for transport if—
- (a) the livestock is an animal of a prescribed class; and
  - (b) the dog is under effective control at all times; and
  - (c) in the case of a dog that has a history of biting humans or animals—the dog is wearing a muzzle.
- (2) The driver of a vehicle transporting an animal of a prescribed class may only permit a dog to be transported in the same enclosure as the animal if the dog has bonded with and been used as a guardian of that animal.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (3) In this regulation—  
*animal of a prescribed class* means cattle (other than bobby calves), deer, emus, ostriches, pigs and sheep.

#### 45—Loading density of certain livestock during transport

- (1) This regulation does not apply to the transport of emus, ostriches or poultry loaded in containers.
- (2) The driver of a vehicle transporting livestock must ensure that—
- (a) the livestock are separated by sufficient internal partitions or other barriers during transport so as to minimise the risk of harm to the livestock; and
  - (b) the loading density of the livestock in the vehicle (including each pen, container, crate or other partition of the vehicle) is such so as to minimise the risk of harm to the livestock.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.

- (3) For the purposes of subregulation (2)—
- (a) the following matters must be taken into account in determining whether the separation of livestock is sufficient:
    - (i) the species, class and size of the livestock;
    - (ii) the general health of the livestock;
    - (iii) the level of aggression of the livestock;
    - (iv) the nature of the proposed journey; and
  - (b) the following matters must be taken into account in determining whether the loading density of the livestock on a vehicle is appropriate:
    - (i) the species of livestock;
    - (ii) the class of livestock;
    - (iii) the size and body condition of the livestock;
    - (iv) the length and density of wool or hair of the livestock;
    - (v) the horn status of the livestock;
    - (vi) the weather conditions predicted for the proposed journey;
    - (vii) the nature of the proposed journey;
    - (viii) the design and capacity of the vehicle.

#### **46—Loading density of emus, ostriches or poultry transported in containers**

- (1) A person loading emus, ostriches or poultry into a container for transport must ensure that the loading density of the birds in the container is such so as to minimise the risk of harm to the birds.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) For the purposes of subregulation (1), the following matters must be taken into account in determining whether the loading density of birds in a container is appropriate:
- (a) the species and class of birds;
  - (b) the size, body condition and density of feathers of the birds;
  - (c) the weather conditions predicted for the proposed journey;
  - (d) the nature of the proposed journey;
  - (e) the design and capacity of the vehicle on which the containers are to be transported.

#### **47—Driver's duties**

- (1) The driver of a vehicle transporting livestock must—
- (a) inspect the vehicle immediately before departure following the loading of the livestock (whether at the commencement of, or during, a journey) to ensure that any containers being used to transport the livestock, and the doors enclosing the livestock, are secured; and

- (b) before unloading livestock from the vehicle, inspect the livestock handling facility into which the livestock are to be unloaded to ensure that there is free access and sufficient space for the livestock to be unloaded; and
- (c) take reasonable steps to—
  - (i) notify the person to whom the care, control and management of the livestock is to be transferred at a destination of any change in the estimated time of arrival of the livestock; and
  - (ii) if records were required to be kept under regulation 48, provide them with a copy of those records.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The driver of a vehicle transporting livestock must carry out an inspection to assess the health and well-being of the livestock—
  - (a) immediately before commencing the journey; and
  - (b) in respect of livestock (other than emus, ostriches or poultry loaded in containers on the vehicle, or livestock being transported on a road-going vehicle on a sea-going vessel)—
    - (i) at least once within the first hour of the journey; and
    - (ii) at least once every 3 hours of the journey thereafter; and
    - (iii) before there is a change of driver; and
  - (c) at any time the livestock are unloaded from the vehicle (whether during or on completion of the journey).

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) If during the course of a journey the driver of a vehicle transporting livestock identifies an animal that is weak, ill, injured or otherwise distressed, the driver must—
  - (a) as soon as is reasonably practicable, provide or seek such assistance for the animal as is reasonable in the circumstances; and
  - (b) on transferring the care, control and management of the animal to another person (whether during or on completion of the journey, or otherwise)—notify that person of the identity and condition of the animal.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The person who, on completion of the journey, has the care, control and management of an animal referred to in subregulation (3) must, as soon as is reasonably practicable, make arrangements for—
  - (a) the separation of the animal for rest and recovery; or
  - (b) the appropriate treatment of the animal; or
  - (c) the humane destruction and disposal of the animal; or

- (d) any other measure that is appropriate in the circumstances.

