

South Australia

PREVENTION OF CRUELTY TO ANIMALS REGULATIONS (NO. 2) 2000

REGULATIONS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT 1985

Prevention of Cruelty to Animals Regulations (No. 2) 2000

being

No. 10 of 2000: *Gaz.* 27 January 2000, p. 532¹

as varied by

No. 60 of 2001: *Gaz.* 31 May 2001, p. 1969²

No. 184 of 2001: *Gaz.* 26 July 2001, p. 2792³

¹ Came into operation 1 February 2000: reg. 2.

² Came into operation 1 July 2001: reg. 2.

³ **Came into operation 26 July 2001: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

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**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Prevention of Cruelty to Animals Regulations (No. 2) 2000*.

Commencement

2. These regulations will come into operation on the day on which the *Prevention of Cruelty to Animals (Miscellaneous) Amendment Act 1999* comes into operation.

Revocation

3. The *Prevention of Cruelty to Animals Regulations 2000* (see *Gazette* 13 January 2000 p. 49) are revoked.

Interpretation

4. In these regulations—

"**Act**" means the *Prevention of Cruelty to Animals Act 1985*;

"**animal ethics committee**" means an animal ethics committee established under section 23 of the Act.

Fees

5. The fees fixed by Schedule 1 are payable for the purposes set out in that Schedule.

PART 2
CRUELTY TO ANIMALS

III treatment of animals

6. For the purposes of section 13 of the Act, a person ill treats an animal if the person—

- (a) traps an animal in a steel jaw trap that has been set in contravention of regulation 11;
or
- (b) catches a bird by using a gel that has been applied in contravention of regulation 12.

Use of electroimmobilisers for controlling animals

7. (1) For the purposes of section 14 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: \$1 250.

(4) For the purposes of this regulation—

- (a) the Minister may, on the recommendation of the Animal Welfare Advisory Committee, approve a device of a specified kind as an authorised electroimmobiliser;

6.

(b) a person approved by the Minister to conduct an approved course of training in the proper use of an electroimmobiliser may issue a certificate (in a form approved by the Minister) to a person certifying that the 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 an animal of the genus *Bos* (cattle, buffalo and bison);

"**class 2 animal**" means an animal of the genus *Lama* (alpacas and llamas), *Cervus*, *Dama* or *Axis* (deer) or *Camelus* (camels);

"**class 3 animal**" means an animal of the genus *Capra* (goats) or *Ovis* (sheep);

"**class 4 animal**" means a bird of the genus *Struthio* (ostriches) or *Dromaius* (emus);

"**electroimmobiliser**" means an electrical device designed to temporarily immobilise an animal.

Use of certain other electrical devices for controlling animals

8. For the purposes of section 14 of the Act, a person must not—

(a) place on an animal a collar designed to impart an electric shock; or

(b) apply an electrical prod or goad to an animal other than an animal of the genus *Sus*, *Bos* or *Bubalus*; or

(c) apply an electrical prod or goad to the face, udders or genitals of an animal of the genus *Sus*, *Bos* or *Bubalus*.

Prohibited medical or surgical procedures

9. (1) For the purposes of section 15 of the Act, a person must not—

(a) surgically reduce the ability of an animal to produce a vocal sound; or

(b) dock the tail of a dog over the age of 10 days unless the dog has been properly anaesthetised; or

(c) crop an animal's ear; or

(d) dock or nick a horse's tail or dock the tail of an animal of the genus *Bos* or *Bubalus* unless a veterinary surgeon has certified in writing that the procedure is necessary for the control of disease.

7.

(2) However, 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) crop an animal's ear if satisfied the procedure is required for therapeutic purposes.

**PART 3
REGULATION OF ACTIVITIES**

Codes of practice

10. 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 specified in the entry.

Maximum penalty: \$1 250.

Use of steel jaw traps prohibited in certain circumstances

11. (1) A person must not set a small steel jaw trap (eg a trap known as a rabbit trap or a gin trap) for an animal.

Maximum penalty: \$1 250.

(2) A person must not set a steel jaw trap of any other kind for an animal—

- (a) within the area of a municipal council; or
- (b) on land that is more than 100 metres outside the portion 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; or
- (c) without binding the jaws of the trap with a cloth steeped in sufficient strychnine to ensure a rapid death for any animal likely to be caught in the trap.

Maximum penalty: \$1 250.

(3) This regulation does not apply to a person who sets a steel jaw 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.

Use of gel to catch or deter birds prohibited

12. 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: \$1 250.

Size of cages for domestic fowls

13. (1) A person who keeps domestic fowls (*Gallus*) aged 21 weeks or older must not confine the fowls in a cage unless—

- (a) in the case of a cage in which only 1 fowl is confined—the floor area of the cage is at least 0.1 square metres;
- (b) in the case of a cage in which 2 fowls are confined—the floor area of the cage is at least 0.13 square metres;

- (c) in the case of a cage in which more than 2 fowls are confined—
- (i) if the average weight of the fowls confined in the cage is 2.4 kilograms or less—the floor area of the cage is at least 0.045 square metres per fowl;
 - (ii) if the average weight of the fowls confined in the cage is more than 2.4 kilograms—the floor area of the cage is at least 0.06 square metres per fowl.

