

SOUTH AUSTRALIA

PREVENTION OF CRUELTY TO ANIMALS REGULATIONS, 1986

**REGULATIONS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT,
1985**

Prevention of Cruelty to Animals Regulations, 1986

being

No. 130 of 1986: *Gaz.* 24 July 1986, p. 337¹

as varied by

No. 169 of 1992: *Gaz.* 6 August 1992, p. 801²

No. 244 of 1993: *Gaz.* 27 October 1993, p. 2090³

No. 215 of 1995: *Gaz.* 23 November 1995, p. 1459⁴

No. 45 of 1996: *Gaz.* 28 March 1996, p. 1852⁵

No. 169 of 1996: *Gaz.* 11 July 1996, p. 110⁶

¹ Came into operation 1 August 1986: reg. 2.

² Came into operation 6 December 1992.

³ Came into operation 27 February 1994: reg. 2.

⁴ Came into operation 1 January 1996: reg. 2.

⁵ Came into operation 28 March 1996: reg. 2.

⁶ Came into operation 11 July 1996: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 6 of 1998 had not been brought into operation at the date of, and have not been included in, this consolidation.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

1. These regulations may be cited as the *Prevention of Cruelty to Animals Regulations, 1986*.

2. These regulations shall come into operation on 1 August, 1986.

3. In these regulations—

"**accreditation certificate**" means a certificate issued under regulation 5A;

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

"**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 lamas), *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;

"**the licensee**" means the holder of a licence under the Act;

"**outside the dog fence**", in relation to land, means land that is 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.

4. (1) For the purposes of section 13(2)(h) of the Act, a person shall not kill an animal unless—

(a) the animal is unconscious;

or

(b) the person uses a method that causes death as rapidly as possible.

(2) For the purposes of section 13(2)(j) of the Act, a person must not—

(a) trap an animal in a steel jaw trap that has been set in contravention of regulation 15;
or

(b) catch a bird by using a gel that has been applied in contravention of regulation 16.

5. (1) For the purposes of section 14 of the Act a person shall not—

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

(b) apply an electrical prod or goad to an animal other than an animal of the genus *sus*, *bos* or *bubalus*;

3.

or

- (c) apply an electrical prod or goad to the face, udders or genitals of an animal of the genus *sus*, *bos* or *bubalus*.

(2) 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 approved by the Minister (or the Minister's nominee); 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) the person using the electroimmobiliser is the holder of an accreditation certificate for the relevant class of animal, or is acting under the direct supervision of a person who holds such a certificate.

(3) Subregulation (2) 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 established under the Act, provided that the person is the holder of an accreditation certificate (for any class of animal) or is acting under the direct supervision of a person who holds such a certificate.

(4) Subregulation (2)(d) does not apply to a person who is using an electroimmobiliser that was acquired by him or her, or by the person under whose supervision he or she is acting, before the commencement of subregulation (2).

(5) The Minister (or the Minister's nominee) may grant approvals for the purposes of this regulation and may, for sufficient reason, revoke any such approval.

5A. (1) If a person sells, leases, hires out, gives or lends an electroimmobiliser to another person without that other person first producing an apparently genuine accreditation certificate issued in his or her name, each party to the transaction is guilty of an offence.

Penalty: \$1 000.

(2) An *accreditation certificate* is a certificate issued by an approved demonstrator, in a form approved by the Minister (or the Minister's nominee), certifying that the person named in the certificate has successfully completed an approved training program in the proper use of an electroimmobiliser on animals or birds of the class or classes specified in the certificate.

(3) An *approved demonstrator* is a person approved by the Minister (or the Minister's nominee) to conduct approved training programs for the purposes of this regulation.

(4) An *approved training program* is a training program approved by the Minister (or the Minister's nominee) for the purposes of this regulation.

4.

(5) The Minister (or the Minister's nominee) may grant approvals for the purposes of this regulation and may, for sufficient reason, revoke any such approval.

6. (1) For the purposes of section 15 of the Act a person shall not—

- (a) sever an animal's vocal chords;
 - (b) dock the tail of a dog over the age of 10 days unless the dog has been properly anaesthetized;
 - (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.

(2) However, a veterinary surgeon may—

- (a) sever an animal's vocal chords if satisfied—
 - (i) the procedure would be therapeutic in the circumstances; or
 - (ii) there is no other reasonably practicable means of preventing the animal causing a nuisance by creating noise;
- (b) crop an animal's ear if satisfied the procedure would be therapeutic in the circumstances.