Maximum penalty: \$2 500.

Expiation fee: \$210.

#### **48—Records**

- (1) If the journey time for transporting livestock is reasonably estimated to be 24 hours or more, the driver of the vehicle transporting the livestock must keep a record of—
- (a) the date and time the livestock were loaded on the vehicle for the journey; and
  - (b) the date and time of when the livestock last had reasonable access to water prior to the commencement of the journey; and
  - (c) the date, time of commencement and length of any spell given to the livestock; and
  - (d) the date and time of livestock inspections undertaken by the driver; and
  - (e) the details of any concerns for the welfare of livestock identified by the driver, including the date and time the concerns were identified, and the details of any action taken; and
  - (f) the details of any person the driver should contact in the event of an emergency.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A driver must give a copy of the records required to be made under subregulation (1) to any other person to whom the driver transfers the care, control and management of the livestock during, or on completion of, the journey.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person required to keep records under this regulation must ensure the records are readily available for inspection at all reasonable times by an inspector.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) For the purposes of this regulation, a record may be kept in electronic form.

### **Division 3—Specific requirements for transporting certain livestock**

#### **49—Livestock to be spelled**

- (1) Subject to this Division, the driver of a vehicle transporting livestock must ensure that the journey time for the livestock does not exceed the period of time specified in this Division in respect of livestock of the species or class of species being transported.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Subject to this Division, the driver of a vehicle transporting livestock must ensure that before the maximum time off water is exceeded for the livestock, the livestock is given a spell for a period of time of not less than the minimum spell duration as specified in this Division in respect of livestock of the species or class of species being transported.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) However, if the minimum spell duration that is required for livestock under this Division exceeds 24 hours, the minimum spell duration required may be reduced to 24 hours if (and only if)—
- (a) the maximum time off water permitted in respect of the livestock has not yet been reached; and
  - (b) the actual time for which the livestock has been off water is less than 24 hours.

- (4) If the care, control and management of livestock being transported is transferred to a person at a destination and the person is unable to ascertain as to when the livestock last had reasonable access to water, it will be taken that the maximum time off water for the livestock has been reached and the person must, as soon as is reasonably practicable, spell the livestock for the period of time that is not less than the minimum spell duration as specified in this Division in respect of livestock of that species or class.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 50—Alpacas

- (1) Subject to this regulation, when transporting alpacas—
- (a) the journey time for the class of alpaca listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of alpaca listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
  - (c) the minimum spell duration for the class of alpaca listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

Class of alpaca	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Alpacas known or visually assessed to be up to 33 weeks pregnant	8	8	8
Alpacas known, or visually assessed to be between 33 and 43 weeks pregnant (inclusive)	4	4	4

<b>Class of alpaca</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Alpacas known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating alpacas travelling with dependent young up to 6 months of age	4	4	4
Alpacas up to 6 months of age	4	4	4
Alpacas between 6 and 12 months of age (inclusive)	8	8	8
Any other alpaca not referred to above	24	24	24

- (2) The journey time for an alpaca, other than an alpaca known or visually assessed to be more than 43 weeks pregnant, that is given reasonable access to water and feed at all times the alpaca is loaded on the vehicle in which it is being transported, may be increased to 72 hours if the alpaca is given a spell of at least 24 hours before commencing another journey.
- (3) The driver of a vehicle being used to transport an alpaca that is—
- (a) less than 12 months of age; or
  - (b) is less than 10 days off shears,

must ensure that the vehicle has an enclosed front or has sufficient cover to protect the alpaca from heat or cold stress or sunburn.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The driver of a vehicle being used to transport an alpaca must ensure that the alpaca has sufficient space on the vehicle to sit down or lie on its sternum.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **51—Buffalo**

- (1) When transporting buffalo—
- (a) the journey time for the class of buffalo listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of buffalo listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and

- (c) the minimum spell duration for the class of buffalo listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of buffalo</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Buffalo known or visually assessed to be between 28 and 43 weeks pregnant (inclusive)	24	24	12
Buffalo known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating buffalo travelling with dependent young	24	24	12
Buffalo less than 6 months of age	24	24	12
Any other buffalo not referred to above	36	36	24

- (2) If a buffalo suffers heat stress during a journey, the person who has the care, control and management of the buffalo must (in addition to any other appropriate action) apply a water spray to cool the buffalo, as soon as is reasonably practicable.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 52—Camels