Maximum penalty: \$1 250.

(2) For the purposes of subregulation (1), floor area occupied by a V-trough or egg baffle may be counted as part of the floor area of a cage, but only to the extent that the area so occupied does not exceed 100 millimetres multiplied by the length of the cage (in millimetres).

Example—

If the floor of a cage measures 600mm by 500mm and the V-trough or egg baffle is 150mm wide, for the purposes of subregulation (2), the floor area of the cage is 0.27 square metres (ie 600mm multiplied by 450mm).

Possession of animals for purpose of fighting

13A. A person who keeps or has custody of an animal wholly or partly for the purpose of using the animal at an event in which the animal will be encouraged to fight with another animal is guilty of an offence.

Maximum penalty: \$1 250.

Possession of cock-fighting spurs and other implements used in animal fights

13B. (1) A person must not have in his or her possession or control—

- (a) a cock-fighting spur; or
- (b) any implement, article or other thing made or adapted for attachment to an animal—
 - (i) for the purpose of training the animal to fight another animal; or
 - (ii) for the purpose of inciting or assisting the animal to fight another animal or to inflict injury on another animal during a fight; or
 - (iii) for the purpose of protecting the animal in a fight with another animal.

Maximum penalty: \$1 250.

(2) Subregulation (1) does not apply in respect of a spur, implement, article or thing in the possession or control of a museum that receives funding from the Government of the State or the Commonwealth.

PART 4
TEACHING AND RESEARCH INVOLVING ANIMALS

Certain research prohibited except for limited purposes

14. (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: \$1 250.

(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.

Application for licence under Part 4 of the Act

15. For the purposes of section 17 of the Act, an application for a licence under Part 4 of the Act must contain details of—

- (a) the premises proposed to be used for the purposes authorised by the licence;
- (b) the facilities available or proposed to be available at those premises for the care and handling of animals that may be used pursuant to the licence;
- (c) the arrangements proposed for the provision of veterinary care of animals that may be used pursuant to the licence.

Annual reports of animal ethics committee

16. (1) For the purposes of section 25 of the Act, an animal ethics committee must, within 3 months after the end of each calendar year, submit to the Minister a report on its operations during that calendar year.

(2) The report—

(a) must include details of—

(i) the number of meetings held by the committee during the calendar year; and

(ii) in respect of each such meeting—

(A) the name of each member who attended the meeting; and

(B) a summary of the business discussed at the meeting; and

(b) may include any other information considered relevant by the committee.

12.

**PART 5
MISCELLANEOUS**

Permits to hold rodeos

17. An application under section 34 of the Act 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.

Act does not render unlawful practices that are in accordance with prescribed codes of practice

18. For the purposes of section 43 of the Act, each of the codes of practice listed in Schedule 2 is a prescribed code of practice.

SCHEDULE 1

Fees

1. Application for licence or renewal of licence under Part 4 of the Act (Teaching and research involving animals) \$50
2. Application for a permit under section 34 of the Act (Permits to hold rodeos) \$50.

SCHEDULE 2
Codes of Practice

<i>Person who must ensure compliance with Code of Practice</i>	<i>Code of Practice</i>
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 amended from time to time.
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 amended from time to time.
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 amended from time to time.
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).
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 amended from time to time.
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 amended from time to time.
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 amended from time to time.
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).
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 amended from time to time.
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 amended from time to time.

	<i>Person who must ensure compliance with Code of Practice</i>	<i>Code of Practice</i>
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 amended from time to time.
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 amended from time to time.
14.	A person who has the care, control or management of horses preparatory to or during transport by land	<i>Model Code of Practice for the Welfare of Animals, Land Transport of Horses</i> Agriculture and Resource Management Council of Australia and New Zealand (1998), as amended from time to time.
15.	A person who has the care, control or management of livestock preparatory to or during transport by road	<i>Australian Model Code of Practice for the Welfare of Animals, Road Transport of Livestock</i> , Australian Agricultural Council (1983, see <i>Gazette</i> 24 April 1986 p. 1035), as amended from time to time.
16.	A person who has the care, control or management of livestock preparatory to or during transport by rail	<i>Australian Model Code of Practice for the Welfare of Animals, Rail Transport of Livestock</i> , Australian Agricultural Council (1983, see <i>Gazette</i> 24 April 1986 p. 1051), as amended from time to time.
17.	A person who has the care, control or management of pigs	<i>Australian Model Code of Practice for the Welfare of Animals, The Pig</i> , Australian Agricultural Council (1983, see <i>Gazette</i> 24 April 1986 p. 1017), as amended from time to time.
18.	A person who has the care, control or management of pigs preparatory to or during transport by land	<i>Model Code of Practice for the Welfare of Animals, Land Transport of Pigs</i> , Agriculture and Resource Management Council of Australia and New Zealand (1997), as amended from time to time.
19.	A person who has the care, control or management of poultry preparatory to or during transport by land	<i>Model Code of Practice for the Welfare of Animals, Land Transport of Poultry</i> , Agriculture and Resource Management Council of Australia and New Zealand (1998), as amended from time to time.
20.	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 amended from time to time.

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulations 13A and 13B:
Schedule 1:

inserted by 184, 2001, reg. 3
substituted by 60, 2001, reg. 3