7. For the purposes of section 17 of the Act—

- (a) the form of an application for a licence is the form set out in the first schedule completed in accordance with the instructions contained in that schedule;

and

- (b) the licence application fee is \$30.

8. For the purposes of section 18 of the Act the form of a licence is the form set out in the second schedule.

9. For the purposes of section 20 of the Act the application fee for renewal of a licence is \$30.

10. (1) For the purposes of section 25 of the Act, an animal ethics committee shall, on or before the thirty first day of July in each year, deliver to the Minister a report upon the activities of the committee during the preceding financial year.

5.

(2) The report shall—

- (a) state the number of meetings held by the committee;
- (b) specify the members who attended each meeting;
- (c) summarize the business discussed at each meeting;

and

- (d) specify, in relation to each licensee who sought the committee's approval to use an animal for the purpose of teaching, research or experimentation during the financial year, the information required by the form set out in the third schedule.

(3) For the purposes of section 25(1)(f) of the Act, the functions of an animal ethics committee include those functions assigned to an Animal Experimentation Ethics Committee (AEEC) under the Code referred in regulation 20.

11. For the purposes of section 28 of the Act the form of a certificate of identification for an inspector is the form set out in the fourth schedule.

12. For the purposes of section 34 of the Act—

- (a) an application for a permit to conduct a rodeo must be lodged at least 28 days before the day on which it is proposed to conduct the rodeo;
- (b) the form of an application to conduct a rodeo is the form set out in the fifth schedule completed in accordance with the instructions contained in that schedule;

and

- (c) the permit application fee is \$30.

12A. (1) A person who keeps domestic fowls (**Gallus gallus**) aged 21 weeks or older for any purpose must, in respect of the floor area of cages in which fowls are confined, ensure that—

- (a) in the case of a cage in which only one fowl is confined—the floor area is at least 1 000 square centimetres;
- (b) in the case of a cage in which two fowls are confined—the floor area is at least 675 square centimetres per fowl;
- (c) in the case of a cage in which more than two fowls are confined—
 - (i) if the average flock weight of the fowls is 2.4 kilograms or less—the floor area is at least 450 square centimetres per fowl;
 - (ii) if the average flock weight of the fowls is more than 2.4 kilograms—the floor area is at least 600 square centimetres per fowl.

Maximum penalty: \$1 000.

6.

(2) For the purposes of subregulation (1)—

- (a) the determination of the average flock weight of fowls is to be done in accordance with the procedure set out in the *National Guidelines for RSPCA Inspectors for the Inspection of Layer Hen Cages*, an attachment to the 3rd Edition of the *Model Code of Practice for the Welfare of Animals—Domestic Poultry* published by the Standing Committee on Agriculture and Resource Management—Animal Health Committee;
- (b) 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 does not exceed 10 centimetres multiplied by the length of the cage (in centimetres).

Example: If a cage measures 50 centimetres by 50 centimetres and the V-trough or egg baffle is 15 centimetres wide, for the purposes of subregulation (1), the floor area of the cage is 2 250 square centimetres (ie 45 centimetres multiplied by 50 centimetres).

13. (1) For the purposes of section 43 of the Act, the Code of Practice for the Welfare of Animals, The Pig, published in the *Gazette* on 24 April, 1986, at p. 1017, is, subject to the modification contained in subregulation (2), a prescribed code of practice.

(2) For the purposes of this regulation, the code of practice referred to in subregulation (1) applies only to persons who carry on the business of keeping pigs.

* * * * *

15. (1) A person who sets a small steel jaw trap (e.g., a rabbit trap or a gin trap) for an animal at any place in the State is guilty of an offence.

Penalty: \$1 000.

(2) A person who sets any other steel jaw trap for an animal—

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

is guilty of offence.

Penalty: \$1 000.

(3) Subregulations (1) and (2) do 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 established under the Act, provided that 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.

7.

16. 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 them from perching on the tree, plant, building, structure or other thing.

Penalty: \$1 000.

17. A person who carries on the business of keeping pigs must do so in compliance with the Code of Practice for the Welfare of Animals, The Pig published in the *Gazette* on 24 April, 1986, at p. 1017.

Penalty: \$1 000.