- (1) Subject to this regulation, when transporting camels—
- (a) the journey time for the class of camel listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
- (b) the maximum time off water for the class of camel listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
- (c) the minimum spell duration for the class of camel listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of camel</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Camels known or visually assessed to be between 36 and 53 weeks pregnant (inclusive)	24	24	12

<b>Class of camel</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Camels known or visually assessed to be more than 53 weeks pregnant	4	4	36
Lactating camels travelling with dependent young	24	24	12
Camels less than 6 months of age	24	24	12
Any other camel not referred to above	48	48	36

- (2) The journey time for a camel, other than a camel that is less than 6 months of age, or known or visually assessed to be more than 53 weeks pregnant, that is given reasonable access to water and feed at least once every 24 hours for the period of time the camel is loaded on the vehicle in which it is being transported, may be increased to 72 hours if the camel is given a spell of at least 24 hours before commencing another journey.
- (3) The driver of a vehicle being used to transport a camel must ensure that—
- (a) when standing at rest in the vehicle, the camel has not less than 100 millimetres clearance between the top of its hump and the surface immediately above the camel; and
  - (b) the camel has sufficient space on the vehicle to lie down on its sternum.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The person who has the care, control and management of a camel in rut that is being transported must ensure that the camel is segregated from all other animals during transport.
- Maximum penalty: \$2 500.
- Expiation fee: \$210.

### **53—Cattle other than bobby calves**

When transporting cattle, other than bobby calves—

- (a) the journey time for the class of cattle listed in column 1 of the table set out in this regulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
- (b) the maximum time off water for the class of cattle listed in column 1 of the table set out in this regulation, is the period of time specified in column 3 of the table with respect to that class; and
- (c) the minimum spell duration for the class of cattle listed in column 1 of the table set out in this regulation, is the period of time specified in column 4 of the table with respect to that class.

Class of cattle	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Cattle known, or visually assessed to be between 24 and 37 weeks pregnant (inclusive)	24	24	12
Cattle known or visually assessed to be more than 37 weeks pregnant	4	4	24
Cattle more than 30 days of age but less than 6 months of age	24	24	12
Lactating cattle travelling with dependent young	24	24	12
Any other cattle not referred to above	48	48	36

#### **54—Bobby calves**

- (1) A person must not transport a bobby calf that is less than 5 days old unless the journey time is no more than 6 hours and the calf—
- (a) has been fed a liquid feed within 6 hours before it is loaded on the vehicle for transportation; and
  - (b) is being taken directly to a calf-rearing facility; and
  - (c) is provided with thick bedding on the vehicle during the journey; and
  - (d) has sufficient space on the vehicle to lie down on its sternum.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The following provisions apply to transporting a bobby calf that is between the age of 5 days and 30 days (inclusive):
- (a) a person must not supply a calf for transport unless—
    - (i) it has been fed a liquid feed within 6 hours before it is loaded on the vehicle for transport; and
    - (ii) its condition is such that it is alert and able to rise from a lying position; and
    - (iii) the journey time is reasonably expected to be 12 hours or less;
  - (b) the driver of the vehicle must not transport the calf unless—
    - (i) it has sufficient space on the vehicle to lie down on its sternum; and
    - (ii) its condition is such that it is alert and able to rise from a lying position; and
    - (iii) the journey time is reasonably expected to be 12 hours or less;

- (c) in the case of a calf being transported to an abattoir—the driver must ensure the calf is delivered to the abattoir in 12 hours or less from the time the calf was loaded on the vehicle.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A driver of a vehicle used to transport a bobby calf must take reasonable measures to ensure that the calf is protected from cold and heat during the journey.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person must not transport a premature bobby calf (including an induced calf) unless the calf is as fit for the journey as a full-term calf of an equivalent age.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) In this regulation—

*liquid feed* means milk or milk replacer.

