

South Australia

Prevention of Cruelty to Animals Variation Regulations 2007

under the *Prevention of Cruelty to Animals Act 1985*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Prevention of Cruelty to Animals Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on 1 January 2008.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Prevention of Cruelty to Animals Regulations 2000*

4—Revocation of regulation 13

Regulation 13—delete the regulation

5—Insertion of Part 3B

After regulation 13K insert:

Part 3B—Regulation of keeping of domestic fowls

13L—Interpretation

In this Part—

domestic fowl means a bird of the species *Gallus domesticus*.

13M—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 provided with—
 - (a) adequate food containing sufficient nutrients to ensure the fowl's good health and vitality; and
 - (b) adequate water to meet the fowl's physiological needs.

Maximum penalty: \$1 250.

- (2) 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: \$1 250.

13N—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: \$1 250.

- (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;
 - (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;
 - (B) if 2 fowls are confined in the cage—the floor area of the cage is at least 0.135 square metres;
 - (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;
 - (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;
 - (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;

- (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: \$1 250.

- (3) For the purposes of subregulation (2), the floor area occupied by a V-trough or egg baffle may be counted as part of the floor area of a cage.
- (4) A person does not have to comply with subregulation (2)(b)(i)(C), if—
 - (a) before the commencement of this regulation—the person has installed a cage that complies with subregulation (1); and
 - (b) on average, the weight of a fowl confined in the cage is less than 2.4 kilograms; and
 - (c) the floor area of the cage is at least 0.045 square metres per fowl.
- (5) Subregulation (4) will expire on 31 December 2014.

130—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.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 22 November 2007

No 262 of 2007

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