18. (1) Subject to subregulation (2), a person who conveys or transports an animal—

- (a) shall before conveying or transporting the animal, ensure that it has been properly rested and provided with appropriate food and water;
- (b) shall avoid undue delay during the conveyance or transport;
- (c) shall not convey or transport the animal in a vehicle in which other animals of a different species or substantially different size are being conveyed or transported, unless the animals are caged separately, or in groups consisting of animals of the same species and similar size;
- (d) shall provide the animal with food and water as soon as is practicable after conveying or transporting the animal;
- (e) shall, where the animal is conveyed or transported by road, comply with the provisions of the Code of Practice for the Welfare of Animals, Road Transport of Livestock, published in the *Gazette* on 24 April, 1986, at p. 1035;

and

- (f) shall, where the animal is conveyed or transported by rail, comply with the provisions of the Code of Practice for the Welfare of Animals Rail Transport of Livestock, published in the *Gazette* on 24 April, 1986, at p. 1051.

Penalty: \$1 000.

(2) Subregulation (1) does not prevent a person from conveying or transporting a female animal with her unweaned offspring in the same vehicle or cage.

19. An inspector who is a member of the police force is exempted from the requirement under section 28 of the Act to produce a certificate of identification issued by the Minister under that section to a person in relation to whom that inspector is exercising powers or functions under the Act.

20. (1) For the purposes of section 43 of the Act, the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes* (National Health and Medical Research Council, Commonwealth Scientific and Industrial Research Organisation, Australian Agricultural Council) 1990: Australian Government Publishing Service ("the Code") is, subject to the modification prescribed by subregulation (2), a prescribed code of practice relating to animals.

(2) For the purposes of this regulation, a reference to an Animal Experimentation Ethics Committee (AEEC) in the Code is, in relation to a licensee and its agents, a reference to an animal ethics committee established as required by a condition of the licence under section 23(2) of the Act.

(3) A licensee and its agents must comply with the Code.

Penalty: \$1 000.

21. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, The Sheep* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages sheep must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

22. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, The Goat* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages goats must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

23. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, The Farming of Deer* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages farmed deer must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

24. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, Intensive Husbandry of Rabbits* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages farmed rabbits must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

25. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, The Destruction or Capture, Handling and Marketing of Feral Livestock Animals* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who destroys, handles or domesticates feral livestock animals must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

26. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, Animals at Saleyards* (Australian Agricultural Council Sub-Committee on Animal Welfare) 1991: CSIRO Publications, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages animals at saleyards must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

27. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, Livestock and Poultry at Slaughtering Establishments (Abattoirs, Slaughterhouses and Knackeries)* endorsed by the Australian Agricultural Council, February 1987 Resolution 8B,7 as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages animals at slaughtering establishments must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

28. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, Sea Transport of Livestock* endorsed by the Australian Agricultural Council, July 1988 Resolution 11, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who handles or manages animals for transport by sea must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

29. (1) For the purposes of section 43 of the Act, the *Model Code of Practice for the Welfare of Animals, Air Transport of Livestock* issued by the Australian Agricultural Health and Quarantine Service, 1986, as amended from time to time, is a prescribed code of practice relating to animals.

10.

(2) A person who handles or manages animals for transport by aircraft must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

30. (1) For the purposes of section 43 of the Act, the *Code of Practice for the Care and Management of Animals in the Pet Trade* endorsed by the Animal Welfare Advisory Committee, December 1989, as amended from time to time, is a prescribed code of practice relating to animals.

(2) A person who carries on a business of selling companion animals for profit must do so in compliance with the code of practice referred to in subregulation (1).

Penalty: \$1 000.

31. (1) A person must not—

(a) apply any substance to the conjunctival sac of a rabbit for the purpose of determining 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 the use of the animal for that purpose has been approved by an animal ethics committee established under Part IV of the Act and any conditions to which the approval is subject are complied with.

Penalty: \$1 000.

(2) An animal ethics committee must not approve the use of an animal under subregulation (1) unless it is satisfied—

(a) that the assessment relates to research that has the potential to benefit human or animal health;

and

(b) that the objectives of the assessment cannot practicably be achieved by means that will cause less pain to animals.

FIRST SCHEDULE

Prevention of Cruelty to Animals Act, 1985—Section 17(2)

Regulation 7

APPLICATION FOR LICENCE FOR TEACHING RESEARCH OR
EXPERIMENTATION INVOLVING ANIMALS

If space is not sufficient, continue on attachment.

1. Full Name
Address
Person to be contacted for further information
..... Telephone

2. I apply/I apply on behalf of the above company for a licence under Part IV of the *Prevention of Cruelty to Animals Act, 1985*.

3. Describe the premises in which it is proposed to carry out teaching, research or experimentation using animals, and the facilities available for the care and handling of animals.

4. Describe the arrangements made by the applicant for the provision of veterinary care to animals used for teaching, research or experimentation.