## **55—Deer**

- (1) When transporting deer—

- (a) the journey time for the class of deer listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
- (b) the maximum time off water for the class of deer listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
- (c) the minimum spell duration for the class of deer listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of deer</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Deer known or visually assessed to be between 20 and 30 weeks pregnant (inclusive)	24	24	12
Deer known or visually assessed to be more than 30 weeks pregnant	4	4	24
Lactating deer travelling with dependent young	4	24	24
Weaned deer less than 6 months of age	28	28	12
Any other deer not referred to above	48	48	36

- (2) The driver of a vehicle being used to transport deer must not transport a deer—
- (a) less than 7 days after the deer has undergone velvet antler removal; or

- (b) that has antlers in velvet that are 4 centimetres or more in length; or
- (c) that has hard antlers that are 4 centimetres or more in length unless it is segregated from other deer and there is sufficient clearance between the antlers and the surfaces of the vehicle so as to minimise the risk of injury to the deer and its antlers.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **56—Emus and ostriches**

- (1) Subject to this regulation, when transporting emus or ostriches—
  - (a) the journey time for the class of emu or ostrich listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of emu or ostrich listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
  - (c) the minimum spell duration for the class of emu or ostrich listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of emu or ostrich</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Emus or ostriches aged 5 days or more but less than 90 days	24	24	12
Emus or ostriches aged more than 90 days	36	36	24

- (2) The owner of an emu or ostrich aged 5 days or more must ensure that, within the period of 24 hours before commencing a journey, the bird is provided with adequate food containing sufficient nutrients to ensure the bird's good health and vitality.  
 Maximum penalty: \$2 500.  
 Expiation fee: \$210.
- (3) The driver of a vehicle being used to transport an emu or ostrich must ensure that any bird that is aged 5 days or more but less than 90 days is given reasonable access to feed at least once every 12 hours during the journey.  
 Maximum penalty: \$2 500.  
 Expiation fee: \$210.
- (4) The driver of a vehicle being used to transport an emu or ostrich in a container must ensure that any bird that is aged 5 days or more but less than 90 days is given reasonable access to water and feed at least once every 12 hours, and provided with shelter, during the journey.  
 Maximum penalty: \$2 500.  
 Expiation fee: \$210.

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- (5) The driver of a vehicle transporting an emu or ostrich that is less than 5 days old must take reasonable measures to minimise the risk of harm to the bird during the journey from chilling or overheating.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (6) The owner of an emu or ostrich that is less than 5 days old must ensure that once the bird is removed from an incubator to be transported, the bird is returned for a period of at least 24 hours to a suitable brooding environment that provides the bird with adequate feed, water and warmth—

- (a) in the case of a bird transported in a container in which the bird does not have ready access to hydrating material—within 60 hours; or

- (b) in any other case—within 72 hours.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 57—Goats

When transporting goats—

- (a) the journey time for the class of goat listed in column 1 of the table set out in this regulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
- (b) the maximum time off water for the class of goat listed in column 1 of the table set out in this regulation, is the period of time specified in column 3 of the table with respect to that class; and
- (c) the minimum spell duration for the class of goat listed in column 1 of the table set out in this regulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of goat</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Goats known or visually assessed to be between 14 and 19 weeks pregnant (inclusive)	24	24	12
Goats known or visually assessed to be more than 19 weeks pregnant	4	4	24
Lactating goats travelling with dependent young	28	28	12
Goats less than 6 months of age	28	28	12
Any other goat not referred to above	48	48	36

## 58—Horses

- (1) Subject to this regulation, when transporting horses—
- (a) the journey time for the class of horse listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of horse listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
  - (c) the minimum spell duration for the class of horse listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

Class of horse	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Horses known or visually assessed to be between 30 and 43 weeks pregnant (inclusive)	12	12	12
Horses known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating horses travelling with dependent young	12	12	12
Horses less than 6 months of age	12	12	12
Any other horse not referred to above	24	24	12

- (2) The journey time for a horse, other than a horse that is known or visually assessed to be more than 43 weeks pregnant, that—
- (a) is given reasonable access to water and feed at least once every 5 hours for the period of time the horse is loaded on the vehicle in which it is being transported; and
  - (b) is being transported in a vehicle that—
    - (i) protects the horse from the natural elements; and
    - (ii) has sufficient space for it to stand at rest with its head raised; and
    - (iii) has sufficient drainage to remove urine,

may be increased to 36 hours if the horse is given a spell of at least 24 hours before commencing another journey.