Date Signed

Information

This form must be signed by the applicant, or if the applicant is a body corporate, by a director or secretary authorized by the body corporate to sign on its behalf.

This application should be lodge, accompanied by the appropriate fees, with the Department of Lands, Adelaide.

12.

SECOND SCHEDULE

Prevention of Cruelty to Animals Act, 1985—Section 18

Regulation 8

LICENCE

This licence authorizes

of to use animals for the purposes of teaching, research or experimentation. This licence is valid for the period of 2 years from the date below.

Signed

Dated

THIRD SCHEDULE

Prevention of Cruelty to Animals Act, 1985—Section 25

Regulation 10

STATISTICS RELATING TO ANIMAL USED IN TEACHING, RESEARCH
OR EXPERIMENTATION

Name of licensee Financial year ended 30 June, 19

Species of animal	Total number used	Number of Individual Experiments conducted on the species	Pain Classification Nominate A, B or C where— A means no pain or distress or mild pain or distress B means moderate pain or distress C means severe or chronic pain or distress	*Area of Teaching Research or Experimentation
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* The following list is provided to indicate the various areas of teaching, research or experimentation in which an animal may have been used:

Pharmacology/pharmacy, Teratology, Pathology, Psychology, Biochemistry, Microbiology, Parasitology, Surgery, Medicine, Genetics, Reproduction, Environment, Oncology, Nutrition, Physiology, Agriculture, Veterinary Science, Teaching, Diagnostic procedures, Commercial Testing, Secondary School teaching, Primary School teaching.

FOURTH SCHEDULE

Prevention of Cruelty to Animals Act, 1985—Section 28

Regulation 11

CERTIFICATE OF IDENTIFICATION

INSPECTOR

Affix
Photograph
Here

Name
Authorized Expiry date.....

Reverse side

Signature

The officer whose photograph is attached has been appointed an Inspector under the *Prevention of Cruelty to Animals Act, 1985*, section 28.

If this card is found, it should be handed in to the nearest police station, or the headquarters of the Royal Society for the Prevention of Cruelty to Animals, (S.A.) Inc., 158 Currie Street, Adelaide S.A. 5000.

FIFTH SCHEDULE

Prevention of Cruelty to Animals Act, 1985—Section 34

Regulation 12

APPLICATION FOR A PERMIT TO CONDUCT A RODEO

- 1. Full Name
- Address
- Person to be contacted for further information
- Telephone

2. I apply/I apply on behalf of the above company for a permit to conduct a rodeo under section 34 of the *Prevention of Cruelty to Animals Act, 1985*.

3. The rodeo is to be conducted at

4. Describe the events to be held during the proposed rodeo

.....

.....

5. Name of Veterinary Surgeon who will be in attendance during the proposed rodeo

Date Signed

This form must be signed by the applicant, or if the applicant is a body, by a director or secretary authorized by the body corporate to sign on its behalf.

This application should be lodged, accompanied by the appropriate fee, with the Department of Lands, Adelaide.

APPENDIX**LEGISLATIVE HISTORY**

Regulation 3:	definition of "accreditation certificate" inserted by 169, 1996, reg. 3(a) definition of "class 1 animal" inserted by 169, 1996, reg. 3(b) definition of "class 2 animal" inserted by 169, 1996, reg. 3(b) definition of "class 3 animal" inserted by 169, 1996, reg. 3(b) definition of "class 4 animal" inserted by 169, 1996, reg. 3(b) definition of "electroimmobiliser" inserted by 169, 1996, reg. 3(b) definition of "outside the dog fence" inserted by 169, 1996, reg. 3(c)
Regulation 4:	redesignated as reg. 4(1) by 169, 1996, reg. 4
Regulation 4(2):	inserted by 169, 1996, reg. 4
Regulation 5:	redesignated as reg. 5(1) by 169, 1996, reg. 5
Regulation 5(2) - (5):	inserted by 169, 1996, reg. 5
Regulation 5A:	inserted by 169, 1996, reg. 6
Regulation 6(1):	varied by 45, 1996, reg. 3(a)
Regulation 6(2):	substituted by 45, 1996, reg. 3(b)
Regulation 10(3):	inserted by 169, 1992, reg. 2
Regulation 12A:	inserted by 215, 1995, reg. 5
Regulation 14:	revoked by 215, 1995, reg. 3
Regulation 15:	substituted by 169, 1996, reg. 7
Regulation 16:	revoked by 215, 1995, reg. 4; inserted by 169, 1996, reg. 7
Regulation 20:	inserted by 169, 1992, reg. 3
Regulations 21 - 31:	inserted by 244, 1993, reg. 3