- (3) The driver of a vehicle transporting a lactating horse with a dependent foal less than 6 months of age must, if the estimated journey time is likely to exceed 5 hours, provide sufficient space on the vehicle for the foal to suckle from its mother and to lie down.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The driver of a vehicle transporting a horse must ensure—
- (a) in the case of a vehicle with separate stalls or other partitions—that each stall or partition is accessible so as to allow feeding, watering and visual inspection of the horse; and
  - (b) in the case of a vehicle that is fully enclosed with a controlled environment—that there is sufficient airflow, with at least 12 air changes every hour; and
  - (c) when standing at rest—that the horse has not less than 100 millimetres clearance between the top of its withers and the surface of the vehicle immediately above the horse; and
  - (d) in the case of a stallion unused to being handled—that the horse is segregated from other horses on the vehicle.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **59—Pigs**

- (1) Subject to this regulation, when transporting pigs—
- (a) the journey time for the class of pig listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of pig listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
  - (c) the minimum spell duration for the class of pig listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

<b>Class of pig</b>	<b>Journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Pigs known or visually assessed to be more than 14 weeks pregnant	4	4	24
Lactating pigs travelling with dependent young	12	12	12
Weaned pigs that weigh less than 30 kilograms	12	12	12
Any other pig not referred to above	24	24	12

- (2) The journey time for a pig of a class specified in the last entry of the table in subregulation (1) that—
- (a) is given reasonable access to water and feed at least once every 24 hours for the period of time the pig is loaded on the vehicle in which it is being transported; and
  - (b) has sufficient space on the vehicle to lie down,

may be increased to 72 hours if the pig is given a spell of at least 24 hours before commencing another journey.

## 60—Poultry

- (1) Subject to this regulation, when transporting poultry—
- (a) the journey time for the class of poultry listed in column 1 of the table set out in this subregulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
  - (b) the maximum time off water for the class of poultry listed in column 1 of the table set out in this subregulation, is the period of time specified in column 3 of the table with respect to that class; and
  - (c) the minimum spell duration for the class of poultry listed in column 1 of the table set out in this subregulation, is the period of time specified in column 4 of the table with respect to that class.

Class of poultry	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Poultry aged 5 days or more (other than a spent hen)	24	24	24
Spent hens	36	36	36

- (2) The owner of poultry aged 5 days or more must ensure that, within the period of 12 hours before commencing a journey, the bird is provided with adequate food containing sufficient nutrients to ensure the bird's good health and vitality.  
 Maximum penalty: \$2 500.  
 Expiation fee: \$210.
- (3) Subregulation (2) does not apply to a spent hen or a domestic fowl kept primarily for the purpose of breeding fowls for meat production.
- (4) If a bird aged 5 days or more, other than a spent hen, is to be transported in a container loaded on a vehicle, the journey time for the bird may be increased to 72 hours if the bird—
- (a) is provided with shelter at all times; and
  - (b) is given reasonable access to water and feed at least once in every 24 hour period.
- Maximum penalty: \$2 500.  
 Expiation fee: \$210.
- (5) The driver of a vehicle transporting poultry that is less than 5 days old must take reasonable measures to minimise the risk of harm to the bird during the journey from chilling or overheating.  
 Maximum penalty: \$2 500.  
 Expiation fee: \$210.

- (6) The owner of poultry that is less than 5 days old must ensure that once the bird is removed from an incubator to be transported, the bird is returned for a period of at least 24 hours to a suitable brooding environment that provides the bird with adequate feed, water and warmth—
- (a) in the case of a bird transported in a container in which the bird does not have ready access to hydrating material—within 60 hours; or
  - (b) in any other case—within 72 hours.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (7) In this regulation—

**spent hen** means a domestic fowl kept primarily for the purpose of egg production or breeding fowls for meat or egg production, that has reached the end of its commercially viable lifespan.

## 61—Sheep

When transporting sheep—

- (a) the journey time for the class of sheep listed in column 1 of the table set out in this regulation, must not exceed the period of time specified in column 2 of the table with respect to that class; and
- (b) the maximum time off water for the class of sheep listed in column 1 of the table set out in this regulation, is the period of time specified in column 3 of the table with respect to that class; and
- (c) the minimum spell duration for the class of sheep listed in column 1 of the table set out in this regulation, is the period of time specified in column 4 of the table with respect to that class.

Class of sheep	Journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Sheep known or visually assessed to be between 14 and 19 weeks pregnant (inclusive)	24	24	12
Sheep known or visually assessed to be more than 19 weeks pregnant	4	4	24
Lactating sheep travelling with dependent young	28	28	12
Sheep less than 4 months of age	28	28	12
Any other sheep not referred to above	48	48	36

## Schedule 1—Fees

- |   |      |
|---|------|
| 1 Application for a licence or renewal of a licence under Part 4 of the Act (Teaching and research involving animals) | \$75 |
|---|------|

2 Application for a permit under section 34 of the Act (Permits to hold rodeos) \$75

## Schedule 2—Codes of practice

	<b>Person who must ensure compliance with Code of Practice</b>	<b>Code of Practice</b>
1	A person who carries on a business consisting of or involving selling companion animals for profit	<i>South Australian Code of Practice for the Care and Management of Animals in the Pet Trade</i> , Animal Welfare Unit, Department of Environment, Heritage and Aboriginal Affairs (1999)
2	A person who handles, destroys or domesticates feral livestock	<i>Model Code of Practice for the Welfare of Animals, The Destruction or Capture, Handling and Marketing of Feral Livestock Animals</i> , Australian Agricultural Council (1991), as in force on 20 May 2009
3	A person who has the care, control or management of animals at a saleyard	<i>Model Code of Practice for the Welfare of Animals, Animals at Saleyards</i> , Australian Agricultural Council (1991), as in force on 20 May 2009
4	A person who has the care, control or management of animals at a slaughtering facility	<i>Model Code of Practice for the Welfare of Animals, Livestock and Poultry at Slaughtering Establishments (Abattoirs, Slaughterhouses and Knackeries)</i> , Australian Agricultural Council (1986), as in force on 20 May 2009
5	A person who has the care, control or management of animals for the purposes of a circus	<i>South Australian Code of Practice for the Welfare of Animals in Circuses</i> , Office of Animal Welfare, Department for Environment, Heritage and Aboriginal Affairs (1997), as in force from time to time
6	A person who has the care, control or management of animals preparatory to or during transport by air	<i>Model Code of Practice for the Welfare of Animals, Air Transport of Livestock</i> , Australian Agricultural Council (1986), as in force on 20 May 2009
7	A person who has the care, control or management of animals preparatory to or during transport by sea	<i>Model Code of Practice for the Welfare of Animals, Sea Transport of Livestock</i> , Australian Agricultural Council (1987), as in force on 20 May 2009
8	A person who has the care, control or management of camels	<i>Model Code of Practice for the Welfare of Animals, The Camel</i> , Agriculture and Resource Management Council of Australia and New Zealand (1997), as in force on 20 May 2009
9	A person who has the care, control or management of captive birds (excluding waterfowl, pigeons used for racing, pheasants or poultry used for the commercial production of meat or eggs)	<i>South Australian Code of Practice for the Husbandry of Captive Birds</i> , Office of Animal Welfare, Department of Environment, Heritage and Aboriginal Affairs (1999), as in force from time to time
10	A person who has the care, control or management of cattle	<i>Australian Model Code of Practice for the Welfare of Animals, Cattle</i> , Australian Agricultural Council (1992), as in force on 20 May 2009
11	A person who has the care, control or management of farmed deer	<i>Model Code of Practice for the Welfare of Animals, The Farming of Deer</i> , Australian Agricultural Council (1991), as in force on 20 May 2009
12	A person who has the care, control or management of farmed rabbits	<i>Model Code of Practice for the Welfare of Animals, Intensive Husbandry of Rabbits</i> , Australian Agricultural Council (1991), as in force on 20 May 2009

	<b>Person who must ensure compliance with Code of Practice</b>	<b>Code of Practice</b>
13	A person who has the care, control or management of goats	<i>Model Code of Practice for the Welfare of Animals, The Goat</i> , Australian Agricultural Council (1991), as in force on 20 May 2009
14	A person who has the care, control or management of sheep	<i>Model Code of Practice for the Welfare of Animals, The Sheep</i> , Australian Agricultural Council (1991), as in force on 20 May 2009
15	A person who has the care, control or management of farmed buffalo	<i>Model Code of Practice for the Welfare of Animals, Farmed Buffalo</i> , Agriculture and Resource Management Standing Committee (1995), as in force on 20 May 2009
16	A person who has the care, control or management of farmed emus	<i>Model Code of Practice for the Welfare of Animals, Husbandry of Captive Bred Emus</i> , Agriculture and Resource Management Standing Committee (1999), as in force on 20 May 2009
17	A person who has the care, control or management of farmed ostriches	<i>Model Code of Practice for the Welfare of Animals, Farming of Ostriches</i> , Primary Industries Standing Committee (2003), as in force on 20 May 2009

## Schedule 3—Transitional provisions

### 2—Transitional provisions

- (1) A course of training approved by the Minister for the purposes of regulation 5(1)(c) of the revoked regulations immediately before the commencement of this clause will be taken to be a course of training approved by the Minister for the purposes of regulation 4(1)(c) of these regulations.
- (2) A device approved by the Minister as an authorised electroimmobiliser under regulation 7(4)(a) of the revoked regulations immediately before the commencement of this clause will be taken to be a device approved as an authorised electroimmobiliser under regulation 7(4)(a) of these regulations.
- (3) A person approved by the Minister under regulation 7(4)(b) of the revoked regulations for the purposes of that regulation immediately before the commencement of this clause will be taken to be a person approved under regulation 7(4)(b) for the purposes of regulation 7 of these regulations.
- (4) A course of training approved by the Minister for the purposes of regulation 7(4)(b) of the revoked regulations immediately before the commencement of this clause will be taken to be a course of training approved by the Minister for the purposes of regulation 7(4)(b) of these regulations.
- (5) A person who is the holder of a certificate issued under regulation 7(4)(b) of the revoked regulations immediately before the commencement of this clause will be taken to be the holder of a certificate issued under regulation 7(4)(b) of these regulations.
- (6) An application for a permit to conduct a rodeo under regulation 13E of the revoked regulations made but not determined immediately before the commencement of this clause will be taken to be an application for a permit to conduct a rodeo made under regulation 16 of these regulations.

- (7) An application for a licence under regulation 15 of the revoked regulations made but not determined immediately before the commencement of this clause will be taken to be an application for a licence made under regulation 12 of these regulations.
- (8) A herd health program approved by the Minister for the purposes of Part 5 of the revoked regulations immediately before the commencement of this clause will be taken to be an approved herd health program for the purposes of Part 6 of these regulations.
- (9) A tertiary qualification approved by the Minister for the purposes of regulation 21(2)(b) of the revoked regulations immediately before the commencement of this clause will be taken to be an approved tertiary qualification for the purposes of regulation 25(2)(b) of these regulations.
- (10) An exemption granted by the Minister under regulation 23 of the revoked regulations and in force immediately before the commencement of this clause will continue for the balance of the period for which that exemption was granted.
- (11) In this clause—

*revoked regulations* means the *Animal Welfare Regulations 2000*.

## Legislative history

### Notes

- In this version provisions that are uncommenced appear in italics.
- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Animal Welfare Regulations 2012* revoked the following:

*Animal Welfare Regulations 2000*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2012	187	<i>Gazette 16.8.2012 p3589</i>	16.8.2012 except r 32(3)(d)(ii)—20.4.2017: r 2
<b>2015</b>	<b>198</b>	<b><i>Gazette 20.8.2015 p3892</i></b>	<b>20.12.2015: r 2</b>
2015	213	<i>Gazette 8.10.2015 p4567</i>	8.10.2015: r 2
2016	93	<i>Gazette 23.6.2016 p2237</i>	1.7.2016: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 3		
r 3(1)		
<i>animal ethics committee</i>	<i>deleted by 213/2015 r 4</i>	<i>8.10.2015</i>
Pt 2		
r 9		
r 9(1)	<b>varied by 198/2015 r 4(1)</b>	<b>20.12.2015</b>
r 9(2)	<b>varied by 198/2015 r 4(2)</b>	<b>20.12.2015</b>
r 9(2a)	<b>inserted by 198/2015 r 4(3)</b>	<b>20.12.2015</b>
r 9(3)	<b>varied by 198/2015 r 4(4)</b>	<b>20.12.2015</b>

<b>r 11A</b>	<b>inserted by 198/2015 r 5</b>	<b>20.12.2015</b>
Pt 3		
r 12	substituted by 213/2015 r 5	8.10.2015
r 12A	inserted by 213/2015 r 5	8.10.2015
r 13	substituted by 213/2015 r 5	8.10.2015
Pt 5		
r 23		
r 23(5) and (6)	<i>expired: r 23(6)—omitted under Legislation Revision and Publication Act 2002</i>	<i>(31.12.2014)</i>
Sch 3		
cl 1	<i>omitted under Legislation Revision and Publication Act 2002</i>	8.10.2015

## Historical versions

8.10.2015